AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA, 1971

HEARINGS BEFORE THE

SUBCOMMITTEE ON NATIONAL SECURITY POLICY AND SCIENTIFIC DEVELOPMENTS
OF THE

COMMITTEE ON FOREIGN AFFAIRS

HOUSE OF REPRESENTATIVES

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The testimony contained in this volume forms Part II of the third series of hearings on the subject of American prisoners of war and missing in action in Southeast Asia conducted during 1971 by the Subcommittee on National Security Policy and Scientific Developments. It complements and builds upon similar hearings which were held in 1969 and 1970.

Throughout this extended period the subcommittee’s objectives have remained the same: (1) to continue to demonstrate the deep concern of Congress over the fate of prisoners of war and those missing in action as well as the well-being of their loved ones at home; (2) to continue to be brought up to date on developments and events relating to the POW/MIA problem; and (3) to hear testimony on behalf of various POW/MIA resolutions introduced into the first session of the 92d Congress.

As a direct outgrowth of these hearings, the subcommittee approved a resolution calling for the humane treatment and release of American POW’s in Southeast Asia. This resolution, House Concurrent Resolution 374, was passed by the House of Representatives on October 4, 1971 by the unanimous vote of 369 to 0.

Despite often frustrating and sometimes discouraging developments which continue to block the safe and prompt return of American prisoners and final knowledge regarding those listing as missing, the subcommittee will continue its efforts in their behalf as long as necessary.

To that end the subcommittee will resume its on-going series of hearings on the POW/MIA problem early in 1972. We will do so in the same spirit of open inquiry which has characterized our previous efforts, taking into account the wide variety of viewpoints and opinions regarding the POW/MIA problem.

Finally, it is my continued hope that those who read these proceedings will be inspired to rededicate themselves to the cause of the prisoners and their families.

Clement J. Zablocki,  
Chairman, Subcommittee on National Security Policy and Scientific Developments.
CONTENTS

Foreword........................................................................................................................................III

LIST OF WITNESSES

Tuesday, June 29, 1971:
Halpern, Hon. Seymour, a Representative in Congress from the State of New York..................37
Holt, Cooper T., executive director, Washington Office, Veterans of Foreign Wars.......................16
Jones, Mrs. Marian Mitchell, wife of Lt. Col. Lewis F. Jones, missing in action in Laos...................31
Leggett, Hon. Robert L., a Representative in Congress from the State of California.......................47
Rainwater, Herbert R., Commander-in-Chief, Veterans of Foreign Wars.........................................2

Tuesday, August 3, 1971:
Camacho, Capt. Isaac, El Paso, Tex..........................50
Jackson, Sgt. James E., Talcott, W. Va........................52
Pitzer, Sgt. Daniel L., Spring Lake, N. C......................51
Staggers, Hon. Harley, a Representative in Congress from the State of West Virginia....................50

Tuesday, September 28, 1971:
North, Mrs. Carol, chairwoman, National League of Families of American Prisoners and Missing in Southeast Asia.................................................................105
Powers, Mrs. Iris, special assistant to General Westmoreland on POW/MIA Affairs, Washington, D.C.............................86
Stockdale, Mrs. James B., founder, National League of Families, Coronado, Calif............................102

STATEMENTS AND MEMORANDUMS SUBMITTED FOR THE RECORD

General comments by Nguyen Thanh Le, member of the DRV delegation, and DRV press spokesman, to Congressman Seymour Halpern, April 28, 1971, Paris, France.......................................................37
Conversation between Congressman Seymour Halpern and Nguyen Thanh Le, DRV delegation..................40
General comments by PRG deputy spokesman Nguyen Van Tien to Congressman Seymour Halpern, April 28, 1971, Paris, France.......................................................43
Conversation between Congressman Seymour Halpern and Mr. Nguyen Van Tien, PRG Delegation, April 28, 1971.......................................................44
Excerpts from SVNLF’s policy toward the officers and men in the U.S. and other alien army in South Vietnam.......................................................54
Letters from POW Committee of Michigan.........................................................................................62
Letter to POW Committee of Michigan from John S. Knight of Detroit Free Press...............................63
Letter to the editor on damage to POW’s.........................................................................................63
Correspondence between Mrs. Bobby G. Vinson, national coordinator of the National League of Families and Hon. Clement J. Zablocki regarding the frequency of mail from American POW’s.......................................................83

APPENDIX

Memo from Committee of Liaison to families of POW’s and missing, August 1971.........................115
Proceedings of the House of Representatives on October 4, 1971 relative to consideration of House Concurrent Resolution 374... Page 115

Statement of Hon. Gordon Allott in the Senate of the United States on November 12, 1971 relative to the introduction of Senate Concurrent Resolution 49... 127

Statements of Hon. William J. Porter, chief U.S. delegate at the Paris Peace Talks, relative to the POW/MIA issue... 128

Letter to Hon. Clement J. Zablocki from the Council for Civilized Treatment of POW’s regarding the worsening plight of American POW’s... 140

Letter to Members of Congress from POW-MIA International, Inc. concerning the Nedzi-Whalen amendment... 140

Letter to Hon. Clement J. Zablocki from Mrs. Bobby G. Vinson, national coordinator of the National League of Families of American Prisoners and Missing in Southeast Asia, expressing the league’s humanitarian purpose and commenting on a definite withdrawal date of U.S. Forces from South Vietnam... 142

