losing everything that we seek. I don't think that this is necessarily the best way to get back the prisoners of war, even if that was our only objective.

Mr. Gallagher. If they have already indicated that they will give up the prisoners of war at a fixed date and we have already indicated we will not bring the government of Saigon out with us, and we already have a schedule of withdrawing troops, what is there left then to negotiate?

Mr. Green. Well, first of all they have implied they will give up the prisoners of war against the total withdrawal of American forces. They are trying to suggest that, trying to imply that.

Mr. Gallagher. Would you elaborate on that point because the general feeling is that if we fixed a date, the prisoners would be released.

Mr. Green. Well, I am saying that this is not necessarily true. I am not saying that it is false. I just don't know until we have further clarifications as to what is meant by Madame Binh's points 1 and 2. We are not clear on that particular point. That is all I am saying.

Now I could make a kind of exegesis of what Madame Binh said of points 1 and 2. For example, she talks about putting an end to the war of aggression in Vietnam and stopping the policy of Vietnamization. Now what does she mean by “putting an end to the war of aggression in Vietnam”? This is one of those Communist phrases that could mean everything, including getting rid of the Thieu government and so on, and very likely does.

When they say, “stop the policy of Vietnamization,” again what do they mean by that? Is this a total stoppage? Does it mean getting out all our forces? Does it mean you cannot give any kind of military and economic assistance to the Government of Vietnam? It could be. That is why I say it is not as simple as it oftentimes is formulated in the press and elsewhere, that simply by naming a date certain and getting out all our forces we will get our prisoners of war back and that is all. I think there is a lot more involved. Now maybe there is not. We just don't know. Maybe the language is ambiguous for the reason that they are trying to maintain certain negotiating latitude. Hopefully that may be the case, but I suspect maybe the opposite may be true, too; that this is simply designed to deceive.

Mr. Gallagher. Have we asked for clarification about the points of the prisoners, or is this the purpose of our closed meeting request?

Mr. Green. I am sorry.

Mr. Gallagher. On the issue of what her points really mean, is it possible for those points to be clarified?

Mr. Green. Oh, I think it is. If you are going to have a serious negotiation, I think you must be very clear as to what is meant by each side's proposals. The language that was used, for example, in the May 1969 statement by the North Vietnamese and Vietcong was equally ambiguous and unclear as to what is meant. We tried to probe it to get clarifications of the different articles, and we never really succeeded.

The recent seven-point document is a way is clever; it has more obscurities in it, and a people like the American people who are anxious to see the war over and get completely out of the fighting may tend to read it the way it was perhaps meant to be read; namely, that this is all very easy, that the war can be over, you can get out, life will go on in South Vietnam, that is not your concern. That is, of course, the
message they are trying to get across but it is full of many potential hookers. We don't know what they all are, and I don't want to take the position that this is not a serious negotiating document. I think it is a negotiating document but I also think that it is one that requires clarification before we are able to come back with any response.

As you know, we have not rejected Mme. Binh's seven points and all we have said is that there are some things about it that look interesting, that appear positive; there are other things that are not acceptable. But in any case, it requires clarification. This we will seek to achieve through negotiations in Paris. If this can't be done in an open session, maybe it can be done in a restricted session or some other way. But we are prepared to approach it to seek clarification.

Mr. Gallagher. Chairman Dole of the Republican Party has indicated that the prisoner issue is not the primary purpose of a continuation of our program in Vietnam. He stated that a reasonable chance of success for the government of Saigon is in fact the issue. Would you care to clarify that for purposes of the record?

Mr. Green. Well, I did not seek in my statement, Mr. Chairman, to say one objective or another objective was more important. I said that there were two important objectives that we seek: One is the return of the prisoners of war held by North Vietnam, wherever those prisoners may be in North Vietnam or other parts of Southeast Asia: and the second is the chance for the South Vietnamese to develop the capacity to defend themselves against a Communist takeover—as the President said, not necessarily a sure capacity but at least the chance.

I have not attempted to make any distinction between these two objectives; I consider them to be equal in their merits. Maybe the second would be traditionally more important, but I think at the same time we understand how much importance we all attach to the release of our men.

Mr. Gallagher. Mr. Secretary, the issue of a reasonable chance for the Government of South Vietnam to defend itself is, in fact, the issue that troubles all of us. Let me put it another way. To me I believe that a stable government of Saigon is vital to our ability to withdraw our troops. Do you see it that way?

Mr. Green. Well, I have not sought to define what it was. As you say, that they have the chance to run their country without it being overrun by the Communists—it is a very loose phrase. As I see it, if you look at a straight-line projection or the current withdrawals of American forces, and recognize that as a natural process for compelling political and other reasons, I think one can perceive when Vietnamization might be over.

Now it is true that the President has said that as long as they are holding our prisoners of war there will still be some American soldiers in South Vietnam, which makes sense in terms of having some kind of bargaining leverage to get the prisoners back. But that was termed a residual presence—the phrase that has been used. I cannot say when it would come or how many men would be involved in it.

The language is somewhat loose and it can be interpreted in different ways. I am wondering if that is such a bad idea. Sometimes in diplomacy it is best to leave things somewhat flexible because it gives you more opportunity to take advantage of developments as they occur.
and gives you more of a negotiating position from which to work. So my own feeling is that the terminology that the President used should not be further defined; it should be left the way it is. I think the implications come through fairly clearly; at least they do to me.

Mr. Gallager. Mr. Secretary, without going into what residual force means, where will the level of ground forces be if the present withdrawal schedule is completed? I refer to the several dates that we have had on the resolution, one at the end of this year and the other in June 1972.

Mr. Green. Well, the current withdrawal rate is over 14,200 men per month. As of today there are 236,000 Americans in South Vietnam. I think on that basis you can draw a conclusion as to roughly where you could be at any time. Now the President has not said it will be around 14,200 from here on out, I concede that. He said we would be down to 184,000 by December 1, 1971. At some time just before that I assume he will make another announcement. So you cannot say about 14,200 per month; that relates up to December 1. What it will be after that, I have no idea; it is a Presidential decision.

Mr. Gallager. In your statement, Mr. Secretary, you have said the other side insists that we meet certain preconditions in discussion in Paris. Would you care to state what those preconditions are?

Mr. Green. Well, the two fundamental points that Hanoi and the Vietcong have made ever since the Paris talks began under this administration back on January 20, 1969—the two points that they have always pressed—are, first, that all U.S. forces be withdrawn; and, second, what they call the Thieu-Ky-Khiem clique, which is the government, be toppled, be removed. They say they won't talk with this government. Those have been their two central demands all the way through, and I would say that those are the main conditions for any kind of serious talks. I put particular emphasis on the second one, on the question of the internal political process.

We have, of course, said that this is something for the South Vietnamese to decide—they are the ones whose fate is in the hands of those who are deciding this internal political question; it is not up to us to decide. It would be totally inconsistent with our own tradition if we were to go into another country and topple that government, replace it with another government, particularly when that is not the desire of the South Vietnamese anyway. We have said this is a matter that should be discussed.

As I say, the political settlement of the war in Vietnam is to be discussed between representatives of the Government of Vietnam and the PRG or Liberation Front or Vietcong, whatever you want to call them. As you are undoubtedly aware, Mr. Chairman, the Liberation Front or Vietcong have refused now for 2 years to talk with the Government of the Republic of Vietnam, and this of course has made it virtually impossible to even approach serious discussions of a political settlement.

Meanwhile, of course, President Thieu has made a series of offers. He has offered free elections, including the participation of the Liberation Front with an electoral commission on which the Liberation Front could also be represented. He has made a series of proposals that would make it possible to have a political process in which the NLF were involved. These statements have had no response from
the NLF except rejection. Meanwhile the NLF refuses even to talk with the South Vietnamese Government. Now I consider that to be the most difficult hurdle to get over. I consider that to be responsive to your question and to be the major obstacle to a settlement of the war in Vietnam.

Mr. Gallagher. Thank you, Mr. Secretary.

Mr. Wolff.

Mr. Wolff. Thank you, Mr. Chairman.

Mr. Green, it is always a pleasure to see you. I am sorry that I was detained. I wanted to hear your testimony, but I have it here before me.

I take it, Mr. Green, you are one of the top advisers at the State Department on Vietnam as well as the other areas of Southeast Asia. Am I correct in this?

Mr. Green. Well, maybe it is self-flattery if I were to agree with the question but maybe my position connotes that I am a top adviser, yes.

Mr. Wolff. I don't know whether or not the chairman asked this but were you aware of the so-called Pentagon papers?

Mr. Green. Absolutely not; nor was Mr. Rusk, incidentally, nor was Secretary Rogers nor was anybody else in the State Department, in our whole bureau, except one officer who was aware of the existence of this file in the State Department.

Mr. Wolff. Do you consider this any problem? Do you feel that in any way you have not been able to perform your job to the fullest extent as a result of not being possessed of some of the information that is in those reports?

Mr. Green. Well, the information that was in the reports was available to us in our files. I thought your question was, did I know that there was a study being made? We did not know; no, sir.

Mr. Wolff. You did have then all the information that was in the files?

Mr. Green. All of the information that was in the files except, of course, the analysis that had been made by Mr. Les Gelb and his 35 assistants. We didn't have that, we didn't know it existed. But all of the basic documents from which they drew that study, yes; they were in our files and they were available to us.

Mr. Wolff. You were in Indonesia at the time that much of the material relates to as I recall it.

Mr. Green. That is correct; I was in the Department from the end of 1963 to the beginning of 1965. I was there during the rather critical year of 1964, where, according to the Pentagon documents fundamental decisionmaking was in process with regard to bombing the North, and so forth, so I was in the Department at that particular critical time.

Mr. Wolff. Do you have any feelings about the fact that perhaps the public was not aware of some of the things that were going on? If this situation were repeated again, would you recommend the same course of action we took in the past, relative to the lack of information being available to the public?

Mr. Green. It is very hard to say. It is very hard for me to answer that question. It comes down to what types of information one is talking about. A great deal of the papers, as you know, relate to contingency planning. Obviously, you cannot release that and make it
public. A lot of it deals with secret intelligence reports. Again, one would have to be very careful about making some of that public. Some of it relates—at least four to six volumes relate—to diplomatic conversations we had where if the information got out it would not only embarrass us in relation with the governments concerned but where those governments in the future would be reluctant to deal with us.

I might add here and now that we have had increasing numbers of complaints from other countries about the release of these documents and in some cases accompanied by statements to the effect that they don’t feel that they can really share confidences with us any more. So it is that sort of information I would not think one would want to reveal.

Now there may be other things that one could reveal, but in any event I believe in sharing with the Congress in executive session or privately most of the information that comes into our hands because I believe the executive and legislative branches must work more closely together. I think in your position you are oftentimes asked to give sound advice and you should know more of the things that go on, and to that extent maybe there is a record of inadequate performance on the part of the executive branch.

Mr. Wolff. How about the classification of papers? Are you satisfied that the present method is a good one?

Mr. Green. You know, trying to find a good system of classification, and especially declassification, is just about as difficult as trying to find the right way of establishing procedures for promotion of personnel. They are very elusive.

Now many of these documents are classified top secret because they were in the contingency category. There are many other papers classified top secret where maybe a week or two later they would not be classified at all. When the President makes a speech, that always has a classification of at least secret on it before he makes it. But the minute he makes it, or maybe an hour or two before, it is declassified.

Mr. Wolff. Does your Department now have any method for declassifying material?

Mr. Green. We have a method that is quite imperfect which we are looking into now to see how it could be corrected. For example, when you send a telegram that is classified secret, that has a little legend below saying automatically downgraded at 3-year intervals, which means it goes down to confidential after 3 years and down to declassified after that.

We also have our historical services which release all key documents after 25 years. These are our two basic ways of declassification. Now I don’t think it is adequate. It is not adequate because some of these things don’t lend themselves to automatic processes. If you were to cover the subject adequately, you would have to have a small army of men going through all the files that exist today, and there are 47,000 cubic feet of papers.

Mr. Wolff. You would have to have a small army to classify.

Mr. Green. Yes; but that is relatively easy. I am talking about the accumulation of papers. If you are just talking about the current papers today and going forward, I think you could find a method of declassifying on that basis.
Mr. Wolff. If I can just take a few more minutes, with the Secretary's permission I would like to delve into some of the areas he spoke about, Mr. Chairman.

I notice that in response to the recent statements that were made by the North Vietnamese and the Vietcong that we have indicated that we wanted to talk privately with them, yet when I returned from my meeting with the North Vietnamese I was told that, "well, they will tell you this in private but they won't say it in public." Now, that is somewhat of a contradiction. Today we want them to go to private talks and they have put upon the table some of the things that they had told us privately before. What could we possibly achieve privately that we cannot achieve on a public basis today?

Mr. Green. It is very hard to make a case that we can achieve anything privately that we cannot achieve publicly because very little has been achieved. On the other hand let's look at successful negotiations. We have had some success in the SALT talks, for example. Or in Vietnam there were successful talks back in 1968 leading to the suspension of the bombing of the North under certain understandings which, generally speaking, have been observed. By and large that was a successful negotiation. As you know, those talks were attended by the greatest of secrecy. Even the problem over the shape of the table and the wing tables at the Hotel Majestic were the subject of private, secret talks.

Again, if you are going to find a solution to the problems of the Middle East private talks are necessarily going to be involved. Therefore, I would say that private talks, secret talks, have been quite instrumental in reaching agreement on the most difficult issues that I can recall in recent years. There is, of course, a new kind of ping pong diplomacy that we hear about these days, open diplomacy.

Mr. Gallagher. To challenge North Vietnam.

Mr. Green. To challenge each other, and we use public opinion. Now I think the North Vietnamese like this idea of public discussion because they are not directing their remarks to Ambassador Bruce, they are addressing these points to the public.

Mr. Wolff. The point I am making, Mr. Secretary, is the fact that when the same points were made by the enemy's negotiating team it was said by our people that the Communist will only make those statements in private and we wanted them to be made in public. Now it seems a reversal of policy. They have already reversed their policy; they have made the statements in private, now they made them public. Now we seem to want to reverse it again to go back to private.

Mr. Green. No, we have always said that we want both public and private talks. We have had the open sessions in the Hotel Majestic, sterile as they have been—they have gone on and on and on. We also believe there should be private talks and we have always made it clear that we are ready to talk on a private basis. We kept it secret when we have the talks, where and what is said, and it is important to keep that degree of secrecy. But private talks have been held, there is no secret as far as that is concerned; at the same time, we have been conducting public sessions.

I might say that the North Vietnamese, once they make a proposal such as they made back in May 1969, or when Minh made proposals last September and again just now, their procedure is to
make the proposal in public, of course, and then when important Americans come to town—visitors, Congressmen, for example—then they convey to them the idea that there is a good deal more flexibility in their position than is actually the case. They are always trying to spread the idea that they are flexible and the American Government is inflexible. Some of the things that they say which suggest flexibility, I can tell you in public sessions or private, turn out to be quite inflexible. They are playing to the American people all the time.

Mr. Gallagher. Will the gentleman yield?

Mr. Wolff. Yes.

Mr. Gallagher. Mr. Secretary, that very issue has been very sensitive with this committee. We have had a great many of our colleagues, for whom I have high regard, come back after sessions with the North Vietnamese negotiators and say that the reason that they are more candid with them is that they can be more flexible and that our negotiators are quite inflexible. Therefore, our colleagues contend that inflexibility prevents us from stating the various options and hypothetical cases that they can do and they get positive responses. Our colleagues feel that they are getting a great deal more information than our official negotiator.

So, I would like to ask you for the purpose of the record, Mr. Secretary, do they get any additional information that we do not already have? Are we so inflexible on our official level that we cannot find the progress that some of our unofficial visitors have?

Mr. Green. Mr. Chairman, I don't know how I can persuade this committee, but having been a member of the negotiating team in Paris for 2 or 3 months and having followed this ever since, I can assure you that we have always been flexible. We have said we were flexible, we have shown it, we have made a number of proposals. When the meetings were first held in Paris we had several specific proposals that were flexible with regard to mutual withdrawal, to the DMZ and the prisoners of war. Right off the bat we came out with these proposals. We have been very flexible with regard to the issue of cease-fire. Certainly the easiest way to stop the killing is to have an immediate cease-fire. We have proposed that and they have backed away from it. So our position has been marked, I think, by flexibility; but what they are trying to suggest to you or to others who go to Paris is that it is not so.

Mr. Gallagher. I have not been there.

Mr. Green. And the reason that they convey that is that they talk in a somewhat different way.

Now let's take the case of Chalmers Roberts when he went to Paris. Chalmers Roberts is a highly skilled newsman who has been following this subject in great detail and he bore right in on Xuan Thuy the way he does on our press briefer every day, and he got Xuan Thuy to the point where—and the Washington Post printed it that way the next day—they were holding out for the United States to cut off all aid to the Republic of Vietnam. That essentially was one of the basic ways they thought they could topple that government.

Now that same kind of conclusion one can draw from Anthony Lewis' conversations on May 21 with Xuan Thuy. Again you have an experienced newsman to get them to say, in effect, what they don't want to. If you look at that Chalmers Roberts interview you see all
these nice things; but then he keeps pressing and finally he gets them to admit their position.

Now when they talk with us they are dealing with people who have been handling these negotiations now for a long, long time and they cannot get away with that sort of thing and they know it.

Mr. Gallagher. They say to some of our people who have been there, a point brought up in these hearings, that we cannot state hypothetical cases, that you do A and B and you do C and D. Is that so?

Mr. Green. Well, I would have to hear what the hypothetical case was.

Mr. Gallagher. The hypothetical question, of course, is always that if we give up your prisoners by December 1, will you close down the war by June 1? If we do such and such, will you do a little more?

Mr. Green. Yes; of course the first example you gave is the key one. If you take Mme. Binh’s statement back on July 1 you get the impression that it is simply a matter of our announcing a date certain by which all American forces would be out and our prisoners of war would be released. That is the simple formula and it seems to be totally detached from the second point that goes into the whole question of political settlement and almost all the points from then on relate to it.

Now the question is, are those two points separate? There are a number of things in there which to those of us who have been dealing with this problem for a long time suggest otherwise. We think they are linked, but we are not sure. As I say, we are seeking clarification but there are a number of warning flags in there, a number of hooks. I mentioned two of them earlier. Another one I might mention right here now is that if we named a date certain to get all our forces out, they say they would return our prisoners of war but first we must agree on the modalities.

Now what do they mean by the word “modalities”? Again that could include many more conditions. So we want to find out first what they really mean.

Now you take Xuan Thuy. He has prescribed a series of obscurities, too. He tries to get across the idea that points 1 and 2 are quite separate and he says so, but again there are many things in there if you look very carefully. He says, “To show our good will we can settle the problem of point 1 separately.” Note “can”; not that they “will.” Things like that.

So, as I say, if you subject this to close scrutiny, particularly if you have been handling this problem now for a long time, there are quite a few warning signals and you certainly would not want to proceed without having those points clarified. We would be letting the whole side down if we were to do so.

What is unreasonable about asking for clarification on these points? Why do they come back and say, “No, we won’t clarify?” They don’t actually say that but it is tantamount to that. What they would rather do is find some Americans of good will who come to Paris—it might be relatives of men who are prisoners of war, it might be Congressmen, it might be newsmen, it might be someone else—and try to convey the impression that they were being reasonable, being flexible, and they would suggest something quite different from what comes through from a careful study of this document.
Mr. Wolff. Mr. Chairman.

Mr. Gallagher. I think it is important that the record include your testimony because we have a great deal in the record that goes the other way.

Mr. Wolff. Mr. Chairman, having been to Paris I would like to know about the clarification of the second point here. It says on page 6, these are our two points, the release of the prisoners of war and the ability of the South Vietnamese to develop the capacity to defend themselves—not the sure capacity, but at least the chance.

How do we define something like that?

Mr. Green. Well, I was saying—perhaps it was before you came in—that that language is generalized.

Mr. Wolff. If it were, and I am critical of the North Vietnamese, but if I am going to be critical of the North Vietnamese, I also have to be critical of something like this. How can we expect them to meet our request if we cannot define this chance to defend themselves? That is a pretty loose phrase.

Mr. Green. We have stated these things in general language because it is very difficult to find exactly what is the point. The Vietnamization process is going on, and as I say it is an irreversible process.

Mr. Wolff. Is it a 50-50 chance that they will be able to hold on or is it a 25-percent chance or what?

Mr. Green. We have not attempted to put any percentages on this but from the standpoint of what this means in terms of negotiation, we feel if we can sit down with the other side preferably privately, and work it out, that all these things can be resolved in the form of a negotiation. If we have a negotiation, then there is no need to consider the problem of how long Vietnamization goes on because the negotiation will become the solution.

Mr. Wolff. Do we believe that the South Vietnamese will, under any circumstance, be able to prevent a Communist takeover in the future when we have pulled out?

Mr. Green. We cannot supply any guarantee against that possibility. I think the President has used the term that we will help them to a point where they have a chance to “hack it,” which I think is probably a pretty good way of phrasing it; so that they have a reasonable chance, whatever that may be.

Mr. Wolff. Would they not have it today?

Mr. Green. I think they are getting very close to it.

Mr. Gallagher. May I say what it means to me, Mr. Secretary, without contradicting you. It should mean they will last for 1 day after we withdraw. Then, I think, we have done enough and everybody is on their own. This is also my feeling when they are trying to—

Mr. Green. If I may point out, there are some things now, for example, training and maintenance of aircraft, where the program may be halfway through or almost through; where giving them a few more months will mean a great deal in the future, whether they have the proper maintenance doctrine for the repair and maintenance of their aircraft or artillery or whatever it may be. So something is being achieved. It is not just fighting. There is a training program going on which does mean that you leave them with a fair chance to “hack it.”
I won't say how long. Frankly, I think the South Vietnamese are going to last, but that to me is not the relevant point. The relevant point is, as the President says, to give them that fair chance, and we are very close to that point. We have gone through a long, bloody war and I won't get into the rights and wrongs of our getting into it. I think a lot of us have some rather strong feelings about that. The point is that from the moment President Nixon took office he has been moving in the direction of liquidating this war and doing it in a way that vindicates the sacrifice that has been made; if indeed that can be done, he is trying to do it. He is trying to leave not just South Vietnam with a chance to “hack it” but all the rest that is involved in Southeast Asia.

We did take on an obligation—there was no kind of a legal obligation in the beginning, but we did through a process of time take on a certain obligation. I think that position is now being liquidated in an honorable way, and as I said before, it is just a matter of time and not a very long time before we will be out of there.

Mr. Wolfe. How important do you think the elections are in South Vietnam? That is, the presidential elections that are coming up.

Mr. Green. How important do I think they are? Well, I know of no better way to determine the will of the people than through elections. The first elections were held under the new Constitution in 1967 and now, 4 years later, elections are called for—they are going through the elections. I won't make any comments on who will stand in those elections but I believe that they will be fair elections. Certainly the elections that were held in 1967 were fair and were carried on under, we might also say, massive international observation.

My guess is that the South Vietnamese will have more people watching them than in any election certainly in the developing world and maybe our own. I think they will be fair elections, and this time of course there have been certain moves made to cut down the number of candidates. When you have 11 candidates, which I believe was the number running last time, it does not really give the people a proper choice. By cutting it down under the new electoral law where a man who stands is going to have to pick up at least 100 endorsements from the provincial and mayoral committees or 40 from members of the national legislature, that is not an unusual requirement. Almost all governments have some kind of restrictions on who will run and who will not run or they have count systems to favor a man who has a slightly bigger vote than the next fellow. So it seems to me the electoral law is understandable, that the electoral process is going to be carried out in a fair way. Above all I don't know of any other way than this to determine what the will of the people of South Vietnam is.

Mr. Wolfe. What do you think of one candidate?

Mr. Green. Naturally we would like to see more than one. I really feel constrained not to discuss that particular aspect of the election. I think, as I said, it will be a fair election and I would not reach the conclusion that it is necessarily going to be one candidate.

Mr. Wolfe. As you know, we have discussed this before, I have a resolution on the Viet elections before the subcommittee, it is one of the bills that we are hearing now, to send an observer team to observe—not to supervise but to observe, the election. I think you made some comments the last time you were before us. I didn't want to put you on the
spot in asking you for support for this or not, but you made some comments that were favorable before. I have not been able to get any information as yet, however, from the State Department as to whether or not they support the idea of our having observers there even though President Thieu has requested that the United States send observers to the elections. I think it is quite important.

Mr. Green. I think it is important to have responsible observers of the elections, Mr. Wolff. I was just being handed here what President Thieu has said of his willingness to receive election observers; that he welcomes all delegations, official or unofficial, from all nations that want to observe the elections in Vietnam. I will stand on that statement.

Mr. Wolff. You cannot review an election just 2 days before the election. The longer we withhold the approval or the longer we withhold the support for such an election team, the more difficult the task will be to actually make the determination as to the quality of the elections.

Mr. Green. May I look into this question and let you know, Mr. Wolff?

Mr. Wolff. Thank you very much.

Mr. Gallagher. We will hold another hearing on it.

Mr. Wolff. Yes.

One more question. I know I came in here late and I am sorry to take so much of your time, Mr. Secretary, but this question of Vietnam is such an important question to us today. I don't question the motives of anyone that is involved. I think everyone is looking for peace, we may all be looking at it in a different fashion. I think we are looking to safeguard the honor of this Nation as well as to find a means that will achieve a lasting peace in Vietnam. There are certain things that happen from time to time that lead us to question procedures. We have heard in recent days about our colleagues went to Vietnam on the question of drug abuse and corruption in Vietnam. We hear that one particular general is one of the leading traffickers in drugs. We hear that in Cambodia, some of the military are involved there.

One of the things that has troubled me throughout our participation in Vietnam has been the lack of control that we have exerted over the black market and over other areas of corruption. In fact, the General Accounting Office just came out with a report that $1.5 billion of material that we had sent had been diverted into the export market—not military goods but other types of goods, had been diverted into the market. I was told one time by someone in high office in Vietnam that “a little bit of the black market is not too bad” because “it helps to hold down inflation.”

I think that is inconsistent with our own moral views and it tends to make the Vietcong in some areas into Robin Hoods who are protecting the poor from the corruption that might exist in local government. In other words, we give fodder to the Communists condoning the corruption that has existed. People say, “Well, there is always corruption in the Far East, it is a way of life.” I don’t believe that is true.

I think there is a certain amount of corruption that exists all over the world but I don’t think that it exists as blatantly, as openly as it does in some parts of Vietnam. We are told as well that we cannot impose our will upon the people because we are “guests in a host nation” and “after all this is their country.” I think it is their country but we
are imposing a lot of people and a lot of our lives there so we should get full value—if you can really ever put a value upon a life.

Recently it was brought to the attention of the American people the fact that the difference in exchange rates—black, grey and official—means that there is an additional windfall to some areas of the Vietnamese economy of maybe $600 million a year. Now I think that this is part of what has caused the American people to be disenchanted with what we are doing in Vietnam. I wonder if we are exerting sufficient efforts to clean up this mess because you cannot have a viable government there if large-scale corruption continues. The government will fall of its own weight.

Mr. Green. What you are saying makes a lot of sense, that there is too much corruption. Of course one could argue there is too much corruption here, too. One of the basic reasons for corruption in Asia is the inadequate salaries of government workers. In South Vietnam they have now raised those. This was somewhat overtaken by inflation, but that inflation has now been greatly reduced. I might say that as long as you have runaway inflation, you have corruption. So to tackle corruption you have to give the government workers adequate wages, otherwise they have to live off the squeeze.

That form of corruption, bad as it is, is nowhere near as bad as another form of corruption which is corruption of the military or corruption in high places where a man is not just doing it so he can live but he is doing it for other reasons, venial reasons, which oftentimes, as you say, may be involved with drugs or involves other types of things which make his crime even worse.

Now, when you get to this form of corruption, of course, the people of the country concerned are making their own estimates of men if they are involved in the corruption. They have to answer to their own people and in many cases they are doing that. In South Vietnam today there have been a lot of heads toppling—I don’t mean they have been cut off but men have been removed from office for cause. There have been several provincial chiefs, a number of mayors and people in the national legislature—a number of them have been removed. The South Vietnamese are moving against this problem.

You mentioned drugs specifically. You mentioned a general, General Dzu by implication. I would be very careful before I made any charges against him because I like to know the facts. We are trying to find out the facts. I know that Congressman Steele has specifically said something. I look forward to talking to Congressman Steele and seeing what the problem is.

In any case, they know our strong feelings about drugs. They know very well the penalty they will pay if they don’t really cut out any form of drug peddling that they can. They will never be able to do it all but they will be able to reduce it sharply, in my opinion; and I think they are going to have to make a serious effort in doing so.

You mentioned a general, again unnamed, in Laos and I think I know whom you are referring to. Let’s remember as of today they don’t have a drug law in Laos, they are getting one through their national legislature which will make it illegal to grow the stuff and to transport it, to sell it, to consume it, and when that law is in place we have assurances from the top Government officials there that they will track all this down.
Mr. Wolff. Excuse me. In our new bill we had an amendment passed the other day that in the event a government does not take sufficient steps to control the sale and the culture of drugs we will cut off aid to those countries. It could be that it is serious enough that they had debilitated a great portion of American youth by permitting this practice to continue. I know we had someone from the Veterans of Foreign Wars testify recently who said, “If for no other reason, I want to get out of Vietnam because of what is happening to the young people that we send over.”

Mr. Green. Yes. My only comment on that is that I think these countries have got to cut down the drug traffic not just as a favor to us but as a favor to their own youth. I think we must approach this problem by enlisting, not threatening them, to get their cooperation and I think we will. The penalty for their not doing so is on their own heads. They know the sentiment of this Congress.

Therefore, I think they will read that into it but I think it is important that they do it in recognition of the fact that these drugs could affect their own youth. It is important to them that they do it; otherwise their nationalism will turn against us and we won’t get as effective cooperation, I think we are approaching this thing the right way.

I am not commenting on the resolution. I understand very well the feelings of this and other committees, and I am not saying that I would not be considering the same kind of measures that you are thinking of or are considering. All I am saying is that we must approach this problem in a way that voluntarily enlists the full cooperation of the governments and I think we are going to get it. For one thing, they know the penalties of not giving that cooperation, but more importantly they recognize the importance of doing something on behalf of their own people.

Mr. Gallagher. Mr. Secretary, with regard to the discussion that Mr. Wolff just had with you, I have information that the preliminary tests that we are giving for servicemen there at the present time indicate that addiction is considerably less than we had heretofore heard. Do you have any information on that?