Letter to Hon. Clement J. Zablocki from Mrs. W. N. Grubb, national coordinator of the National League of Families, expressing endorsement of House Concurrent Resolution 374... 143

Letter to President Richard Nixon from Hon. Clement J. Zablocki and Hon. Paul Findley regarding the release of North Vietnamese prisoners of war held in South Vietnam... 143

Letter and memorandum from Mrs. Bobby G. Vinson in the form of the national coordinator’s report on the proceedings of the second annual meeting of the National League of Families... 144

Letter to Mrs. Bobby Vinson from Tran Thi Dich, Secretary General of the Red Cross Society of the Democratic Republic of Vietnam, responding to a proposal from the National League of Families... 156


Text of article from the New York Times, May 24, 1971, titled “Hanoi Aide, in Interview, Links Pullout Date and POW Issue”... 164

Text of article from the New York Times, June 13, 1971, titled “Will Hanoi Free Them in Exchange for a Date Certain?”... 166

Text of article from the New York Times, June 29, 1971, titled “Mr. Nixon and the Prisoner Smokescreen”... 167

Text of article from the Washington Post, September 13, 1971, titled “McGovern: Nixon Key to POW’s”... 168

Text of article from the Wall Street Journal, September 30, 1971, titled “Missing—or Dead? Some POW Relatives Say They Are Misled by American Officials”... 169

Text of article from the New York Times, December 24, 1971, titled “I Cannot Rejoice”... 178
TUESDAY, JUNE 29, 1971

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON NATIONAL SECURITY POLICY AND SCIENTIFIC DEVELOPMENTS,
Washington, D.C.

The subcommittee met at 2 p.m. in room 2172, Rayburn House Office Building, Hon. Clement J. Zablocki (chairman of the subcommittee) presiding.

Mr. ZABLOCKI. The subcommittee will please come to order.

Today the Subcommittee on National Security Policy and Scientific Developments begins the first in a new series of periodic hearings and briefings devoted to the problem of American prisoners of war in Southeast Asia.

As most of you know, the subcommittee held an extensive series of hearings on the POW/MIA problem and relevant legislation during March and April of this year.

At that time representatives of the League of Families of POW/MIA's in Southeast Asia expressed the desire for constant congressional attention to the issue of prisoners of war.

One suggestion made was for the creation of a Joint Congressional Committee on Prisoners of War. The subcommittee has believed that because of the problems inherent in creating and operating such a joint committee successfully, we could help fill the need by devoting our attention continuously to the prisoner problem, including hearings or briefings on the subject at least once a month.

INTRODUCTION OF COMMANDER RAINWATER

We are inaugurating that policy with today's hearing, and are pleased to have as our initial witness the commander in chief of the Veterans of Foreign Wars of the United States.

He is Herbert E. Rainwater of San Bernardino, Calif. Commander Rainwater is a former businessman who, for the past 3 years, has served as assistant city administrator of San Bernardino. He was elected commander in chief of the VFW at the organization's 71st annual national convention held last August in Miami Beach, Fla., following service at all levels of the VFW.

During his year as commander in chief, Mr. Rainwater has given particular attention to the problems of American prisoners of war and missing in action in Southeast Asia. In May of this year he made a

(1) Notes may be found in an not included
special trip to South Vietnam to obtain firsthand impressions of conditions there.

If time permits, we also will hear testimony from Mrs. Marian M. Jones, who has asked to testify as the representative of a new group formed by relatives of prisoners and missing men called "Families for Immediate Release."

Commander Rainwater, we are pleased to have you with us today. You may begin your statement.

STATEMENT OF HERBERT R. RAINWATER, COMMANDER IN CHIEF, VETERANS OF FOREIGN WARS

Mr. RAINWATER. Thank you.

May I introduce on my left, and your right, with me here at the witness table Mr. Cooper T. Holt, a past commander in chief of the Veterans of Foreign Wars from the great State of Tennessee, presently the executive director of the Washington Office of the Veterans of Foreign Wars of the United States. On my right, the director of our National Rehabilitation Service, Veterans of Foreign Wars Washington Office, Mr. Norman Jones.

Mr. Chairman, I thank you and the other members of your committee for the opportunity you have given me to present my views as commander in chief of the more than 1.7 million members of the Veterans of Foreign Wars, including over 400,000 veterans of Vietnam, concerning the problem of American prisoners of war and the missing in action in Southeast Asia.

As an organization it is our firm belief that any settlement to the conflict in Southeast Asia must be tied to the freedom of American prisoners of war. Our opinions and conviction are based on the combined experiences of our members, and I hope to present a realistic picture of our true consensus of opinion.

Our experiences span all armed confrontations that the United States has been involved in since and including World War I. Many of our membership have actually suffered as prisoners of war in previous wars. Many women in our women's auxiliary have suffered as families of prisoners of war. It is because of these experiences, and because of the true concern we have for our Nation, that we feel it not only a privilege, but a moral obligation to testify at this time.