Mr. Green. I have no information on that, Mr. Chairman, except the report that I read in the paper the other day which is accurate, I am sure, about Dr. Jaffe’s conclusions on his trip to Vietnam. I think there is one thing I would like to accent about drugs in Vietnam, that many Americans may not appreciate; that is that between 52 and 64 percent of the American GI’s that come to Vietnam, I understand, have had some drug experience—if you want to call marijuana a drug, they have had some experience.

When they get to Vietnam and they hear about a shot of heroin, it is not the 4 percent or 2 percent stuff that they get in this country. It is 98-percent pure and if they survive the experience they are hooked. They are hooked onto something that is not only mortally dangerous to their own lives but also hooked to something that is terribly expensive for them to maintain the rest of their lives. Whereas they get it dirt cheap out there, they come back here and many would have to take to crime in order to continue to support it and to get this kind of drug.

Mr. Gallagher. A very good point.
Mr. Wolff. Of course there is one point on the amount of addiction that had been found as a result of the tests—whether or not the results are a true reflection of the situation. Prior to the test period it has been said that some of the men involved are going clean for a few days, as a result of which addiction cannot be detected in these tests.

As for the number of men who have had some drug experience, it is virtually impossible to determine, unless a man is on the hard stuff, really to be able to detect it upon his entry into the service. We have another bill before the Veterans Committee now and if he is addicted upon entry into service, he should be put on some sort of a program of control before he is taken into service. We have done this with people who have been educationally deprived and we built them up to a point where they could go into the service.

The same situation is true with those who are on drugs. But once having achieved a real determination then it should become a responsibility of both the Defense Department and the Veterans' Administration for their care and not the way that the servicemen have been treated in the recent past where they have been given less than desirable discharge or an undesirable discharge, where they lose all of their veteran benefits.

Mr. Green. Yes, sir.

Mr. Gallagher. Mr. Secretary, one of the most frequently made attacks of the concept of Vietnamization is that it merely changes the color of corpses, it does not mean an end of the conflict. A similar basic immorality is alluded to by critics when they charge that our airpower, the free fire zones, and the massive use of technology does not discriminate between combatants and noncombatants. Would you care to comment on these often heard charges?

Mr. Green. On the first charge I think it is true that Vietnamization does not dispose of the war. That is why a negotiated settlement is so much more preferable and why we are striving so hard, so relentlessly to get a negotiated settlement. We don't want to see the war going on and on and leave a situation where the war is continuing. A human life is a human life, be it an American or Vietnamese—North Vietnamese or South Vietnamese. All death on the battlefield is tragic.

Now the second part of your question—

Mr. Gallagher. I must say, Mr. Secretary, I don't think it is sufficiently stressed publicly that the negotiated end of the war is far more desirable than the Vietnamization itself, because under Vietnamization while we withdraw the war will continue.

Mr. Green. That is right.

Mr. Gallagher. Sorry to interrupt you.

Mr. Green. As to the second part of the question on free fire zones or massive bombings, I think with time we have become more and more aware of the importance of insuring that there are no civilian casualties in that area, to be sure that we are not bombing or firing on anything except enemy forces. Now I am not an authority on this subject. I am perhaps more in the case of Laos than I am in Vietnam, but I would say that in Vietnam we exercise the greatest care possible to insure that we are not going to bomb innocent civilians, and I would think probably our record has been increasingly good in that regard.

Mr. Gallagher. Mr. Secretary, it has been charged before this subcommittee by Congressman McCloskey that the United States was
conducting a large scale military operation in Laos and Congress has been denied any knowledge as to the extent of our operations. What can you tell us of activities in Laos, if you would care to do that? My question perhaps should be directed to a Department of Defense witness, but in view of the statements that the American Embassy and the American Ambassador are running the show there I wonder if you would care to comment.

Mr. Green. Well, to get into Laos involves getting into the Geneva accords of 1962; the fact that the country which is about the same size as Idaho, is divided roughly east and west, with the east being Red-dominated and the west along the Mekong near Thailand being under the neutral government of Souvanna Phouma. We want to see the Geneva accords of 1962 respected. We want to see Laos a neutral, independent country with no great power having a preponderance of influence in this buffer zone.

Now in a sense there are two wars that are going on in Laos, although they are interrelated; one in the north where the Communists push every year across the Plaine des Jarras and try to move down toward the capital of Vientiane. They have not succeeded. The war goes back and forth year after year, largely in accordance with the rainy season and the dry season sequence. The dry season is to the Red's advantage and the rainy season is to the advantage of friendly forces. Aside from that war you have the war in the Ho Chi Minh trail area. If the war in the north, on the other hand, were to succeed from the Communist viewpoint, that would release a lot of their forces for broadening the Ho Chi Minh trail and bringing down more supplies and manpower into the south to challenge us in South Vietnam as well as the Cambodians in Cambodia. This is the general setting.

I am not sure what specific questions you have in mind. There are many problems in Laos. The point I was trying to emphasize is that we are not trying to take over all the country; all we are trying to do is to uphold the Geneva accords by keeping part of that country in the hands of Souvanna Phouma who, incidentally, is recognized today not only by Hanoi but also by Peking and by Moscow. Souvanna Phouma is recognized as being the Prime Minister of Laos. The King of Laos is also respected in a way by all those capitals I was referring to as well as, of course, by all friendly capitals.

Therefore, there is a basis on which I think a political solution is possible in northern Laos, and that brings me to the question of whether there is any prospect of negotiations there. Again, we have been disappointed. In the past they seem to be getting together only to fall apart. However, we think now there is a little bit more evidence than we have had before that a negotiated settlement might be made in northern Laos. I put it in very precautionary language, however, because at the last minute the Communists may very well come in with the kinds of demands that would make it impossible.

If there was some way of having a cease-fire in northern Laos, obviously it would be in everybody's interest to do so, and I think Souvanna Phouma would be prepared to do that. The Communists, I think, would be anxious to get a cease-fire in all Laos so we would not be able to bomb the Trail and they could bring their supplies down into South Vietnam and Cambodia.

Mr. Gallagher. Thank you, Mr. Secretary.
With regard to a fixed date resolution, if a fixed date for total and absolute withdrawal is voted by Congress and in the event the President is unable to meet that date, what possible options do you see the President have?

Mr. Green. In other words, is your supposition that the Congress would pass a bill for the total withdrawal from Vietnam by a certain date and the President would not be able to comply with that date because of some technical reasons?

Mr. Gallagher. Because of a military situation for one thing, which precludes our ability to withdraw at that time. That is one of the reservations I have on a fixed date.

Mr. Green. This of course is a good question. First of all, one would hope that the question would not arise because you would not have a fixed date. But you are assuming that you did. We might find ourselves in a really hot spot there only by complying with the congressional restrictions. You would encounter certain serious losses or certain highly adverse battlefield situations.

Mr. Gallagher. Some of the witnesses before this subcommittee suggested that we have a fixed date and that the prisoner withdrawal be contingent on that. When asked if the contingency had not been met and what should then be done, he suggested that we declare war. It seems to me that we would be backed into a course where it is very dangerous ground when you limit the number of options that would be available to the President.

Mr. Green. I think you again raised a very good point. What is your sanction? Isn't your sanction in that particular instance going to lead you right back into a deepening involvement in the war? That is why it seems to me that we should not be approaching the negotiations in the form of putting through congressional resolutions, however well formulated and justified they would seem to be, because the way to end this war is through a negotiation.

I don't see how we are going to get our prisoners of war back without some form of negotiation. But I think we are going to get them back. I think it is going to be through a negotiating process. They oftentimes say that our bargaining position is weakening all the time because we keep taking men out; therefore how do we expect to bargain 1 year from now if we are not able to bargain now? However, meanwhile, the strength of the South Vietnamese forces is going up all the time and that is strengthening our bargaining position. Now I am convinced that a negotiated settlement is essential. Obviously if we cannot get it, Vietnamization is our only recourse but it is nowhere near as desirable; in fact it has undesirable features to it. Yet, faute de mieux, it may be the only recourse we have.

Mr. Gallagher. Basically what you are saying, Mr. Secretary, is that while Vietnamization will work, Vietnamization itself does not end the war.

Mr. Green. That is right.

Mr. Gallagher. Does not end the killing.

Mr. Green. That is right.

Mr. Gallagher. Therefore, what is desirable on all sides is negotiation which will bring the war to a conclusion and stop the killing not only of Americans but also of Vietnamese.
Mr. GREEN. And I would add that we are not talking about only South Vietnam. We are talking about Indochina. That would liquidate this war once and for all. There is a vast panorama beyond if that could be achieved. I think that the countries of the world can join together to help the countries of that area, including North Vietnam. It could be a tremendous reversal. It has been true in the past that out of the war has come a new opportunity. Look at Germany, look at Japan. So there is this prospect, this possibility.

As you so strongly state, Mr. Chairman, that possibility is going to depend really upon a negotiated settlement—a negotiated settlement that embraces all of Indochina.

Mr. GALLAGHER. Mr. Secretary, in connection with that and in connection with the very strong criticism made of the continuation of the war, what would be involved in the possibility of falling back on a declaration of war? What treaties or American obligations would become operative if Congress forced that position, by forcing a fixed-date withdrawal? Would the President be compelled to have a war situation, if there were no other options for extracting our troops? What happens at that point? What treaties would become operative?

Mr. GREEN. I don't know. The precise legal aspects of our position in South Vietnam today are somewhat unclear to me.

Mr. GALLAGHER. I am talking now about the declaration of war.

Mr. GREEN. You mean in that contingency?

Mr. GALLAGHER. Yes; if the prisoners are not returned.

Mr. GREEN. I don't know on what basis you would be declaring war. We are fighting there now. This would be a sharp escalation of that war which would be going the opposite direction of the way the American people are leaning.

Mr. GALLAGHER. Yes; I quite agree. I point out that testimony has been before this subcommittee questioning whether the SEATO treaty is in effect. If you could for the record—

Mr. GREEN. I do think there is one thing I would like to add through. This gets down again to keeping flexibility. I have not been through all the resolutions that have been submitted to this committee for discussion. There might be some that would call for a resolution that we would bomb under certain circumstances, and so forth.

Mr. GALLAGHER. Yes; there may be.

Mr. GREEN. Yes. To me in answering your question I don't think that I should go to the opposite extreme and say the President should never do this or should never do that. It seems to me that the President has to have flexibility in his capacity as the Commander in Chief. It seems to me he has to have flexibility so that the enemy could never presume, could never set limits on what he can do and what he cannot do. If the President's hand is thus untied, he is going to be more effective in carrying out negotiations and also in conveying certain signals to the enemy and not giving the enemy the assurance that nothing will happen, that under certain circumstances they don't have to worry. There should be some concern on the part of Hanoi that something might happen.

So in answering your question I don't want to imply that the President should have removed from him that right because he might have to exercise it. I certainly hope it would never happen; but I say he should have that option.
Mr. GALLAGHER. I just have several other questions. The withdrawal plans to the best of my knowledge do not envision the withdrawal of American airpower. We have this total superiority in the air and we have the capacity to inflict massive damage on North Vietnam. Would it not be logical to assume, on the issue of prisoners of war, that if our prisoners will not be released until we no longer possess the technological capability to destroy much of North Vietnam? In this sense are not the prisoners a valuable bargaining counter for the North for the withdrawal of the American airpower?

Mr. GREEN. They probably will use the prisoners as a form of ransom for getting everything they possibly can. That brings us back to the negotiating process and getting a package. There are lots of elements involved here on that basis if you are dealing with any other reasonable party. I don't think you are dealing with reasonable people in Hanoi; they are extremist. But if you are dealing with any normal party, I think you could find it definitely to their advantage to reach a package solution such as the President proposed last October. They are proposing cease-fire farther down the line. We are proposing cease-fire right off the bat. If we had a cease-fire, then of course, not only would the killing stop but you would have an entirely different situation there. Bombing and all the rest of it could also stop—there would not be that requirement. If it were effectively supervised, this could very well be the end of all the killing. This was one of the principal points in the President's October 7 proposal last year.

You know, sometimes I think we just don't keep saying the same things over again hard enough, long enough, consistently enough. The Communists have a much worse formula than we have. It is a highly contentious one but they say it over and over again and they sometimes say it in a beguiling manner that does wear some people down. When you look at the President's proposals of October 7, surely they are more responsive to the feelings of mankind than anything the Communists have come up with. They don't want to have a cease-fire—not until various preconditions are met. They are willing to have a cease-fire with just the United States first, and with the South Vietnamese later. That is, they would go on butchering when we are out.

They are handling the prisoners of war issue in a way the Geneva agreement never contemplated. Who ever contemplated a government not receiving its own boys back, not wanting them back, and the prisoners therefore not being able to go back. They are using the prisoners of war as a form of hostage, a form of ransom. Again they are asking a political solution that is tantamount to the United States moving in and getting rid of a government that is elected by the South Vietnamese under the new constitution and replacing it by one that Hanoi wants. These are the kinds of things they are asking for. To me it is outrageous. Now there may be other things in their formulation that are acceptable. Certain things in there give us some hope and maybe we can find a formula for negotiation. I am just touching on several points that stick in my craw and I think stick in the craw of most Americans.

Mr. GALLAGHER. Mr. Secretary, I want to conclude with a somewhat theoretical question on the lessons we might learn from our tragic involvement in Vietnam. It strikes me as quite legitimate for America to assist other nations in the process of nation-building; that is, in
prodding governments with economic aid and military aid for a stable nation-building. On the other hand, I believe that the United States should clearly aid the established governments in our interests such as Thailand and Israel when threatened with aggression. What I think we did in Vietnam was to try to do both of these perfectly legitimate things at the same time. We tried to help create a nation and in doing that we wanted to establish it on Jeffersonian principles which are not possible, defend it from its enemies before it could defend itself, or even before it was fully aware that it had a national interest.

I wonder, Mr. Secretary, if you agree with this analysis and what comments you might like to offer to this subcommittee as we continue to attempt to meet our legislative responsibilities in the field of foreign affairs and its constitutional obligations as an active partner—or perhaps not so active as we should be—in the formation upon the Nation of foreign policy. One of the things that disturbs me is that we did have moral obligations to assist after doing in Diem as the Pentagon papers so clearly bring out. We felt that certain democratic elements were vital to that assistance, and in so doing we have disturbed the balance that existed there and created a moral obligation to the succeeding governments. Obviously they could not succeed without our restoring that balance, unfortunately at the expense of our American troops. Would you care to comment?

Mr. GREEN. You might say, going back to 1954, that when we first got into Vietnam in any major way the French had pulled out and as I recall, there was only part of the city of Saigon and the city of Cholon that were in the hands of Diem's forces. By and large the city was in control of a pirate group at that time.

Buttressing what you just said, Mr. Chairman, our assistance broadened all the time, it was not just military but it was in every field. I think the reason is that if you go in to help a country especially as embattled as that and where we thought we had such a stake you cannot just go in militarily because for one thing, people back here will say we are supporting a military regime. You have to demonstrate that this is a government of the people, by the people, for the people. Particularly the Communists are charging that the government does not have the support of the people. As recently as 1969 they were claiming that 80 percent of the people in Vietnam favored the NLF. Therefore, it was necessary to have a pacification program, it was necessary to have a new constitution, to hold elections under the new constitution. Almost all, I say 95 to 97 percent—something like that—of every village and hamlet has some kind of elected official. That helps to establish the point that the people have a government that they want. There is an even more compelling reason for having a democratic process when competing with North Vietnam.