THE ISSUE OF PEACE

I wish to address myself to the issue of peace. Men in the Armed Services of their country are not being paid to fight, but to keep and protect the peace. Americans languishing in the prisons of Southeast Asia are being denied the peace that they fought so hard to protect, the peace which is the God-given right each of us cherishes and enjoys. Every day is an eternity for a POW, an eternity of misery. To see beyond an eternity of misery, to hope for a reality that includes their inalienable rights of peace and freedom, they must depend on time and our efforts. Every morning of their suffering, the sun rises, their lives end and time stands still. Their existence and their suffering ache with a throbbing dullness that can only be heightened by a belief that we will not forget them.
Many who have appealed before you prior to today speak of compassion in very eloquent terms. I ask those who portray themselves as compassionate not to equivocate, but to say what they mean. Is compassion natural in this world, where the struggles of superior powers have become the predominant factor? Those who portray themselves as compassionate and interested, must understand that deeds necessarily confirm the intensity of words. Deeds must necessarily provide the American POW's with a solace they so desperately need. Without true compassion of deeds, these men will remain faceless in the annals of humanity. We cannot allow them to be lost in a sea of anonymity.

THE ISSUE OF AMERICAN POW'S

The first American men captured in Indochina are approaching their seventh year as prisoners. The greatest majority will soon face their fourth and fifth years of isolation and imprisonment. This is an issue which should touch the hearts of every human being. There is much dissension, disagreement, and violent criticism concerning U.S. involvement in Vietnam, but there should be no rhetorical entrapments or disagreements concerning the plight of the U.S. POW's.

The principal issue at this moment is not the immediate release of the POW's. The North Vietnamese have decided that these men are going to be political pawns. They are holding these prisoners in an attempt to achieve political objectives.

Recently Xuan Thuy, top North Vietnam representative to the Paris peace talks, reaffirmed their position concerning the American prisoners of war. His comments reaffirmed the belief that Americans held captive would be used as tools and hostages for a long, long period of time. He reaffirmed his insistence on the maintenance of the PRG eight points of September 17, 1970, as the essential prerequisites for the release of American POW's. These points cover a wide gamut: a troop withdrawal date alone would solve nothing. When addressing themselves to this issue on June 24, 1971, syndicated columnists Rowland Evans and Robert Novak summarized by saying:

The pattern is unmistakable. The ransom for American POW's will be much dearer than the Democratic-sponsored troop withdrawal deadline. To get them home, United States must agree to humiliating concessions ending with a Communist regime in Saigon. Such is the iron realpolitik behind the oriental smiles exhibited in Paris for American politicians.

U.S. POSITION AT PARIS TALKS

The position which we have to work with at the peace table is still the rather inelastic one of last fall which directly links the prisoner releases with all other demands of Hanoi. One can readily understand the confusion of the leaders of North Vietnam. They have yet to hear one single voice speaking for this country. I think it rather presumptuous of many of our elected officials and numerous laymen to represent themselves to the enemy as the voice of our agonized Nation.

They have every right to work for an equitable solution to our problems in Southeast Asia. But, in addition, they have a moral obligation not to use the POW issue as a means of enhancing their menial political aspirations.
I ask why they insist on undermining the President and encouraging the hawks of Hanoi to continue this atrocious war? Individuals such as Congressman Robert L. Leggett, Lester L. Wolff, Seymour Halpern, Senator Vance Hartke, Cora Weiss of the Women Strike for Peace, and Clark Clifford have unwittingly been drawn into an unholy alliance with Hanoi either through ignorance or ambition.

Many of us have asked how long our men would be held captive. The Communist spokesman, Xuan Thuy, answered that question for us—indefinitely. Because of their insistence to use our men as hostages, the principal issue in terms of POWs must be an international recognition of the illegal and inhuman behavior of the enemy. The world must insist that these men be treated as provided for by the Geneva Convention.

The Defense Department currently lists more than 1,600 American personnel as missing or captured in Southeast Asia. It is impossible for us to know at this time what the fate of these men is. There has been no impartial inspection of the Communist prisoner-of-war camps in Southeast Asia, no free flow of mail, and no release of the sick and wounded. Again and again there have been many attempts to inform the public of the problems of our brave fighting men sentenced to oblivion in Vietcong jungle camps.

**EFFORTS HAVE FORCED CHANGE IN POW POLICIES**

Our efforts to date have forced the enemy to somewhat alter its prisoner-of-war policy. As to those prisoners being held in North Vietnam in January of 1970, Hanoi announced that our men could receive a package every 2 months. Sixty percent of all mail received has been received in the last year, including mail from 224 men who had never been allowed to write previously. Mail has been received from 31 last year who had previously been listed as missing in action.

These gains have given great comfort to the families of American POWs languishing in the prisons of Southeast Asia. They were a result of a worldwide humanitarian campaign which the North Vietnamese Communists were forced to respond to. As I previously mentioned, in recent months either wittingly or unwittingly, the focus of attention of the American people has strayed away from the POW problem and its humanitarian ramifications and has been directed toward a public announcement of a definite withdrawal date and its political ramifications.

**POLITICAL CONCERNS HAVE WEAKENED HUMANITARIAN PRESSURES**

We cannot expect Hanoi to react in a humanitarian manner to American POWs’s when all that is expected of them is to sit and watch while we argue politics at home. The humanitarian progress which we observed until December of this past year has ceased. The blame for this situation lies not only with the Communists but with each and every citizen of the United States. We cannot allow the pressure to dwindle.

The lack of sustained pressure and the political aspirations of American politicians have had a direct influence on the number of letters received by families of American POWs in recent months. For example, I wish to refer to the following statistics made available by
the National League of Families of American POW/MIA in Southeast Asia:

Prior to January 1961, only 620 letters had been received from 102 of our American men held in North Vietnam. During the next year after worldwide attention was focused on the POW/MIA situation, 2,000 six-line letters were received from 332 men. Thus far in 1971, only 400 have been received.

It is also interesting to note that no additional prisoners have been identified since the stepped-up efforts to focus world attention on a withdrawal date rather than the plight of our POW's.

AMERICANS MUST SPEAK WITH "ONE VOICE" ON POW'S

Look around this room. Each of us must consider himself belonging to the families of these men. We must be able to picture them as our husbands, brothers, and fathers. Only when we speak out to the world with one voice, the voice of an agitated nation suffering with these men, can we expect the world to empathize and to create sufficient pressure so as to force Hanoi to act in the spirit of human decency and humanity.

We must continue to demand an official list of all prisoners of war held by the enemy in Southeast Asia. Hanoi obviously and blatantly has directed all Communist aggression in Southeast Asia and has the ability to control the treatment of prisoners of war as they so desire. World opinion must not be focused solely on our men in South Vietnam, but on our men being held captive in Southeast Asia and currently condemned to a life of anonymity and isolation.

Increased public attention must be given to our men held captive in Laos, Cambodian, and South Vietnam. Hanoi is obviously in control of the Vietcong and the Pathet Lao and must understand that we will not settle for a partial reaction to the universally important issue of the inhumane treatment of prisoners of war.

The VFW has publicly stated an abhorrence of this barbaric and inhumane treatment of American POW's and their families. The fact that South Vietnam has humanely treated the NVA and the Vietcong prisoners, and has even made attempts to exchange POW's, has had no influence on Hanoi.

CONDITIONS IN SOUTH VIETNAM PRISON CAMPS

According to the specifications of the Geneva Convention, all persons captured are prisoners of the enemy power and not of the military of that country. Therefore, the responsibility for the treatment of prisoners is in the hands of the detaining government. Moreover, this government is authorized to transfer prisoners to the safekeeping of another party adhering to the Geneva Convention. In such cases, the main responsibility is transferred to the government accepting the prisoners; while the party making the transfer remains under the obligation to remedy any shortcomings or requests for the return of the men.

It is this provision which permits the United States to turn its prisoners of war over to the South Vietnamese. Within South Vietnam, six prison camps regularly inspected by the International Committee of the Red Cross, which receives lists of the POW's, are maintained for Vietnamese and Vietcong prisoners of war.
In addition, collection points for prisoners are inspected. These camps have been visited by the press, and the prisoner's right to send and receive mail and packages as well as to be visited by his family is respected.

Over the past 4 or 5 years more than 1,000 Vietcong prisoners have been released in South Vietnam; and about 250 desiring release were turned over to the Vietnamese. Although some instances of abuse have undoubtedly occurred in these camps maintained by the South Vietnamese, these incidents have been reduced to a minimum through programs of education, elaborate procedures for the processing of POW's from the beginning of their captivity, and constant effort to insure that the articles of the convention are upheld and their violators punished.

To add to the complexity of the POW question, the Government of North Vietnam, for its part, has until recently refused to admit that it had soldiers in South Vietnam, thus making an exchange of prisoners impossible. Within the prison camps many of the POW's do not want to return to North Vietnam. For these reasons, the offer by the American Government to return prisoners of war to the North Vietnamese in return for our own POW's apparently makes little impression on the North Vietnamese Government.

POW'S: PAWNS OF HANOI?

What can be done in reaction to this cruel attempt to use men as pawns of a political struggle? Many have suggested an immediate withdrawal date as per the insistence of the Communists. As has been mentioned, those asking this question have unwittingly become pawns of Hanoi. If Hanoi could obtain the date for a unilateral U.S. withdrawal, there would be no incentive to negotiate seriously.

Hanoi, realizing there is no hope of a military victory, fully expects to beat us at home. We must not help them. Hanoi has at no time offered a release of our prisoners if we set a withdrawal date. They have said that they will "discuss" the prisoner-of-war issue if we set a total, unilateral, and unconditional withdrawal date, withdraw our troops, the troops of our allies, dismantle our bases and facilities, pay reparations, remove the leaders of the legally elected South Vietnamese Government, impose a coalition government favorable only to them, and generally end our programs of Vietnamization and pacification. This would be absolutely absurd. Do we not remember that it took 3 to 4 months of these very serious discussions just to decide what shape the table at the Paris peace talks would be? Do we not remember Hanoi's promises to seriously discuss matters after the U.S. bombing halt of North Vietnam?

DO NOT THROW AWAY BARGAINING POSITION

We must not throw away our bargaining position and leave Hanoi's promises to seriously discuss matters after the U.S. bombing halt of North Vietnam.

We must not throw away our bargaining position and leave the fate of American prisoners of war to the generosity, or severe lack of it, of the North Vietnamese. Hanoi must realize that we will not desert our men!
This position is consistent with the President's withdrawal policy. Averell Harriman has stated that we must understand that North Vietnam will pay any price for our complete withdrawal from Indochina, and so the point is not the numbers of men that we leave as a residual force, but that we will retain a presence in Indochina until there is a satisfactory solution to the prisoner-of-war problem.

SUGGESTS PLAN FOR VIETNAM SOLUTION

Mr. Chairman, I have suggested in the past, and would like to suggest once again, that a much more logical approach to this problem of universal interest would be to have Hanoi set a date for our withdrawal contingent upon the release of our men that they are holding captive. In addition, the only conditions would be international supervision of a cease-fire, an agreed timetable for complete withdrawal of all foreign forces, and an eventual political settlement that truly meets the aspirations of all South Vietnamese.