We are frustrated in South Vietnam so it is tempting to find a fall guy and charge him with all the sins including there not being a truly democratic process. That is not fair. South Vietnam may not enjoy Jeffersonian democracy but where else in a developing world do you find that?

I was in Indonesia. I think they now have the best man to run that government because he is working for the people. I think the Government of Indonesia today is the best government because it is interested
in the people and is helping to improve their conditions of life. It may not be Jeffersonian democracy but they did have relatively free elections.

Now in South Vietnam, however, it becomes all the more important that you have a free election, and our people are under very tight rules not to get involved in that election or to tip the balance in any way. A free and fair election. This election will be watched to a degree more than any other election has been watched. This is the answer to Madame Binh who wants to go through the laborious process of finding a new government, first by the United States pulling the rug out from under it so it collapses.

The next thing demanded by the other side is that there be a grouping of social and political and religious forces aspiring for peace neutrality, independence and democracy which is good Communist language—and that they form a new administration and that administration will sit down with the Vietcong and work out a new so-called government of national concord which then will hold elections. So you can imagine what kind of elections that will be by the time you get there. In other words, I do think again the point is not adequately made that we are dealing with a government that has been elected into office under the new constitution, and that that government has observed human rights by and large.

There certainly is a free press there. The opposition parties can express themselves through opposition newspapers. You have more newspapers and more foreign correspondents filing uncensored news out of South Vietnam than I believe has ever happened in a war-time situation anywhere in the world. These things are also overlooked, as I say, but they are relevant to your question because the Government of Vietnam leans over backwards to do all these things because they know they are being carefully watched by the world. They want to make the point clear that they are a government of the people, that they do reflect the will of that people. They certainly stand in sharp contrast to North Vietnam where I doubt they have ever had a free election of any kind, shape or form.

Mr. Gallagher. Do we have anything farther?

Mr. Wolff, I don't think so. I just want to thank the Secretary for making so frank a statement and also being so free with his time.

Mr. Green, I hope, Mr. Wolff, that I was not so frank that I have reason to worry. I also appreciate your questions about the Pentagon papers. I would have been very glad to go on but I think you will agree with me on one point: From now on no one can accuse the State Department of being behind the Times.

Mr. Gallagher. Or left at the Post, Mr. Secretary.

Thank you very much, Mr. Secretary, for your patience and frankness and for bringing such a sense of balance into our record and for providing answers to many of these questions that have been raised by previous witnesses. We are very appreciative.

Thank you for taking so much of your time to be here.

(Whereupon, at 4:05 p.m., the subcommittee adjourned.)
STATEMENTS SUBMITTED FOR THE RECORD BY
MEMBERS OF CONGRESS

STATEMENT OF HON. BROCK ADAMS, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF WASHINGTON

THE BALANCE BETWEEN CONGRESS AND THE EXECUTIVE

Mr. Chairman and members of the Committee. I first want to express my support for these hearings on the Indochina war. I have advocated such hearings for many years because I believe the nation's fundamental constitutional system of checks and balances has been seriously endangered by the change in American policy in Indochina from a Presidential conduct of foreign affairs to a full-scale war lacking constitutional approval by the Senate and the House of Representatives.

This has been a long, slow process, but until recently the issue has never been debated or acted upon by the traditional American governmental or political system. The recent publication of the "U.S. Vietnam Relationships, 1945-67" (Penington Papers) demonstrates how this occurred piece by piece from the 1954 French withdrawal to the establishment of today's continuing full-scale war.

I arrived in Congress in January of 1965 after the August 1964 vote on Vietnam, which is now known as the Gulf of Tonkin Resolution. I remember vividly my first briefings at the White House on the war and my confusion as to why Congress was not more involved in the decision to dispatch troops in the spring of 1965. There was no resolution declaring war and no attempt by House leaders to prepare a detailed authorizing resolution or appropriations limitation on the use of American military forces in Indochina. This involvement was treated as an Executive action under the constitutional power to conduct foreign affairs. After the troops were in action, the power of the Executive was widened by use of "Commander in Chief" constitutional powers.

This period can be likened to the famous fairy tale of the emperor's new clothes, with Congress compared to the parents of the innocent child. You will remember in that story that the head of state established a policy of developing a new wardrobe. He was given advice by two counselors on how to proceed in creating the new suit of clothes and how the state's resources would be used for this purpose. Even more important, they developed a policy accepted and believed in by the people that the wonderful clothes would remain invisible to everyone who was incompetent to hold office or who was stupid.

Of course, the policy was bare because there was no suit of clothes. But no one voiced that essential fact or even debated the whole program while a vast amount of resources, consisting of delicate silk and pure gold thread, were being expended.

Finally the day came for the procession. The unclothed emperor appeared and paraded the length of town, with public officials still supporting the "policy" because they did not want to be called incompetent, and the citizens refraining from commenting because they did not want to be called stupid. As happened with us, the innocent children and those who did not care what they were called and thus could be defined as neither incompetent nor stupid stated flatly, "But the emperor has on nothing at all." And, this, of course, is what has happened to all of us.

Since this is a time when everyone seems to be examining his own files or somebody else's, I decided to look at my own. I have my letter to the President dated August 11, 1965, in which I advocated that sound economic and political reforms and action must be taken to match our military action. My search continued through other letters and comments, culminating with a statement on August 9, 1967, as follows:

"I followed, and followed and followed. Now I refuse to go any further. We have reached the point where we have to say to the President, 'You've got to do..."
better than you've done.' I cannot support a tax increase to further escalate an Americanization of the war in Vietnam.

"Many of us questioned the policy of steady escalation, but have not expressed direct opposition until the results could be seen. Now after this period of time we find neither a military victory nor the creation of a popularly supported government in South Vietnam dedicated to the eradication of corruption or to the promotion of land reform.

"Our policy of Americanization of the war has tended more and more to make the South Vietnamese dependent on us, rather than to fulfill their own responsibilities."

The reason many of us were not vocal in support of the so-called Nixon plan of de-escalation is that we suggested this as far back as March 1967, during the debate on the supplemental defense authorization bill, and we feel that progress in the last four years has been far too slow. The result has been that the domestic disasters which we predicted both on the floor and in speeches throughout the country have come to pass.

**A BIPARTISAN FOREIGN POLICY FOR PEACE**

My position this year has been that the leader of the party in opposition to the Administration should affirm a bipartisan policy for peace and move away from our former bipartisan policy for war. The Democratic party should continue to confirm to the President its support for a definite date to end the war in exchange for a release by Hanoi of all prisoners of war. Further, a definite timetable (whether it be six months or nine months is academic) should be indicated during which time the government of North Vietnam and the NLF would demonstrate their good faith by returning prisoners and observing a ceasefire, while at the same time the American government would show its good faith by withdrawing its troops to meet the withdrawal date. At the end of that period of time, the situation would be one of the South Vietnamese facing the North Vietnamese in Indochina with certain knowledge that they must settle their own differences, as has always been the case. This would give the government in South Vietnam a real period of time to carry out necessary social, political and economic reforms to create a popularly supported government in the fall elections. It would also provide for our troops being withdrawn and our prisoners of war returned by a date certain.

If such a policy were developed by the leader of the major opposition party as it stands on American foreign policy, then President Nixon should have confidence that the war would not be a major political issue between the parties and it would truly be a bipartisan foreign policy for peace in Indochina.

**FUTURE OF INDOCHINA**

I do not think anyone should try during this process to predict the political future of Indochina, and in particular whether or not the South Vietnamese government will survive or whether Indochina will be communist, neutral or something else. No one can predict what will happen on that peninsula, but then no one knew in 1967 and no one knows today. Above all, the American people should not be led into any further great expectations about the future of Vietnam or of any of the emerging nations.

I think we can end this war now. As I have said continuously for the past four years, we have done all we can in South Vietnam. We have carried out our commitments, whatever they may be, and the future of that country must be left in the hands of the people who live there, which is where it always has been and always will be.

We can form a new policy for peace and not retreat from the reality of the world. In fact, the realistic position is to stop this Vietnam disaster and start on a new course.

**ISOLATIONISM AND MILITARY INTERVENTION**

We face the fact that a majority of Americans between 15 and 30 will probably oppose any military involvement by the United States any place in the world for almost any reason for the rest of their lives. This is a great tragedy. A generation of Americans who should have nurtured upon the idealism of the 1880's, epitomized in the election of John F. Kennedy, has become cynical or disillusioned. This generation has lost the vision of America as the moral leader of the free world.
Many young people both here and abroad look upon this country as a grasping, un­
concerned military monster.

The world of the next 20 years will be a violent world in many ways with a
continuing threat of nuclear confrontation between the developed nations, and
continual struggles for power within and between the emerging nations. Both
problems will often involve violence or threats of violence and will affect
America's future. The present conflict in Pakistan is an example of what can be
expected not only in Asiatic countries but throughout Africa, Latin America and
elsewhere. We must change our role of being a world policeman, but we must not
retreat to neo-isolationism. We can maintain our commitments and relationships
with Europe and Israel without continuing our old policies. For example, Ameri­
can foreign policy may require that we share some military responsibilities in
Europe and the Mediterranean but this does not require stationing 300,000 troops
in Europe and their dependents in Europe. This was done on the premise that we should
be prepared to fight a land war in Europe. We have already demonstrated in
Hungary and Czechoslovakia that we are not going to interfere in the communist
bloc. Our free world allies have demonstrated their lack of support for a policy
that contemplates a large land war in Europe.

I have always disliked the labels of "hawk" and "dove," and I often tried to
bring "owls" and "eagles" into the avairy, but I have found that in American polit­
ical life we seem to deal in a limited number of comparisons and labels at any one
time. I find that because I have advocated that the United States disengage and
get out of Indochina, I have automatically been labeled a "dove." This has never
meant, however, that I have been one who believed that the United States should
return to isolationism. I think it is greatly unfair to label all those who oppose
the Vietnam war as pacifists, isolationists, or some kind of nut.

I have always believed that the United States should be involved in the world,
and yes, I accept the fact that humans do not always do the proper and right
thing and sometimes the relationship between the United States and other nations
may necessarily involve the use of military force.

The situation in Indochina was studied carefully by many of us for many
months before we finally took the position long ago that this war was wrong for
the United States from every viewpoint—moral—military—diplomatic—eco­
nomic—or by any other test which should be used in determining American
foreign policy. I simply believe that when a policy is wrong it should be stopped
and a new policy established.

MILITARY FORCE HAS BEEN MISUSED IN INDOCHINA

In May 1970 on the occasion of the Cambodian intervention, I received an
excellent brief from a group of Seattle lawyers which set forth very well the
circumstances under which a President in the exercise of American foreign policy
can in the past been required to use military force. There were four categories,
and a fifth which described improper use of military force in American foreign
affairs. These were as follows:

1. Cases where there has been a formal Congressional declaration of war—
   for example, World War II.

2. Cases where there has been a specific Congressional resolution allowing
   the employment of force, although not rising to a formal declaration of war
   (numerous examples, such as the American-Mexican hostilities of 1914-1917,
   the Tonkin Gulf resolution with respect to the Vietnamese conflict, etc.).

3. Cases where there has been a broad international sanction for the action
   pursuant to more general treaty commitments approved by the Senate—for
   example, Korean action under the United Nations and the Dominican Republic
   action sanctioned by the O.A.S.

4. Cases where, absent any of the preceding three justifications, there has
   been an immediate threat to the lives of American citizens or to American
   property (chiefly, but not exclusively, minor actions, with numerous examples
   going back to the early nineteenth century).

5. Cases where, absent any of the preceding four justifications, there has been
   a subsequent official recognition by this country that the conditions were not
   ones which would justify the intervention.

The continuation of the war in Vietnam and the incursions into Laos and
Cambodia do not come within any Executive powers. In my opinion, the num­
ber one cause of this disaster has been the manner in which Executive power has
been used since 1954 by a number of Presidents to gradually widen the Execu­
tive power from conducting normal foreign policy and acting as Commander-in-Chief of the Armed Forces to, in reality, conducting a war.

Our rhetoric even reflects this. For many years we referred to Indochina first as a “French responsibility,” then as “situation,” then as “crisis,” and finally in the last two or three years as a “war.” (I might add that we once referred to it as the “Vietnam war” and now North and South Vietnam, Laos and Cambodia are all involved and we call it the “Indochina war.”) Any time we have spent $15 billion, suffered 53,771 casualties, and have been engaged in continuous and violent combat for over five years, we have a war. Yet we in Congress have never voted on a resolution to declare war or to declare a national emergency.

America has been torn apart because the historic American free society which has always been willing to defend and its citizens has also abhorred war as a major aspect of foreign policy. Therefore, from the time of the drafting of the Constitution, the United States has required that war be declared by Congress, or at least that Congress must declare a state of national emergency before the nation became involved in any major military action. It was never intended in the American system that the President or any other man be in a position to commit conscripted Americans to a war without Congress debating the matter and having the entire political process work so that the whole nation in effect “went to war.”

A state of declared war in a free society starts a series of events which allows a society to remain free and yet able to cope with the military and social consequences of the war. If the matter has been debated by Congress and is agreed upon, or becomes a political issue which is debated and a majority decision is made that the nation should be involved in war, the Executive is then given wider appropriate war powers by the Constitution, the Congress puts into effect laws such as wage and price controls, rationing, excess profits taxes and general as opposed to selective conscription; and everyone (not just young draftees and some industries) is at war. It also means that government powers involving espionage, treason and other drastic changes from peacetime life are made clear, and issues such as the printing of the Pentagon Papers fall into proper constitutional categories.

Our relationships with potential allies and potential enemies then become very clearcut. It also means that the national debate about the war has occurred at the beginning of any military action, and not in a series of street demonstrations and accusations and counter-accusations after the war is already in progress. We are now experiencing the tragedy of a prolonged Executive war, and we should not repeat it.

I know many will say that it is no longer possible to have a declaration of war or a declaration of national emergency when we face a world in which there is a nuclear balance of terror. I might also have believed that at one time, but the experience of the last five years indicates that even with a nuclear balance of terror it is still possible that there can be wars of varying size, with the large nuclear powers deciding not to destroy the world with a nuclear exchange. In such a case war declarations are still valid and our treaties and commitments must be redrawn to reflect this. We can have war without holocaust, and so the argument that we are facing a potential holocaust so no one needs a foreign policy is not always true. We therefore must determine here and now for the 1970's what America’s role in world affairs should be. The Congress must share this responsibility with the President.

FACING NON-ISOLATIONISM

I do not support a policy of isolationism. I believe, however, that for a period of time the ability of any President to use military forces as they have been used in Indochina will be severely limited by public opinion and by the effect of philosophical generation (a new group of political leaders) everyone will compare every action to Vietnam. We will cringe from any foreign involvement. The horrors of this conflict will also restrict the available armed forces of the United States because the refusal by the Executive and military to allow draft reforms in 1967 will probably mean an end to draft calls and maybe of the entire system in the near future.
American foreign policy in the decade of 1970 will start with a withdrawal of American participation in many parts of the world. Afterwards there will be a chance to move to a more sensible, realistic foreign policy. I think all of us should start working now toward the creation of such a new posture in foreign affairs. This should mean active involvement by the United States in the world community and a continued role in the day-to-day changes that occur within and between nations as they go through the upheaval that marks the emerging nations. It does not mean we can or will always determine the result.