In summation, I would like to quote Mr. Eric Hoffer, a longshoreman from San Francisco who is also a research professor at the University of California at Berkeley, "Without a sense of proportion; there can be neither good taste nor genuine intelligence nor, perhaps, moral integrity."

Mr. Chairman, I call upon the world, and in particular Hanoi and those Members of Congress who stress the political rather than the humanitarian aspects of this war, to think of the plight of American POW's and MIA's and their families first. Only when these men are thought of as human beings and not political issues can we have genuine intelligence and, perhaps, moral integrity.

QUESTIONS COMMENTS ON HOUSE MEMBERS

Mr. ZABLOCKI. Thank you, Commander Rainwater, for an interesting statement.

However, I am constrained to query you about the fact that you refer to several of my colleagues and other public figures in your statement on page 4. In this list are two members of the House Foreign Affairs Committee, whom you see aligned with Hanoi on the POW question through, and I quote: "***, either ignorance or ambition."

Would you elaborate on that statement? I may agree with you on some of the names you have listed. I think the list is not complete, however, and there is always the danger of mentioning some and not all. I think it would be very helpful if you would elaborate on that particular statement. Some of the Members you have mentioned, I know are sincere in their efforts.

Mr. RAINWATER. Mr. Chairman, it is the position of the Veterans of Foreign Wars, and myself personally, that if this country would have spoken with one voice united, either on ending the war, not having the war, declaring the war, that the results would have been much different than they are today.

We have always said if we were involved in Vietnam at all, there should have been a declaration of war. We have a position that, if in the future, if this country is to enter war again, we insist that Congress declare the war so that our men may have the full support not only
of the people of this country, but the full support of Congress. They deserve nothing less.

We take issue with Congressmen and Senators who have appointed themselves as foreign ambassadors to go to Paris or anywhere else and negotiate for this country individually. We think that the safety and the best interests of this country rest when each body of the Government is doing its function and the function of individual Congressmen is not to negotiate, in our judgment, with the negotiators in Paris.

We have a regularly assigned negotiating team led by Ambassador Bruce. I think that their trips there as single Congressmen or Senators who make statements quite often before they come back and confer with their own Government about what we ought to be doing must confuse the North Vietnamese as to who speaks for this country, if anyone does. I think it has retarded the negotiations.

POW RELEASE FOR WITHDRAWAL: DATE MISLEADS

Right in the midst of what I thought was a breakthrough, a possibility, we had Senators and Congressmen flying back and forth and saying to this country—Clark Clifford, "All we need to do is set a date. We will get our prisoners of war.

This was not fair to the wives and the mothers. That is not true. So when I said that they deliberately or unwittingly misled the American people, either unwittingly or with political intent, I mean just that. I don't back off from that statement.

A great many of these people have come back and been indicated as having future ambitions, which is all right with me, as long as we get the war over. We want that war ended. You have heard me make perhaps the most liberal statement and that is to allow the enemy to set our withdrawal date. So that is where I take issue with the Congressmen.

They continue to insist that all we have to do is set a unilateral withdrawal date. I think that misleads the wives and the American people, because the very next week Xuan Thuy, their chief negotiator, comes out and says, "After you get out of South Vietnam, Cambodia, Laos, Thailand, and pull the fleet out of the ocean, then we will discuss the prisoners of war issue.

So I think we have to keep our mind on what they are really offering us and I think they all ought to be singing out of the same songbook as a country and that objective ought to be first, to get our prisoners of war and get our men home.

ROLE OF CONGRESSMEN IN MEETING HANOI OFFICIALS

Mr. Zablocki. You don't really fault the Members of Congress who sincerely go to Paris to meet with the representatives of North Vietnam, if they don't mention a date certain for immediate withdrawal.

Mr. Rainwater. No; I think if they go, they are going as individual Congressmen, not ambassadors. I think their obligation is to come back and confer with this Government, here, and offer whatever suggestions they can. To immediately go there and meet with a second- or third-ranking member of that negotiating team and then call a press conference and say all we have to do is set a unilateral with-
Mr. Zablocki. I must confess to you and others that I was tempted to go to Paris, but I didn't think the other side would see me, so I didn't want to waste the time.

Mr. Rainwater. They wouldn't see me either.

Mr. Zablocki.
Mr. Rainwater. How can you say that the Geneva Convention rules will apply? They have not applied in 7 years in North Vietnam.

**IMPORTANCE OF WORLD PUBLIC OPINION**

Mr. Zablocki. I think public opinion does make an impression. I do think public opinion in the past has caused the North Vietnamese to change their position.

Mr. Rainwater. Well, sir, we don't agree on that at all because we feel that public opinion will not force the release of the men. The men are now, in our judgment, going to be used only to exact political concessions from this country. We don't believe the men can last that long, sir. If you track this, what I said in the beginning, when I was in India I negotiated with the North Vietnamese an hour and 10 minutes on trying to get them just to allow the men to write home to their wives and the Red Cross to go in. That is all I talked to them about. They wanted to talk about who was responsible for the war, who was the aggressor in South Vietnam, how we got in the war, et cetera.

I told them that is not my position. I am not a Government official. I am not a Congressman. I am not involved with the Government. I am here on a humane mission.

They told me unequivocally that we would have to pull out everything and get out of Indochina before they would discuss the prisoners of war issue. They said they hold no prisoners of war. They told me they held only men caught in the act of aggression against North Vietnamese people and, therefore, they did not come under the purview of the Geneva Convention.

So, I don't think we can unilaterally just state that if we come home, we can expect them to give our men any better treatment than they have given them.

**EFFECTS OF WORLD OPINION ON POW TREATMENT**

Mr. Zablocki. We are operating under the 5-minute rule, but if I may just pursue this about what public opinion can or cannot do. On page 5 you do accurately report about how inhumane treatment of U.S. POW's was rectified in part; and how the amount of correspondence from our prisoners of war has been increased.

Now, who would you credit for that change on the part of North Vietnam? Who do you give the credit to?

Mr. Rainwater. I gave it to the Congressmen and Senators who started clamoring for a unilateral withdrawal date of our troops in South Vietnam.

Mr. Zablocki. Would you also give credit to the number of letters that were generated by articles which appeared in the Reader's Digest asking that there be a protest issued and delivered to Paris or to the North Vietnamese Government against the inhumane treatment and asking for the early release of prisoners of war?

Mr. Rainwater. Sir, I think we are not tracking. Your question, I thought, meant what did I attribute the falling off of the interest of North Vietnam and the prisoners.

Mr. Zablocki. No. I am asking to what would you attribute the change of policy on the part of North Vietnam after not permitting an
Mr. Rainwater: How can you say that the Geneva Convention rules will apply? They have not applied in 7 years in North Vietnam.

**IMPORTANCE OF WORLD PUBLIC OPINION**

Mr. Zablocki. I think public opinion does make an impression. I do think public opinion in the past has caused the North Vietnamese to change their position.

Mr. Rainwater. Well, sir, we don’t agree on that at all because we feel that public opinion will not force the release of the men. The men are now, in our judgment, going to be used only to exact political concessions from this country. We don’t believe the men can last that long, sir. If you track this, what I said in the beginning, when I was in India I negotiated with the North Vietnamese an hour and 10 minutes on trying to get them just to allow the men to write home to their wives and the Red Cross to go in. That is all I talked to them about. They wanted to talk about who was responsible for the war, who was the aggressor in South Vietnam, how we got in the war, et cetera.

I told them that is not my position. I am not a Government official. I am not a Congressman. I am not involved with the Government. I am here on a humane mission.

They told me unequivocally that we would have to pull out everything and get out of Indochina before they would discuss the prisoner of war issue. They said they hold no prisoners of war. They told me they hold only men caught in the act of aggression against North Vietnamese people and, therefore, they did not come under the purview of the Geneva Convention.

So, I don’t think we can unilaterally just state that if we come home, we can expect them to give our men any better treatment than they have given them.

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Mr. RAINWATER. I think in the beginning of our letter-writing campaign, and our organization spearheaded that pretty strongly.

Mr. RAINWATER. I took 4 million signatures to Paris with me. I think in the beginning we were making some headway, with this world opinion being directed against North Vietnam; I went to Russia and Czechoslovakia and I took all this to the ministers. I think we are making some headway, and I think the North Vietnamese were considering some exchange of prisoners for a public image gesture on their part.

Mr. RAINWATER. But they have not released one now in 23 months because one came back and blew the whistle and said, "We were not getting all that kind of fair treatment." But I think they suddenly realized that they could use these prisoners of war for another reason if we unilaterally got out of Vietnam and set a date. They were looking for your votes here in Congress and your Senate votes. They are pretty up to date on what you are doing.

Mr. ZABLOCKI. You mean "you" in the plural of all Members of Congress?

Mr. RAINWATER. Yes, sir. I think they now feel we are going to come out unilaterally and I think they will use the prisoners of war to exact further concessions from us.

Mr. ZABLOCKI. My time has expired.

Mr. Findley.

QUESTIONS COMMENTS ON HOUSE MEMBERS

Mr. FINDLEY. Commander Rainwater, I approach this opportunity with a few credentials I would like to mention. First of all, I am a VFW member. I am proud of the work that the VFW has done through the years in advancing the interests of veterans. I have been to Paris, attempting to visit the North Vietnamese and Vietcong delegations without success. On that mission I very carefully detailed with the executive branch what I did there and met with their complete approval and encouragement, and I restrained myself from any press conference after I made the attempt.

You realize, of course, that in using the words you have at the top of page 4, you are bound to draw a bit of response from Congressman Wolff, if not from others, because you have used rather strong language.

Just to review the comments you have made up to now, am I correct that you feel these men were drawn into this unholy alliance with Hanoi because they went to Paris, talked with enemy diplomats, and then before leaving France held a press conference? Does that summarize your objection?

Mr. RAINWATER. I think that is what I object to more than anything else.
Mr. Findley. Now if they had not held the press conference, if they had had the discussions and come back here and restrained themselves from any public comment until they came back, would you have considered they had been drawn into this unholy alliance with Hanoi?

Mr. Rainwater. I think if they had any real new information that the enemy offered to them either in private or public session, and generally these men met outside of the regular machinery of the Paris negotiations, it would seem to me that they would have an obligation to relay that to our negotiating team to let one voice speak for America.

Mr. Findley. If they relayed that information to the negotiating team, come back to this country and discussed this experience with the executive branch officials involved in this area and then taken their privilege as a Member of Congress to have talked about their experience in discussions here on Capitol Hill, would you have felt that they would have acted properly?