UNITED STATES NATIONAL SECURITY

I believe in national security and that we should have proper military forces to protect us. However, this does not require a 2.6 million man standing army stationed all over the world. We have misdirected our efforts and spent immense amounts of money to maintain this huge standing army. A much smaller force of career soldiers is better. The world of the 1970's will probably involve maintaining nuclear deterrents between the major powers, by agreements hopefully, and if not, then by continued matching of deterrent forces. A reduced level should be an attainable goal. It will also mean the existence of only those forces necessary to carry out proper foreign policy Executive functions. I also favor a rotating trained reserve for a national emergency or protection of the nation because I believe the citizen-soldier concept is important. I hope we will develop a universal national service system. This does not mean a continuation of the 2 1/2 war military policy concept which prevailed in the 1960's. That policy developed by the military was based on the United States military philosophy that the United States must keep the peace and be prepared to fight a land war in Europe and a land war in Asia simultaneously and still have enough strength to aid in the suppression of a military outbreak in Latin America or elsewhere. These are outmoded military concepts. We cannot expect to impose our will on the world. If we look to our national security in these new terms and end the Vietnam war, we can expect a diversion of funds from the present swollen military budgets to begin to make funds available to meet our urgent domestic needs.

CONCLUSION

The present controversy swirling around us regarding the manner in which we became involved in Vietnam should not be allowed to become a matter of trying to fix blame on a particular individual, political party, group of advisors, of generals, or on anyone else. It should be used by this Committee and by the non-Executive branches of our government to chart a course to insure that we never again in our free society forget that all three branches of government and the people must legitimately support our foreign policy, with full access to the information and issues involved. Of course, there is an occasional need for secrecy in terms of vital matters of national security, particularly when they involve the lives of men fighting battles in far-off lands. But if we are to remain a free and open society, the flow of information to the people and any controversy which may result must be met in the original stages of the development of policy and not after the policy has been formed.

The recent episode of the "Pentagon Papers" demonstrates the need for review of the present status of classification of materials and basic definitions of "espionage" and other laws designed to protect necessary secrets. We have fallen into the error of allowing the Executive free reign in what can be defined as "secret" or "classified" public documents. This has led to a system where certain information is "leaked" or other information is suppressed, not for vital reasons of national security but because of an attitude of making nearly everything secret or classified. When everything is made secret or classified because the number of people necessarily involved in transmitting, storing and handling a huge amount of material makes it impossible to guarantee secrecy, certainly information which can and should be placed in a top secret category, and there are certain diplomatic exchanges which cannot take place unless secrecy is maintained because of the other party's insistence upon it. It should, however, be our policy to declassify information as rapidly as possible after an emergency has passed, and the use of "top secret" should be limited to a very few functions. This will always be a difficult system to operate, and it is very different from
the manner in which most other governments operate, and in particular both the
traditional European and Oriental closed form of governments. Ours has always
been a different society which has drawn its strength from popular support of
the people, and long-range policy is determined by an informed citizenry which
periodically makes its will known through the electoral process. When the elec­
toral process is subverted through lack of information, or the failure of both
the men and the system to respond to major national issues, then we will repeat
the errors of the traditional governments of Europe and the Orient.

It is with the hope that we have a reawakening of the traditional American
system of free and open debate and an honest, realistic revival of the check and
balance system that I present my testimony before this Committee on both the
substance of the Vietnam conflict, and, more importantly, on the system which I
hope this Committee and the entire House of Representatives will use in dealing
with the major problems in American foreign policy in the future.

STATEMENT OF HON. JOSEPH P. ADDARDO, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF NEW YORK

Mr. Chairman, I welcome this opportunity to present my views on the Indo­
china War to you and the distinguished Members of the Subcommittee on Asian
and Pacific Affairs.

My position on the Vietnam war and our involvement in Indochina has been
known for some time. As a member of the House Appropriations Committee, I
have voiced concern over the expansion of the war, the extent of our role in
Southeast Asia, and my support for a Vietnamization policy which should end
our troop commitment by December of 1971.

It is said that the move to end the war by December 1971 gives solace to the
enemy. This cannot give any more aid or comfort than the President's Viet­
amization policy or the President's announcement of continued patience. I
believe that after 10 years—after all our dead and wounded—after dropping
over 4 million tons of bombs, twice as much as we dropped during World War II,
including Korea—after 40 percent of our troops starting to use drugs, it is
time to let the South Vietnamese know that they must take over the responsi­
bilities in the field.

The South Vietnamese did not start drafting their 18 year olds until they were
given an ultimatum so once again I believe we must give them an ultimatum—a
definite date beyond which the United States will not continue to provide
troops in Vietnam.

We are not running out—this is the third year of the Vietnamization program.
The South Vietnamese have been fighting in Cambodia and Laos and they have
told us that they will get off of Cambodia when they wish. South Vietnam has
had an election and they will have another in September. If they cannot go it by
December, they will never be able to defend themselves.

In 1968 the President told the American people that he had a plan to end the
war. That plan had to be withdrawal of all American forces for in reality the
Vietnamization program was started by President Johnson when he ordered the
training of the South Vietnam Army to defend itself under the pacification pro­
gram. By calling for complete withdrawal by December 31, 1971, we are supporting
the policy of Vietnamization but calling for its completion in 1971 instead of
1972, a presidential election year.

The President has pledged to end the war. He has told us that all U.S. troops
will be withdrawn from Southeast Asia. I say let that be our policy and let
it be achieved by the end of this year.

STATEMENT OF HON. O. CLARK FISHER, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF TEXAS

Mr. Chairman, I welcome this opportunity to testify regarding the war in Indo­
china. As we contemplate withdrawal, with all the attendant problems, keeping in
mind the plight of our prisoners of war, we know there is no magic solution. This
being an international matter, we must of necessity depend upon the President
and Executive branch to lead the way.

It is most appropriate, as I see it, that members of Congress exercise restraint in
proposing specific withdrawal dates and including other details about the
many sensitive issues which are properly handled by negotiations with the enemy. Any resolutions, therefore, should be so worded as not to rock the boat and to keep those considerations in mind.

We should avoid any resolutions which might be interpreted by the enemy in the wrong way, which might cause the Communists to misjudge our will and our purpose. Above all, we should avoid doing anything which might be inconsistent with the objectives of our negotiators in Paris.

While I question the value or the propriety of the Congress attempting to fix a date certain for our withdrawal from Vietnam, if such a course is followed I feel it to be imperative that we impose corresponding conditions upon the North Vietnamese who are the only aggressors involved in the conflict. A unilateral proposal to be out of Vietnam by a day certain, without imposing a similar conditions upon the enemy, would play into their hands and would amount to an act of capitulation and surrender on our part.

In other words, if the Communists should change their intransigent attitude and decide, in good faith, to end the fighting and settle the issues, we have already made it clear our government will meet them more than half way. They know that. If they really want to end the war, then why should they not be willing to agree to get out themselves? It is just that simple.

Any resolution we approve should, of course, include a positive requirement for a release of all prisoners of war. Such an approach could be expected to bolster, not compromise, the objectives of our negotiators in Paris.

With respect to the fate of our prisoners, we can ill afford to forever give up any bargaining advantage we now have.

THE POW ISSUE

As we proceed with withdrawal plans and negotiations, the paramount overriding problem relates to release of the prisoners. In that connection, the Communists have made it clear that an announcement of a date certain for our pullout would, at the most, only cause them to “discuss” the POW issue.

The enemy has blown hot and cold on this line. On the one hand, they use American visitors in Paris to feed soft line propaganda for U.S. home consumption, and on the other they change their tune when talking on the record at the peace table. That fact has been repeatedly documented.

Coming from the Communists, a promise to “discuss” the repatriation of prisoners does not, of course, mean anything. Only two weeks ago their chief negotiator in Paris made it clear that in addition to the day certain requirement they would also demand compliance with two new conditions—that we cut off all military and economic aid to South Vietnam, after our troops are out.

What does this mean? It means they will impose conditions which would enable them to take over the South before—by their own pronouncement—they will stop shooting and before they will “discuss” prisoners.

COMMUNIST DECEPTION

Let us not be deceived by Communist double-talk. “The voice is Jacob’s voice, but the bands are the hands of Esau.” It will be recalled that when our planes were bombing the supply lines in the north, Hanoi insisted that a negotiated settlement would come about if and when that bombing was stopped. They made a world issue of it. Bombing was made the one stumbling block. Remember that? Well, their bluff was called. Bombing in North Vietnam was stopped, and the world awaited an immediate settlement. What happened? Nothing. For three long years they have refused to negotiate anything.

UNITY IS THE ANSWER

While I have felt from the beginning we had no business over there unless we were there to win a military victory—which undoubtedly could have been achieved long ago had the military been permitted to determine the strategy and choose the targets—our government is now committed to mass withdrawal, coinciding with any Vietnamization program. I think that plan should have unified support from the Congress and the American people. Lack of unity in this country has served to prolong that war.

While I was in Paris recently I attended a briefing conducted by one of our chief negotiators. He said the noise that comes from war protesters in this
country tends to bolster Communist intransigence, and obviously makes a negotiated settlement more difficult.

As I see it, this is no time for us to engage in gestures of appeasement and piecemeal legislation along the same line. The enemy has been bled white during that war. An estimated 760,000 Communists have been killed, according to the most recent report. Our losses of more than 45,000 are unacceptably high. It has indeed been a tragic involvement. The South has lost 113,298.

The ARVN are today admittedly much stronger than they have ever been. They may or may not be equal to the challenge, once we are out. That remains seen. Under these circumstances it is understandable why the Communists are so desperately anxious that we pull out under conditions which would enable them, despite their plight, to take over. Therein lies our chief bargaining advantage.

Mr. Chairman, there is nothing we can do in the Congress that cannot be done, and much better, by negotiating in Paris. A proper and meaningful approach would be for the Congress to adopt a resounding resolution, giving solid support to our Paris negotiators and their objectives. That would provide the best hope for the release of our prisoners. Remember this: Unity in this country is what the Communists are most afraid of.

STATEMENT BY HON. JOSEPH E. KARTH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. Chairman, I appreciate the opportunity to present my views on the Indo-China war before your subcommittee. Briefly, I will review some of my involvement in this question and some of the issues that stand before us today. Of primary concern to me is the question of executive primacy and the need for Congress to reassert its rightful and constitutional role in determining foreign policy. We must be certain not to have any more Vietnams.

When I began my fight against the conduct of the war in 1966, I sometimes felt as if I was shouting into the darkness, although there always has been a body of anti-war feeling in my district. In February of 1967 on the St. Thomas College campus in my district, I delivered my first major address against the war. It was reported in the Minneapolis Star following my speech that it "marked the first major policy split between the Democratic Congress and the administration of President Lyndon Johnson." While at the time I was in the minority, I am today encouraged by what I see happening in Congress.

Specifically, I am encouraged by the number of Congressmen who have now changed their position in respect to our action in Indo-China. And I am impressed by the new awareness by Congress of its role in determining our country's foreign policy.

But what of our present problem?

We are told that the war is being wound down, yet that is difficult to believe in the light of our two most recent invasions and the revelations concerning our deep involvement in Laos—both on the ground and in the air.

Mr. Chairman, it appears that the administration has discovered what it believes to be a new and indeed unique way to withdraw from Southeast Asia. Rather than the traditional route east over the Pacific Ocean, this administration seems determined to get us out of that area by heading west through Asia.

At the rate we have invaded Cambodia and Laos, I drew up my own withdrawal timetable, and based upon my estimates the last of our troops might well embark for the United States via the Suez Canal sometime around 1979.

And then there is the terrifying use of the word "only" by the administration in an attempt to convince the people that the war is being wound down. In recent weeks we have read the administration's latest casualty figures that state "only" 30 were killed in Vietnam. Tell the mother or father of any one of those 10 dead that he is one of "only." Over 45,000 Americans have been killed and 300,000 wounded. If it is a consensus that we erred in becoming involved we should get out as quickly as possible, but certainly no later than New Year's Day, 1972. That war is not worth one more American life from either an enemy bullet, or drug addiction.

But, Mr. Chairman, there is no reason to believe that unless pressure is continued upon the present Administration by Congress specifically and the public in general that this agonizing disengagement will not drag on. I say that the
Johnson administration was wrong, this administration is wrong, and the majority of the people now agree.

Several key issues enter into any serious discussion of our involvement in Southeast Asia. We have the question of Vietnameization versus negotiation. This administration has apparently given up any hope for a negotiated settlement through the Paris peace talks. Only a week ago the Secretary of Defense suggested that the peace cannot be obtained in public meetings or on the floor of the House or the Senate. The Secretary is wrong—it is precisely because of the failure of the Administration to set a deadline at the Paris talks that we have had to seek peace in Indochina through other means—primarily legislation.

But this attitude by the Administration is not surprising. Since its election it has tried to tell us to shut up because everything is all right over there. Well, it isn't and we won't be quiet.

Meanwhile, as the negotiations are neglected, Vietnameization is stepped up. Mr. Chairman, I originally supported the concept of Vietnameization so long as it was coordinated with serious negotiation in Paris. But simply to Vietnameize the war without any real prospects for peace would result in Asians killing Asians, with American pilots dropping the bombs. We must work for a withdrawal deadline to end the killing and the suffering that has been caused by the neglect of the Vietnam War—peace talks or no peace talks.

This attitude by the Administration is not surprising. Since its election it has been trying to tell us to shut up because everything is all right over there. Well, it isn't and we won't be quiet.

Meanwhile, as the negotiations are neglected, Vietnameization is stepped up. Mr. Chairman, I originally supported the concept of Vietnameization so long as it was coordinated with serious negotiation in Paris. But simply to Vietnameize the war without any real prospects for peace would result in Asians killing Asians, with American pilots dropping the bombs. We must work for a withdrawal deadline to end the killing and the suffering in that wretched part of the world—a withdrawal timetable would speed the negotiations. And we cannot claim to have withdrawn from Vietnam until we stop killing people there—changing our role from bullets on the ground to bombs from the air does not reduce our responsibility.

Some bring up the point of Red Chinese expansion as a reason for our continued role in Southeast Asia. Yet, we too are contributing to expansion of the war. Previously Cambodia and Laos were staging areas, now they too are battlefields. I hold no trust of the Red Chinese leaders, don't misunderstand, but they are a country that has been wracked with its own civil and domestic strife in recent years. And we have seen that the Red Chinese threat of several years ago in India was in part provoked by India's leaders trying to prove that they haven't been defeated. Frankly, I suspect that's our reason for being in Vietnam. How far can we expand the war in Southeast Asia before the Red Chinese are provoked—certainly not indefinitely as we learned in Korea. On the other hand both the North and the South Vietnamese are fiercely nationalistic people, and theoretically, at least the North is fighting in an effort to unify the country. If we continue applying severe military pressure upon North Vietnam we will in effect drive that country to seek more and more aid from its Red Chinese and Soviet Communist allies and neighbors. We cannot and should not look at the events in isolation.