Mr. Rainwater. I would have no argument with them then.

Mr. Findley. How about the specific information?

Mr. Rainwater. I have a couple of other questions.

Mr. Wolff. Would the gentleman yield?

Mr. Findley. I have a couple of other questions.

Mr. Wolff. Just on that point. I think there should be a correction in the record because it is quite obvious that Mr. Rainwater was not possessed of all the facts when he issued the list that he did.

Mr. Findley. Do you want to correct it at this point?

Mr. Wolff. If the commander wants to correct the record, it is all right with me. However, I think that he should be aware of the fact that I met with Ambassador Bruce prior to the meeting and was encouraged by him to go to meet with the North Vietnamese. I was thoroughly briefed by Ambassador Bruce, who made recommendations carried out during my session with the North Vietnamese. Subsequently, right after the meeting with the North Vietnamese, I met with our authorities and was fully debriefed on the meetings. I then held meetings back in the States with a staff member of the National Security Council, the State Department representatives, and the Special Assistant for Prisoners of War matters. I also provided the information gathered from the North Vietnamese to the American people, who I believe are entitled to know.

Question: POW RELEASE: POLITICAL OR HUMANITARIAN?

Mr. Findley. Commander Rainwater, during meetings that this subcommittee held a month or so ago, Col. Frank Borman, who at that time had ceased to occupy his role as the President's emissary worldwide on the POW question, nevertheless, consented to testify before this subcommittee.

One of the points that he made and returned to several times during his testimony before the subcommittee was that we should not mix the POW question with the question of military policy in Vietnam. We should not let them get tangled up even in connection with the proposal that a residual force remain in Vietnam until the POW question was settled.

He argued that the POW question should be kept as a humanitarian issue at every stage, that entirely separate from the POW
issue we should as a nation proceed with whatever military policy, withdrawal or otherwise, our Government feels is prudent. But we should not let the two get mixed up.

I would assume from your statement that even though parts of it would seem to argue in favor of that position, you nevertheless feel we should not leave Vietnam completely until our POW's are returned.

P.O.W.'S NO. 4 ISSUE IN SETTLEMENT

Mr. Rainwater. My position has always been, and that of the organization, that the first issue of any settlement in Vietnam must be the prisoners of war, not No. 10 in a group of 10 things.

Mr. Findley. That explains why you question the wisdom of withdrawing any more troops at this stage?

Mr. Rainwater. Yes, stopping at this point and making arrangements to cover the prisoners of war.

Mr. Findley. They are one of the unfortunate factors the President has to wrestle with. At one point we had 550,000 men in Vietnam. The prisoners were not released even though our forces were hard at it with military action, even though we were bombing the North and elsewhere.

Now we have less than half that number. We have had perhaps eight prisoners released with no prospect for additional ones. If your thesis is sound, we ought to be putting more troops in instead of less.

Mr. Rainwater. You may be right.

VFW POSITION ON VIETNAM

Mr. Findley. Does the VFW have a recommendation of that sort?

Mr. Rainwater. We presently have a recommendation on the books as a mandate of the organization supporting our efforts in Vietnam and we are coming up to an August 20 convention where I assume new mandates will be adopted concerning this new issue. You may be right because the difference between, I think, what many people are talking about in this country and what we are talking about. Veterans of Foreign Wars is willing to risk whatever is necessary to return one prisoner held by the enemy, to go after him, if necessary, and if any nation does not understand that, then we certainly have no business in war in this country because if I were in there as one of those from 500 to 1,600 I would have to believe after 7 years in prison camp that we are not sitting around here arguing about what we are going to do about any fate, whether they are going to write me off because we are unilaterally coming home.

I would have to be wondering if you were not really loading up to come after me. That is our position as veterans.

We are not willing to gamble the life of one man on the word of Hanoi. Their word has never been kept in the 7 years of experience we have had with them, including the humanitarian treatment of the prisoners; just feeding them and giving them medication. I think that is where the difference lies, the word of Hanoi on the point that they will discuss the release of our prisoners.
Mr. Findley. Not too long ago Walter Lippmann had a column in Newsweek magazine in which he put the question: How can our Nation expect to prevail in Vietnam while we are retiring from the field of battle?

Without any intention of causing you embarrassment, but simply to clarify the extent to which the VFW does feel about this issue, would the VFW recommend at this stage a declaration of war against Hanoi for the objective of securing the safe release of our prisoners?

Mr. Rainwater. No, sir, we did not say that. What we would like to have you, collectively, do, the House of Representatives and the U.S. Senate, is to pass a concurrent resolution and send it to North Vietnam so they know this country is serious, saying we will halt troop withdrawals until you do something about our prisoners of war, starting with an inventory of them, to begin with, by an international control commission; two, the allowing of the sick and wounded to be evacuated and, three, a cease-fire in place.

I think if you do that and they know that the Congress of the United States is not sitting here haggling over whether we are going to pull out December 31 or next June, they may very well take a second look at their hole card, the prisoners of war.

VIEW OF NORTH VIETNAMESE MILITARY

Mr. Findley. Do you feel they are so much worse off militarily today that they would accede to something like that whereas when we had 550,000 men there, under arms, they had similar entreaties and did not respond?

Mr. Rainwater. It is their total objective there, I believe. I will have to frame this a little longer than I wanted to. Their total objective is the complete domination of Indochina. It is long past any state of reunification of North and South Vietnam.