Then there are those who predict a bloodbath if we leave South Vietnam. That is a surprising fear since a bloodbath has already been inflicted there with saturation bombing, search and destroy missions, and fire areas. Under international supervision there could be no Communist-led bloodbath. But unless we work for a negotiated peace we run the risk of a Communist victory over the long haul. And without negotiations and international supervision we do indeed run the risk of a bloodbath. That makes our withdrawal and serious negotiations an absolute necessity. The question of war crimes which haunts the American people should be resolved by a United Nations investigation into war crimes committed by both sides in this conflict. Self-flagellation in the name of our own crimes does little to solve the real war crime issue. I see no answer to this question without international cooperation.

Finally the question of the prisoners of war. Historically peace negotiations begin seriously only after the fighting stops. The prisoner of war issue will certainly not be solved by ill-conceived grandstanding commando raids, not by a refusal to negotiate in Paris. I have said to the people of my district that we must not allow the prisoner of war issue to become a political issue, but the attitude of the Administration has made it just that.

Mr. Chairman, in the light of these considerations and others, I recommend the following:

1. I urge an immediate cease-fire in the entire theater of operations including Laos and Cambodia based upon mutual holding actions.
2. We must set a withdrawal date and stick to it if meaningful negotiations and a return of the prisoners is accomplished. I favor an immediate withdrawal, but under the circumstances, I would support a withdrawal timetable that would have our troops, all our troops, out by the end of 1971. I have co-sponsored and supported legislation to that effect.

3. We must negotiate firmly and fairly in Paris recognizing that continued military pressure has not and will not force the enemy into concession or submission any more than it would the U.S.

4. We must seek international cooperation in helping to end this war through the United Nations.

5. We must guard against future Vietnams by re-asserting the constitutional partnership of the executive and the legislative branches of our government.

6. Finally we at home must continue to raise our voices inside and outside of the Congress for peace.

Mr. Chairman, before I conclude my remarks, I would like to inform this sub-committee of the feelings of the people of my district and state concerning this war. My own polls at the district level show a nearly three-fourths majority against the war. In contrast my 1967 poll showed only 20% of my district opposed the war. In addition, the state legislature has passed a resolution directing the state attorney general to explore the constitutionality of Minnesota draftees being sent to an undeclared war. The Governor of Minnesota, Wendell Anderson, has endorsed a "Dump the War" rally in Minnesota. Also, the Ramsey County Board of Commissioners has passed a resolution asking the House and the Senate to cut off the war's funds until such time as the President acts to set a date for the withdrawal of all United States combat forces from that area.

Mr. Chairman, these are not isolated incidents, but the deep concern for peace expressed by the people in my district and the elected officials of my state. We have heard the President say he does not want to preside over the first defeat in our country's history. Historically he is wrong on that point, but regardless, he may find himself going down in history as the President who prolonged and widened a war that very few at home could justify now that the facts are becoming increasingly well known.

I am not concerned with the President's future story in the history books. I am concerned about bringing peace to Indo-China, a peace it seems that Congress must lead the way to finding.

Thank you, Mr. Chairman.

STATEMENT OF HON. ROMANO L. MAZZOLI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY

Ten years ago this year, the first American soldier lost his life in a little-known Southeast Asian country called Vietnam. Now, a full decade later, Americans look back on a great national sacrifice: 50,000 of our finest young men have died, over 300,000 have been wounded; and thousands of broken families and shattered lives offer mute testimony to the high price we have paid for this war.

We look back on hundreds of billions of dollars of our precious national resources drained off in a remote place—resources sorely needed here at home to clean our air and water, rebuild our cities, educate our children, and restore prosperity to our war-weary economy.

We have seen thousands of injured and crippled veterans return to this country only to find that they sometimes do not receive the best care their country can provide—the kind of care they deserve.

We are shocked to find thousands of young American soldiers falling into the trap of heroin addiction in Vietnam as they wait out the endless weeks and months for the day they can come home to their loved ones again.

And we wait helplessly from halfway around the world as hundreds of American pilots and soldiers languish in captivity in North Vietnamese prisoner of war camps.

Our nation has not begrudged these sacrifices. We have throughout our history given willingly where sacrifice has been called for. But now it is time for a reckoning, for an accounting. It is now time to say "we have given enough". We have endured the longest and most trying war in our history, and endured it honorably—now it is time to draw back and heal our wounds.

It would be wrong to trace all of our society's ills to the Vietnam war. But it is true that the war is the root of the raging inflation that has eaten away at
paychecks for the last five years. It is true that an effort to control this war-fueled inflation has thrown tens of thousands of working Americans into unemployment lines. And it is true that the war has widened gaps between white and black, old and young, and rich and poor.

Just to set a date ending our participation in this war will not bring us together. It will not by itself assure proper care for injured or drug-addicted veterans. Nor will this measure alone bring home our prisoners of war. But it is a necessary first step to all of these.

For these reasons, I supported on the floor of the House the Nedzi-Whalen amendment to the Defense Authorization Bill, which would have prohibited the use of material procured under the authorization of the Military Procurement Act after December 31, 1971. This amendment provided for the safety of American troops during withdrawal and opened the door for new negotiations on prisoners of war. If it were shown to be inadequate, the amendment allowed for consultation between the President and Congress on additional time for withdrawal.

With these safeguards, I believe it is possible to withdraw all American troops safely and honorably from Vietnam by December 31, 1971. This is a goal to which I pledged by effort last year and one toward which I have worked this year. I supported the December 31 deadline earlier in the year in the House Democratic caucus, and I voted for a Senate amendment to the draft bill which would have made withdrawal of U.S. troops within nine months U.S. policy. I will continue my efforts toward this goal until the last American soldier is brought home.

STATEMENT BY HON. DARRELL J. MITCHELL A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

It is reason for encouragement as well as dismay that so many Member of Congress are testifying on the war in Indochina before the Asian and Pacific Affairs Subcommittee of the House Foreign Affairs Committee. This is a heartening event in that it demonstrates yet again the overwhelming opposition to this senseless conflict on the part of both this Nation’s citi­zens and their elected representatives in this Congress.

At the same time we must be discouraged by the futility of such an outpouring of opinion against the destruction and violence here and in Indochina which has consumed the lives of thousands of Asians and Americans. It is an expression of disgust that has been largely ignored by those who are capable of putting an end to this military folly and who have compounded their error by seeking to prevent the American people from learning the true nature of the decisions which have resulted in the horrid course of events.

Beyond the nature of the disclosures concerning the executive branch decisions that have led us to the situation that we face today, the controversy surrounding the publication of the Pentagon study on Vietnam demonstrates that many Americans have lost their faith in the Government which purportedly represents them and that the Government is fearful of letting the people know what it has done in the past is still doing today. It is our responsibility to restore the faith of the American people in our Government.

We cannot speak piously of a system of laws and then blithely disregard those limitations upon excessive governmental authority when it suits us. We cannot expect our young citizens to keep their actions within the law if we fail to do so ourselves.

Those who argue that the revelations in the Pentagon papers should come as no surprise to the American people are correct. We have long been aware of the Government’s misleading of the public in the inflated body counts which included dead animals as well as the enemy. The pride taken in the week’s “kill” also demonstrates the coldness and indifference towards the destruction we are inflicting in Indochina which has come to characterize and to plague the American psyche.

The Pentagon papers have also revealed that the CIA told the present administration in 1969 that the Domino theory was not applicable to the situation in Indochina. Yet the President still speaks of a Communist threat to the stability of the entire subcontinent. If the President should change his line of argument in defense of our continued support of the discredited Thieu-Ky regime, that will not be anything new either. We have already heard far too many different justifications for our support of various regimes and for our involvement in
the war. As each of these arguments has been successively knocked down, a new one has sprung up in its place.

Neither is the executive branch's disregard of the first amendment and its protections against prior restraint of the press a recent outgrowth of this military folly. Soldiers, congressmen, and ordinary citizens have been watched by the FBI in a vain and illegal attempt to limit the outpouring of dissent which this war has engendered. It cannot be considered treasonous to oppose this illegal war which has destroyed the people and land of southeast Asia and torn our nation asunder. We must exert all our efforts to end this war.

Along with twelve other Members of the House of Representatives, I have filed a suit challenging the constitutionality of the President's waging this war without the consent of the Congress. The declaration of war clause of the United States Constitution (article I, section VIII, clause II) is clear proof of the founding fathers' intention that the executive alone should not be able to take this nation into war: Only the Congress has the power to declare war. The exigencies imposed upon the conduct of foreign affairs and war-making with the advent of the atomic bomb in no way permit the President to perpetuate the extended involvement of American men and money which we have squandered in Vietnam. Nor can the executive claim that congressional votes to continue appropriations for the soldiers who are in the battlefield and to extend the draft which sends them there are in any way equivalent to a congressional declaration of war.

Our case was dismissed last week by Judge William Jones of the United States District Court, Washington, D.C., without our lawyers presenting any oral arguments on our behalf, but we have already appealed the district court decision to the appellate court. In its motion to dismiss, the Government contended that the President's powers as chief executive are sufficient to uphold his taking us into this war in the manner in which it has been done. The Justice Department has also argued that as congressmen we lack the standing to bring such a suit against the Government. The doctrines of separation of powers and checks and balances will be mere charades if there is not a full airing of the issues we have raised in the case.

Our legal protest of the manner in which this war is being conducted is but one of many outrages against this slaughter. Despite this growing clamor for a change in our policy, President Nixon has widened the war into Laos and Cambodia, claiming victory and continued success for his Vietnamization program when the evidence clearly indicated otherwise. The much heralded Vietnamization of the war will mean that yellow-skinned people will do the dying instead of white, black, and brown-skinned Americans. Over 50,000 Americans have already died in this war. Three hundred thousand Americans have been maimed and wounded. We must not let these numbers get any higher. Neither can we permit the total of Vietnamese dead and wounded to mount any further.

What is at stake is not the stability of the Thieu-Ky regime we have been supporting for too many years. What is at stake is the credibility of our own system of government and the future course of our Nation. We cannot continue to ignore the problems that are before us. We cannot forsake the common good for the concerns of special interest groups. We cannot seek to place the blame for our difficulties upon false scapegoats.

As elected representatives of the American people, we must restore faith in our system of government and society that can only be done by putting an end to this ghastly war immediately and by insuring that Vietnam marks the end of an America that is insensitive to and ignorant of the real needs of its people as well as those of other nations.

STATEMENT OF HON. DAVID R. OBEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. Chairman: I would like to direct my remarks before this Committee to bill H.R. 4243, introduced by Congressman James Symington and myself last February.

This bill finds that "the President and the Congress share the responsibility for establishing, defining the authority for, and concluding foreign military commitments."

Similar to other measures before this Committee, our bill would limit the expenditure of funds in or over Vietnam to that amount required to bring about the orderly termination of military operations and the safe and systematic with-
withdrawal of remaining American troops by December 31, 1971; to insure the release of prisoners of war; to arrange asylum or other means to assure the safety of South Vietnamese who might be physically endangered by withdrawal of American forces; and to provide assistance to the Republic of Vietnam consistent with stated objectives.

I would like to emphasize, however, two points about this bill which make it different from others introduced in the Congress.

First, while our measure would require the withdrawal of American armed forces from Vietnam by December 31, 1971, it would do so "unless the Congress by joint resolution approves a finding by the President that an additional stated period of time is required."

Second, while our measure would also limit the expenditure of funds to the Republic of Vietnam consistent with certain stated objectives, such assistance would have to be "in amounts and for purposes specifically authorized by the Congress."

Mr. Chairman, Congressman Symington and I believe it is important to restore public confidence in the Congress as an institution capable of asserting its appropriate responsibilities in the conduct of international affairs. But we also believe it is possible to do so without irrevocably tying the hands of the President in the process. It is for these reasons that these two particular points were included in our bill.

The first point makes it clear that the Congress does not intend to tie the hands of the President, but also retains for the Congress the final authority to determine the extent of our future commitment in Vietnam. The second point makes it clear that it is the Congress which has the final authority and the responsibility to specify the amount and purposes for which funds may be expended in connection with our efforts to withdraw from Vietnam.

For too long the Office of the President has had to bear the full burden of the conduct of this war. That is not good for the Congress. It is not good for the Presidency, and it is most certainly not good for the country.

This legislation is an attempt to again establish the principle of cooperative responsibility between two branches of government, and, it is hoped, in the process, suggest a way to obtain release of American prisoners of war, end American involvement in the Indo-China war, and provide incentives for a compromise settlement by all parties within South Vietnam.

STATEMENT

OF HON. JOHN R. HARUCK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. Chairman, Members of the Committee: I appreciate this opportunity to submit a statement in behalf of my bill, H. Con. Res. 66, providing that there be no withdrawal of our troops from the Vietnam "war area until agreement has been reached for the release of all American POW's."

Because there are many Americans who do not believe in surrender in any war where our country has the overwhelming capabilities and power to quickly end by victory; and because the original reasons for which our country became involved in Vietnam continue to exist, I feel the Committee must give full consideration to all alternatives to peace in Vietnam. That includes ending the war by victory.

The testimony given before the Committee, for the most part, and the rationale for concluding the war have been pleasant sounding and well meaning rhetoric. Everyone has an easy solution. The only problem is that we are talking about ending the war among ourselves and not tuned in on the enemy.

No one likes war, and I doubt if history ever records any moral war. But, the enemy seeks victory and is unashamed and suffers no guilt because it dares to so proclaim. No-win wars are detrimental to all but especially to the politician. The masses of our people have been constantly fed propaganda and rumors and have become so convinced that their sons will not be permitted to end the war victoriously that public opinion has been almost completely, and I might add blindly, turned against our involvement. No one with a forum reminds the American people that if we abandon our pledge to halt Communist aggression in Vietnam and the Far East, that we are not ending the war, but that our men will bind themselves recommitted to conflict elsewhere. If we will
not take a stand in the Far East, can we be expected to have the moral
determination and will to survive by defending the Philippines from
Communist aggression, or Hawaii, or Australia? Or will we defend our country when
the Communists have taken over California, or will we take a stand on the east
bank of the Mississippi when the Communist action is on the west bank?

We were once convinced that the need to contain Communism halfway around
the world was vital to our peoples' security and peace so that should there be
future hostilities the battleground would always be on foreign soil, rather
than in the United States. Have our people forgotten the havoc and destruction
that was in Germany, France, and Poland, which was the battleground of the
last great conflict?

There are no easy solutions to war, for wars are ended either by winning or
losing. And, if a country does not win, it loses. There are, therefore, no other
alternatives except for semantics and deceit. It is criminal beyond all compre-

hension for any great nation with the manpower and capability to end a shoot-
ing war quickly, to deliberately procrastinate and intentionally lose.

Noteworthy, all of the well-conceived resolutions which report to encourage
the Executive to set a date for withdrawal from Vietnam contain one catch
 provision. That is the provision adopted by the Democratic Caucus

"and to bring about the release of all prisoners in a time certain during
the 92nd Congress."

Such was in the language in the Mansfield resolution to end the war in nine
months

"... subject to the release of all American Prisoners of War held by the
Government in North Vietnam and forces allied with such Government.

It is truly unfortunate that the opinion makers of this country in stirring up
the emotion and hysteria about bringing the boys home and ending the war, do
not tell our people that all of the end-the-war actions are contingent upon the
release of our POWs. Nor has anyone suggested how our POWs can be regained
or freed if our troops were all withdrawn.

Thus it must be obvious that even those who hope to affect public opinion on the
war are very aware of the immorality of any proposals which would abandon our
POWs. Therefore, the resolutions of withdrawal are spurious and irrelevant
since if the war is to continue until our POWs are recovered, it must be common
sense that the only way our captive fighting men will be recovered will be either
to go get them or win the war and recover them. To those who feel that we can
talk reason with the enemy, we need only look at the record of broken promises
and lies of the North Vietnamese since the time that country was separated into
North and South.

In all wars before Korea and Vietnam, Americans fought for freedom—now our
men are taught they fight to "win the peace", whatever that means. In all previous
wars fought by Americans our fighting men were treated like war-is-good. Yet, in all past
wars except Korea, our POW's were recovered because we won our wars. History
repeatedly teaches that any country that loses its war can not only expect not
to recover its captured men, but that they become pawns of political and
propaganda use by the enemy. Likewise any country that loses its war can expect
to find its fighting men tried for war crimes and atrocities.

Our present soft-on-Communism policies and attitude and announced surrender
military plans have already created the reaction atmosphere of national defeat
and indigination. US POW's are treated as propaganda hostages—their wives,
mothers, and children blackmailed for the possibility of their release by their captors,
and US men from enlisted to general grade are being tried by our govern-
ment as if to win peace talks points by appeasement.

We hear much these days about priorities—civil rights, poverty, welfare, guar-
anteed nutritional diet, and financial aid to the elderly—in fact physical and finan-
cial security of the individual is now being made as if a responsibility of the
federal government.

To those who so believe or are interested I can only ask what responsibility as a
people and a government do we owe to every American held POW in a stinking
Communist prison camp? Among priorities I say recovery of our POW's must be
No. 1. Our POW's have shown their duty to us and our country—we must consider
their rights and their responsibility to them. As Americans, they have not lost their
Constitutionally secured rights merely because they are POW's.

It has only been Communist leaders who have regarded their captured fighting
men as expendable and de facto casualties unworthy of recovery.
Withdrawal of all U.S. forces without recovery of our POW’s will be the most immoral, callous action ever taken by this government or tolerated by our people. Because we have silenced and handcuffed our military in favor of politics and tried to fight wars by public opinion polls, Americans are now boxed in. We are now caught in our own trap.

Public opinion is jaded on our mission in Vietnam, but we cannot retreat from the battlefield without regaining our POW’s. That the Reds do not give us our POW’s to make retreat politically victorious must be regarded as evidence of the Communist intent to further exploit captured Americans to make the U.S. the laughing stock of the world. Public opinion based upon controlled facts and poor leadership is subject to change overnight. What has been made to appear as a demand for a rout from the battlefield today can be a cry for the blood of traitors tomorrow.

As General McArthur, who constantly warned against committing U.S. men in an Asian land war, said, “In war there is no substitute for victory.”

And in this instance a victory is still within our grasp, which could find the war ended, our POW’s home before Thanksgiving, as well as a peaceful withdrawal of our troops.

I have been a POW and I can tell you first-hand that it is a psychic blow to lose one’s freedom and be forced to work as slave labor. And being a POW of any foreign government differs greatly from incarceration in the penal systems and jails of our country which are under attack by our do-gooder friends. In a POW camp there are no color TVs, visitation hours, or sympathetic rehabilitation officers.

Our POW’s in Vietnam not only suffer the loneliness and frustration of loss of freedoms, but we can be assured they are repeatedly being told of the persecution of our military men by our government and the politically popular pull-out resolutions. What greater denial of the civil liberties of an American by his country can there be than the uncertainty that our troops will be withdrawn from Vietnam, and be, the POW, abandoned by his own people and country.

Mr. Chairman, in view of my remarks, I urge that this subcommittee give early and favorable consideration to recommending that Congress rephrase any Vietnam withdrawal resolutions so as to include priority of action. That is the recovery of our POW’s before any other consideration. To this end, the recovery of the POW’s should be mentioned first and any deadlines or other conditions indicated as secondary.

Any total withdrawal of our armed forces without concluding the war in a final manner will haunt our nation’s leaders and each of us hereafter. But to brazenly even consider our implying the abandonment of our POW’s will be a national disgrace and a degrading insult to every American fighting man who has ever fought for his country.

I urge adoption of my bill H. Con. Res. 66, or other pending legislation with similar intent and phraseology.

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STATEMENT OF HON. JOHN G. SCHMITZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, I welcome this chance to present my views on the war in Indochina.

Looking backward we would all agree that our nation would have been much better off today had this war ended in 1966, 1967, 1968, 1969, or 1970. The length of the conflict has been the major factor instrumental in mounting the casualty rates higher and higher.

I think that we all also agree that the United States could have ended the conflict at any time it chose to do so. I am not speaking here of United States surrender in Vietnam by the rapid removal of our fighting forces from that theater, for that would simply end our participation in the war. The war would go on without us.

The United States has, and has always had, the power to end the war at any time by effectively utilizing the military forces which are at our disposal. Recently published documents have revealed that this course of action was recommended by our military men from the beginning of the conflict. The head of the Central Intelligence Agency in 1965, Mr. John A. McCone, recommended that “We must strike their [North Vietnam’s] airfields, their petroleum re-
sources, power stations and their military compounds. This, in my opinion, must be done promptly and with minimum restraint."

Our policy makers chose not to follow this sound course of action. Instead they decided to pursue a policy which they referred to as gradualism and restraint. While gradualism and restraint are what might be called "nice words" the results of this policy are now written in American, allied, and enemy blood all across the face of Southeast Asia. Our limited warriors by foresewing victory and keeping our application of necessary force below that level which would compel the enemy to withdraw his expeditionary forces from the territory of Laos, Cambodia, and South Vietnam, managed to protract what should rightfully have been one of the shortest wars in any history into the longest war in our history.

The applied doctrine of limited war translated in the real world into seemingly endless conflict. The fear of escalating to victory guaranteed us at best a stalemate of continuing war.

There are many people who would agree with the foregoing analysis. However, demoralization has taken its toll and there are, it would seem, few who would advocate the course of action which I do based on the identification of the major factor in United States conduct which has protracted the conflict. Many have come to the conclusion that because we have not as yet won the war, the war is unwinnable.

Since the war has continued due to enemy intransigence and our reluctance to use the military force necessary to bring the war to an end consonant with our continuing goal of maintaining a non-Communist Southeast Asia it is my suggestion that we take the military action necessary to deny the enemy his capability to continue fighting. The best way to end the war, and not just our participation in the war, in a manner consonant with long range United States security interests, the well being of the people of Southeast Asia, and the best assurances of repatriating the American servicemen who have been in enemy hands for so many years, is to win it.

It is not too late for victory. As far as I am aware the enemy has not substantially increased his military strength to the point where he could successfully resist the swift and determined application of our forces. Many military authorities have suggested that a simple naval blockade of Haiphong Harbor would critically degrade the enemy's ability to maintain his large forces in neighboring territory. The President has stated that over 80% of the enemy's military supplies are coming in through this port of entry. Denying the enemy this portion of his military equipment would certainly radically lower his capability to wage war. Those who contend it would not have to show that the North Vietnamese armies can do just as well without 80% of their supplies. This would be a remarkable army.

It might also be necessary to sever the railroad lines coming into North Vietnam from Communist China. It is well within our capability to permanently close these avenues of input, using the correct bombing techniques.

In any case it is not really a question of the tactical aspects of achieving victory which need concern us. Everyone needs to know that we have the capability to eliminate the North Vietnamese Communist's capability to continue the war. It is a matter of will. It is a matter of setting the strategic objective. It is a matter of understanding the surest and most efficient and, in the long run, most humane way to our object.

Toward this end I introduced House Joint Resolution 71 at the beginning of this session. This resolution gives the North Vietnamese Communists thirty days in which to release all the American Servicemen they hold and begin the large scale withdrawal of their armies from the territory of their neighbors or find themselves officially at war with the United States.

This approach notifies the North Vietnamese Communists that unless they rapidly desist from their efforts to impose their will upon adjacent non-Communist nations the United States will remove the means necessary for them to carry on aggressive war. It gives them the choice of either bringing their behavior back in accord with basic norms common to all civilized men or having others determine their future behavior for them.

The first option of victory has never lost its validity. It remains the one course of action open to the United States which ends the war in Southeast Asia in the shortest possible time while at the same time achieving those objectives which are of the most vital importance for the future of our nation and those other nations whose very existence depends on the manner in which the war is resolved.

It is too late to cut and run. It is too late to lose. It is not, however, too late to win.
Mr. Chairman: I welcome this opportunity to submit my views on America's military involvement in Indochina to this distinguished subcommittee.

I have cosponsored several bills being considered by this subcommittee today, including the Vietnam Disengagement Act of 1971 (HR 4103), and the proposal for proportional repatriation of American prisoners of war and American troops (H. Con Res. 212), and I want to urge the subcommittee to give favorable consideration to these proposals.

But above all, I want to express my deep disappointment that today our nation's military involvement in Vietnam continues—unchecked by any amendment or resolution of Congress, with no specific date for its end likely to be set in the near future.

At this point, after seven years of fighting in an undeclared war, I think Americans have every right to expect our nation's military involvement in Vietnam to be ended. By now our troops should be out of Southeast Asia; American prisoners should be home; this war—as far as direct American involvement is concerned—should be history. But it is not.

This war has never ceased to shock and disturb Americans. The language of the war alone is enough to disturb us—words like napalm, body count, anti-personnel bombs, free-fire zones, forced evacuation, defoliation. We have come to understand the meaning of these terms not simply in the technical sense but in the human sense. What they add up to is a policy of making war against the entire people of South Vietnam, and to some extent the people of Laos and Cambodia.

Beyond the language, there are the actual events. Over the last two years the list of tragedies resulting from this war seems endless: Mylai, Cambodia, Kent State, Laos, the Calley Trial, one tragic event after another.

If any of us, however, still have illusions about the nature and purpose of our nation's involvement in Vietnam, the revelations contained in the McNamara study ought to dispel them forever.

I am certain that this subcommittee is aware of the contents of this study which the New York Times began to publish on Sunday, June 13. It is a mammoth study, and all of it has not been reprinted, but I have seen enough to convince me what many have suspected all along: that the previous Administration deliberately misled Congress and the public. President Johnson talked peace in public while secretly he made plans to wage war.

I believe this is a serious indictment of our government, and Congress should not dismiss it as ancient history. Unfortunately, much of what is revealed in the Pentagon study still has relevance today.

I would point out, as others have, one excerpt from the accompanying article in the Times that appeared with the documents reprinted Sunday, June 13.

The study conveys an impression that the war was thus considered less important for what it meant to the South Vietnamese than for what it meant to the position of the United States in the world.

Mr. McNamara would later encapsulate this perception in a memorandum to Mr. McNaughton seeking to apportion American aims in South Vietnam:

70% to avoid a humiliating U.S. defeat (to our reputation as guarantor)
20% to keep SVN (and then adjacent) territory from Chinese hands
10% to permit the people of South Vietnam to enjoy a better, freer way of life.

I am not convinced that our government's goals outlined above have changed at all in the last three years, despite the present policy of phased, gradual withdrawal. Although it has finally accepted the fact that it is not possible to win this war, the present Administration is still trying to prevent the North Vietnamese from winning.

This is why the President has withdrawn our troops so slowly. The same tragically misguided reasoning that in 1964 convinced President Johnson to escalate the war is still at work pressuring President Nixon not to withdraw completely.

The argument, reflected in Mr. McNaughton's list of aims in South Vietnam, emanates from those in the Pentagon and the Administration who insist that a defeat in Vietnam will humiliate us throughout the world.

It is incredible that our government still clings to this argument. At this point, win or lose, we stand to be humiliated for the way we have acted in Indochina.
What is being tested now is not our nation's resolve but its common sense. Our nation's continued military presence in Vietnam makes no sense. The American people now know it, and the rest of the world knows it.

Yet, the President persists in his zig-zag policy of withdrawing American men but expanding the geographical scope and the intensity of the war, and some members of Congress continue to express optimism and faith that the President is doing his best. I wish very much I could share their sense of treat, but I believe we are still being misled. Congress still is not being told in the most honest and straightforward way possible what exactly the President's intentions are in Vietnam, nor are the American people being told all the facts.

The President not only refuses to tell us when he intends to end our involvement, but he even refuses to answer more specific questions from a member of his own party. Rep. Paul McCloskey still is seeking from the Administration answers to three questions all Americans have a right to know.

1. The number of amputee casualties in Vietnam.
2. The number of deaths from the overuse of drugs in Vietnam.
3. The number of Laotian villages destroyed by Air Force bombings.

The Administration, it seems, fears that the revelation of such figures would put added pressure on the President to withdraw more quickly—something the President would not have to fear if a total withdrawal was his first priority in Vietnam.

However, this is not his first priority; nor is the release of American prisoners his first priority. The Administration has used the American POW's politically as a smokescreen to conceal the fact that it has other reasons for staying in Vietnam besides insuring their release.

Clearly the Administration wants above all to maintain some hold politically on the government of South Vietnam. Indeed it would rather accept the risks involved in continuing American involvement than risk seeing the Saigon regime fall and be replaced by a government less dependent on American support.

If insuring the release of all American prisoners was really so important to the Administration, it would pursue a policy much different than it is now following. Senator Mike Mansfield, former Secretary of Defense Clark Clifford and others have suggested reasonable options to current policy. Their suggestions would much more likely lead to release of American POW's and a safe return of our troops. They have suggested, and I agree, that the American government should inform the North Vietnamese that on a certain date we will withdraw all our troops in return for a release of all American prisoners.

I do not suggest that this would happen all at once. It could take place over several months during which, on dates determined beforehand, we would withdraw some troops and they would release some prisoners.

This policy makes sense to me, much more sense than our current policy of propping up the corrupt Thieu regime in Saigon and continuing our military presence in South Vietnam.

Finally, this committee has the authority to recommend legislation that would help the President end this war, that would enable him to overcome the pressures that his predecessor was not capable of overcoming.

I, for one, do not minimize those pressures even now when our policy of partial withdrawal appears irreversible and when more than 200,000 troops have returned home. I would remind my colleagues that three years after the President said he had a plan to end the war a quarter of a million Americans still remain in Vietnam: our forces continue to be killed and maimed; B-52's continue to devastate the countryside; thousands of civilians continue to die and to suffer terribly as a result of American military actions.

Perhaps the greatest irony of all is that we still hear talk from the Administration of achieving peace with honor. Indeed under the cloak of "peace with honor," the President apparently intends to keep at least some American ground forces in Vietnam indefinitely; he certainly intends to keep American air forces in operation there.

I would suggest respectfully that after all that has happened in the last seven years the only honorable option we have left in Southeast Asia is to help stop the killing, to help end the war, in short, to leave—and leave now.
Mr. Chairman, I am Dick Shoup, United States Representative of the first district of Montana.

The events of the last week, particularly the publication by leading newspapers of classified documents on the origins of U.S. involvement in Vietnam, have once again generated intense criticism of President Nixon's Vietnam policy. I will not dwell on these documents except to say that they do not, in my opinion, reflect adversely on President Nixon's Vietnamization policy, which I support. Since President Nixon took office, the United States has successfully implemented a policy of ordered troop withdrawal coupled with the upgrading of South Vietnamese military capabilities. While one may be able to criticize some elements of his policy, no one, I believe, can deny that the situation in South Vietnam today is far better than it was in January 1969. The level of violence has decreased appreciably, and successful pacification has brought a high level of security to nearly every hamlet in the country. The Vietcong, while still a major political force in the war, is no longer a major military factor. South Vietnam is beginning to experience a revival of economic activity that has so long been suppressed by the war.

All this has occurred while American forces have withdrawn at a steady rate from the war. From a level of more than 540,000 in June 1969, U.S. troop strength has declined to a little over 240,000 today. President Nixon has kept every promise he has made concerning troop withdrawals, and Secretary Laird stated last March that future withdrawals would continue at the current rate if not higher. From the past record on troop withdrawals, there is no basis to doubt the Secretary.

I urge the Congress to continue to support the President's policy. I would be the first to urge and vote for a deadline for total troop withdrawal if the President had reneged on his troop withdrawal promises or if South Vietnam were still in the chaotic situation of 1968. But South Vietnam, I believe, now has a reasonable chance of maintaining its independence if the President is allowed to carry through his Vietnamization program to its completion.

Congressional imposition of a withdrawal deadline six months or nine months from now would place the immense burden of this war totally upon South Vietnam. The Vietnamization program would have to be scrapped. Hastly and uncertain measures would have to be undertaken in place of it. The Government and people of South Vietnam would confront, alone and at once, the completion of the enormous tasks of creating a stable society, promoting economic and social reform, fighting an internal guerrilla war, and defending their nation from invasion on three frontiers. Vietnamization has enabled South Vietnam to make significant strides toward successfully coping with these problems. Allowing the President to complete his program will ensure that South Vietnam has the best possible chance to finish the job.

If Congress imposes a withdrawal deadline, there is no doubt in my mind that after U.S. troops are gone, North and South Vietnam would then come to grips in a climactic military struggle. I strongly disagree with those who argue that a deadline would force South Vietnam to negotiate with North Vietnam. The Administration contends that once U.S. troops are gone, North Vietnam will demand more concessions in the subsequent negotiations on prisoner release. Crosby Noakes cited a White House study paper in his column in the May
Washington Star, which concludes that "more than a troop withdrawal deadline is required in order to free the prisoners of war." According to Noyes, the study goes on to say:

While the Communists are ready to discuss if the United States sets a deadline, they indicate that the war will have to end—presumably on their terms—before the prisoners will actually be freed.

The study continues:

This would involve not only a deadline, but also the establishment of a provisional coalition government (in Saigon) and probably also the cessation of all U.S. military aid to South Vietnam and the payment of war reparations. In any case, the Communists side can be expected to extract the highest possible price for a prisoner release.

The critics and the Administration have a legitimate disagreement, given the vagueness of the Communist position. Consider Washington Post reporter Chalmers Roberts' recent interview with North Vietnam's chief Paris negotiator Xuan Thuy. Roberts asked Xuan Thuy point blank whether "as a condition for prisoner release there must be no such continuing military and economic aid?" Xuan Thuy, according to Roberts, "avoided a direct answer" and referred to the Communist peace proposal of September 1970. Subsequently Roberts and his employer, the Washington Post, gave distinctly different interpretations to Xuan Thuy's answer. The Post stated in a June 11 editorial:

Furthermore, since it appears that Hanoi is prepared under certain conditions to let Thieu stay in office and to have Thieu receive American military and economic aid, it then means Mr. Nixon could set a withdrawal date without doing what he has always said he will never do—bug out on Thieu.

Roberts drew a quite different conclusion in his article of June 10:

But the core of the Hanoi's position became much clearer when the question got around to the political issues. When came out was that Hanoi wants movement here, not just on troop withdrawal, and that Hanoi will try hard to win some political concessions from Washington in any package involving troop withdrawal and prisoner release.

Roberts went on to say:

Hence it was evident from Thuy's responses that he wants a deal that will not only send home all American forces having anything to do with prosecution of the war, but will also leave the Saigon regime totally on its own. That means no U.S. military and economic aid to Saigon to sustain it in the struggle with the Communists and other opponents in the South after the American pullout.

As of now, no one can be absolutely certain which side is correctly interpreting the Communist position. Because of this, it is very wrong for the critics to argue, as some have done, that the President's position has no conceivable validity. Indeed, there are strong arguments to support his case. Words that mean one thing to Americans may mean something very different to the North Vietnamese. Communist proposals at Paris have been phrased so that they could have varied meanings, depending on one's overall viewpoint. North Vietnamese statements to visiting American Congressmen are obviously intended to put the Communist position in the best light without firmly committing Hanoi and the NLF to release American prisoners.

Consider, again, the Xuan Thuy interview. Xuan Thuy referred to the NLF's eight point proposal of September 1970 in answer to Roberts' question concerning prisoner release and U.S. military and economic aid to South Vietnam. On June 10 North Vietnamese press spokesman Nguyen Thuong Lee referred to the first point of this proposal. In reading point number one, I find that it begins by demanding:

The U.S. Government must put an end to its war of aggression in Vietnam, stop the policy of "Vietnamization" of the war, totally withdraw from South Vietnam, troops, military personnel, weapons, and war materials of the United States as well as troops, military personnel, weapons, and war materials of the other foreign countries in the U.S. camp, without posing any condition whatsoever, and dismantle all U.S. military bases in South Vietnam.

If the Communists apply this definition to "troop withdrawal" in relation to the POW issue, then it is clear that they in fact expect the United States to
ended all forms of involvement in Vietnam, including military and economic assistance, as a price for prisoner release. The White House study, according to Crosby Noyes, quotes Nguyen Thanh Le as saying at a Paris tea party on April 21 that:

I would like to add that with regard to the question of American prisoners of war, I think that if the United States put forward a deadline for the total withdrawal of its troops and ends the war of aggression, I believe ... that ... there will be no difficulties just as towards the French in the past.

This statement, if correct, would also support the White House: for the Communists have in the past included all forms of U.S. involvement in Vietnam under the label of "war of aggression." Once again, one must be acutely aware of the true Communist meaning of such phrases as war of aggression, coalition government, and troop withdrawal.

In the past, the Communists have held out other false hopes to the American people. In looking at North Vietnamese and NLF statements before the November 1968 bombing halt, one finds the Communists offering all sorts of expectations of an early peace if the United States stopped the bombing. For example, on September 18, 1968, Xuan Thuy told the 22nd negotiating session at Paris that a bomb halt was "a first step opening the way to move toward a peaceful solution on the basis of respect for the fundamental rights of the Vietnamese people." On October 22, 1968, the NLF press agency reiterated Hanoi's demand for a total and unconditional suspension of the air attacks and stated: "Only when the United States complies with that demand can the Paris talks make headway."

Xuan Thuy declared two days later that if the United States stopped the bombing "there will be new prospects." On October 27, Radio Hanoi asserted:

The United States must do this as the required first step to create conditions leading to a correct settlement of the Vietnam War.

Xuan Thuy sweetened the bait a little more when he told the 28th negotiating session on October 30 that an end to the bombing "would enable the early discussion of other questions of interest to both parties so as to gradually find out a just political settlement of the Vietnam problem." Note that in return for a substantive American concession, Xuan Thuy promised discussions. And on November 2, after President Johnson's announcement, Xuan Thuy said that the goal of the conference was "to discuss a solution to the problems of peace in Vietnam."

Since then, the American people have learned the phoniness of Communist promises of new prospects and discussions. The scenario at Paris since October 1968 has continued to be Communist demands for American concessions in return for veiled promises of peace, while at the same time North Vietnam and the NLF tirelessly repeat their six year old demands for a total U.S. withdrawal and an NLF-dominated coalition government. Can it be any wonder then, that some people genuinely doubt North Vietnam's honesty when it, once again, offers "discussions" on the prisoner of war question in return for a U.S. withdrawal under a deadline.

North Vietnam's record on prisoner release after the Geneva Agreement of 1954 does not totally support the prevailing notion of Communist sincerity today, 1964 does not totally support the prevailing notion of Communist sincerity today, at least partially true. So once again, we have evidence of Hanoi's past perfidy.

It has been proposed by Clark Clifford and others that the United States set a deadline for total troop withdrawal but condition it on the release of American prisoners; in other words, test Hanoi and the NLF. In response to this, I would point out what I consider to be a very possible scenario should the United States adopt this strategy. The United States sets a deadline. The Communists demand additional concessions in the discussions that follow, including an end to all forms of U.S. involvement in Vietnam—meaning a halt to all military and economic assistance to South Vietnam. Some elements among the American
critics begin demanding that the United States make these additional concessions or else withdraw our troops under the deadline. They might argue that such additional steps were necessary to secure a prisoner release. I do not wish to impugn the motives of the critics, but this scenario appears to me a distinct possibility. True, critics such as the Washington Post and columnist Joseph Kraft contend that the critics would never advocate leaving South Vietnam completely in the lurch by cutting off all aid. The Post, for example, stated in a June 11 editorial that:

It is simply false to charge that the critics would do nothing at all to help South Vietnam after we have disengaged militarily from the Thieu regime. But knowing that in South Vietnam the United States has created a governmental and military machine that cannot conceivably operate without American aid, they are prepared to countenance that aid.

In looking at the Post's statement, we should remember that this newspaper switched its positions before—from strong supporter of Administration policy in 1968 to strong opponent in 1969. Who is to say that it won't happen again? Moreover, the Post doesn't speak for all of the critics. Many leading critics in Congress, have not committed themselves on the issue of continued military and economic aid to Saigon after American troops are withdrawn. The critics have leveled such vicious attacks at the Saigon government that I have serious doubts whether they will support military and economic assistance to South Vietnam in the long run.

Let us remember, too, that the major slogan of the April 24 anti-war demonstration in Washington was "Out Now!"—not "Out When the Prisoners Are Released." If the President sets a deadline or if Congress imposes one on him, the demand to meet it might become so intense that the prisoner issue will be disregarded.

In looking at the history of criticism of both the Johnson and Nixon Administration's policies, I am struck by a thread that runs through all of it. The critics have contended time and time again that by making a concession, the United States would induce North Vietnam to take a more reasonable and conciliatory negotiating position. They asked for a bomb halt on this basis. The bombing was suspended. They next said that the Allied refusal to negotiate with the NLF was a major roadblock to a settlement of the war. The Allies agreed to negotiate with the Front. Demands for a cease-fire proposal arose among the critics in 1969. President Nixon proposed one last October 7. And now they argue that total troop withdrawal under a fixed deadline will produce reasonableness on Hanoi's part. Perhaps they are correct this time, but history does not make me optimistic.

Some critics contend that prisoners of war are not returned until the end of the conflict; therefore we should end our involvement by setting a deadline. Nothing could be further from the truth. Prisoners of war have been exchanged during wartime on many occasions. According to a Congressional Research Service study, prisoner exchanges during World War I began in 1916 and included the exchange of 160,000 French, British and German troops in May 1918. The same report states that during World War II, Britain, the United States, and Germany reached an agreement in 1943 to exchange disabled prisoners. Under it, 13,500 Allied POWs and 21,000 Germans were exchanged before the end of the war. In 1953, several months before the Korean armistice, the United Nations and the Communists agreed on Operation "Little Switch"; and during April and May 1953, 6,670 Communists were exchanged for 684 members of the U.N. forces, including 149 Americans. Thus, it is North Vietnam's attitude and not prior wartime practice, which prevents the exchange of prisoners.

If Congress imposes a troop withdrawal deadline on President Nixon and North Vietnam responds by demanding the additional concessions, which I have discussed, the United States will have foolishly thrown away another trump card in the negotiations. We will then be left with the dilemma of either ending all support to South Vietnam or seeing our men remain in their tragic captivity. Let there be no mistake that acceptance of a North Vietnam demand to end all forms of aid to South Vietnam, while Hanoi continues to receive about $1 billion annually from the Soviet Union and China, would be nothing less than total capitulation. This has been North Vietnam's ultimate demand from the beginning and, unfortunately, Hanoi may get it unless the United States remains steadfast in its insistence that North Vietnam give a flat and firm commitment to release American prisoners in exchange for a troop withdrawal. By refusing to impose a deadline on the President from slipping into this cruel dilemma. It will also enable him to complete the Vietnamization program and end U.S. involvement honorably. I urge the House to adopt this course.
STATEMENT OF HON. AL. ULLMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. Chairman and members of the subcommittee, I want to thank you for the opportunity you have given me to express my views for the record in regard to the Indochina War and the role of the United States as a combatant in that struggle.

I also feel the committee should know that the general tenor of my remarks is not something resulting from any sudden realization that more than 50,000 Americans have died in that war, or in conciliation for any demonstrators whose anti-war zeal has carried them beyond the pale of lawful dissent, or as a recent realization that thousands of prisoners of war are languishing in foreign prison camps. What I intend to say is something I have considered and reconsidered for so long that it is hardly possible any more for anyone to react in the white heat of sudden anger. I first expressed my disapproval of the war or opposition to the war in ways I felt were consonant with my position and my responsibilities to the country and to the people of Oregon. As recently as last week I voted for the amendment proposed by our colleagues, Mr. Whalen and Mr. Neder, to limit through the military procurement bill the expenditure of any new funds to support that war after January 1.

The very fact this committee has convened to hear testimony on the war is, of course, evidence that others have also been and are now as concerned with the issues I have attempted to define and clarify in my own mind.

It would, in the context of these hearings, be possible to open for debate some abstract questions of U.S. foreign policy. It would be within the committee's scope to discuss what's known as the Nixon Doctrine, or to debate the propriety of which the U.S. government has supported numerous foreign governments of which the U.S. government has supported numerous foreign governments of all kinds merely because they appear to be anti-communist. These issues apply to millions of people of other countries, and for reasons that are two issues with which this committee should primarily concern itself.

The first is the extent to which Congress has abdicated its responsibilities and rights under the constitution to declare war and to appropriate funds to conduct warfare. Congress has, in fact, waived its responsibilities by conscious decisions. There is no better example of that than last week's debate on the House floor. Never before in the history of our government has it been necessary to ask Members of Congress to oppose funding an undeclared war in not one but four countries.

Members of Congress like to blame their inability to grasp the essence of the Indochina issue by calling the war a "President's war." No doubt, it is a president's war. Other issues aside, the recent stories in the New York Times, taken from a report this committee has yet to see, only serve to underscore that concept. But calling this a "president's war" does not abrogate the responsibilities of Congress. In fact, it only illustrates how completely Congress has capitulated its constitutional mandate. Furthermore, until Congress faces its responsibilities and enacts appropriate legislation, this war will remain in the domain of the executive.

That brings me to the second—and overriding—issue I feel this committee should concentrate on: how Congress can end U.S. involvement in the war. We have discharged our commitments to South Vietnam beyond what was expected of us. Now it is time to get out, and obviously the only way we will get American troops out of Vietnam is not to keep or send them there. Withdrawing our troops will provide us a truly credible vehicle through which to demand the return of our prisoners of war. Continuing to maintain troops in Vietnam only prolongs the agony of our prisoners of war and provides an opportunity for more to be captured.

Very simply, if Congress continues to abstain from concrete action, the war will remain a president's war, subject to pressures on the administration and the vagaries of the battlefield. These are not things calculated to effect a prompt and negotiable withdrawal, nor will they relieve the economic and moral agony the war has imposed on our country.

It is my hope, therefore, that this subcommittee will report out promptly legislation designed to end our involvement in Vietnam on a specific and not-too-distant date. Congress did not start this war. But Congress can end this war, and by doing so it can also restate clearly the constitutional mandate it has so long and so patently ignored.

Thank you.