The hawks in Hanoi are in control of the military and the country at this point. There are in South Vietnam a group called doves, Vietcong. They are controlled by Red China, who is telling them, “Make concessions with South Vietnam and get into a coalition government.” North Vietnam is saying, “No, we can win militarily. Hang on, we can run them out of the country and we can trade the prisoners of war for no more supply of Cambodia or Laos.”

So the objectives of North Vietnam have to be taken into consideration. I think they know they can never dominate Indochina with American presence of any size in Vietnam or Thailand. Therefore, I think they would be willing, sir, to trade. That is what I am saying.

I think they would be willing to trade the prisoners of war for a definite pullout. I don’t mean after we pull out or sometime in the distant future. America must insist we get them within 40 or 50 days or whatever and then go on our timetable out. We are really saying, “Let’s come out,” but we are saying it in a different way. We are asking that we use this power we have left to recover the prisoners of war.

Mr. Findley. Is that the only concession the VFW would require for the total withdrawal of U.S. Forces?
Mr. Rainwater. That is all we ask for, as an official position of our council of administration of 2 months ago, let Hanoi set the date, cease-fire in place and when they give us 30 prisoners of war, we will bring out 30,000 troops. Then we all come home together. Nobody has to trust anybody.

Mr. Findley. Thank you.

Mr. Zablocki. Mr. Wolff.

Mr. Wolff. Thank you.

**SEEKS CLARIFICATION OF TESTIMONY**

I guess I am "unwittingly" confused at this point. After hearing your testimony, I am quite confused as to the major thrust. On page 2 of your testimony you say the principal issue at this moment is not the immediate release of our POW's and then you say it is. Which is it?

Mr. Rainwater. The principal issue before the public and that is the issue being discussed in this country and in Congress; it is not the principal issue being discussed. We have insisted that the principal issue be the prisoners of war. It is not any more.

Withdrawal is now your principal issue.

Mr. Wolff. As I understand it, you also said that you would agree to withdrawal if the prisoners were given back.

Mr. Rainwater. Yes, sir.

**MEETING THE NORTH VIETNAMESE IN INDIA**

Mr. Wolff. There are a couple of other points during your testimony, we could read it back if you like, but you said you negotiated with the North Vietnamese in India.

Mr. Rainwater. I met with the North Vietnamese delegation in the Embassy in New Delhi, India, concerning humane treatment and free flow of mail and inventory. I had the 4 million signatures and was not able to deliver them in Paris.

Mr. Wolff. Didn't you think the President was doing enough to obtain the release of prisoners?

Mr. Rainwater. I don't think the country at that time had really gotten into this. Up until the time the VFW got involved when we sent the first four wives to Paris in June of 1969, up until that time the wives were not talking about the prisoner issue openly in public either.

The Defense Department had talked to them apparently about not talking. They thought it might hamper the negotiations or in some way cause mistreatment of men. It wasn't until that time that the whole country became involved in the issue of having men in no man's land.

Mr. Wolff. That is contrary to your comment about speaking with one voice.

Mr. Rainwater. No; one voice is negotiating to run the war and the prisoners of war. I told you in my testimony that I did not discuss who is running the war or who is responsible.

Mr. Wolff. On the one position?

Mr. Rainwater. I only asked them to live up to an agreement they signed in 1957.

Mr. Wolff. You don't think the Communists are going to live up to any agreements, do you?
Mr. Rainwater, Sir, that is the thrust of the whole testimony. That is what I said.

Mr. Wolf. I am trying to ask you. You did not agree with the President at the time that he was doing enough and therefore you took it upon yourself and the organization to negotiate with the North Vietnamese.

STATEMENT OF COOPER T. HOLT, EXECUTIVE DIRECTOR,
WASHINGTON OFFICE, VETERANS OF FOREIGN WARS

Mr. Holt. Congressman, it was to the point.

Mr. Wolf. I did not speak to you, I am sorry.

Mr. Holt. I am speaking for the commander.

Mr. Zablocki. The commander may call upon you to speak for him.

Mr. Rainwater. Would you rephrase your question and I will allow Mr. Holt to answer you.

VIEW OF ADMINISTRATION POW POLICY

Mr. Wolf. At the time, you did not believe that sufficient emphasis was being placed upon the POW's and you or the organization met with the North Vietnamese.

Mr. Rainwater. At the time, if I might answer this myself, we felt that there was a need to awaken the world, not just the U.S. people to the plight of the prisoners, but the whole world, and as a nongovernmental person, interested in a group of men who have fought in foreign wars and have had to deal with soldiers on a face-to-face basis with other nations, who have been in their prison camps and understand this, I went to plead with them to reevaluate what they were doing on a humane basis.

Mr. Wolf. I think we should correct the record. The point was made before that you negotiated with the North Vietnamese.

Mr. Zablocki. Mr. Holt.

Mr. Holt. The record will show that he used the wrong terminology and said, "negotiated." Don't you think that the President was doing enough at the time Mr. Rainwater went over? That is your question.

At that time this was not even an issue. We were trying to arouse the people of the United States and throughout the world. This was even before the National League of Families of POW/MIA's were organized, themselves and it was not even an issue of whether or not we thought the President of the United States or the Congress was doing enough.

We thought at that time, frankly, that if we could get the world opinion aroused, that Hanoi would be humane enough to listen and come forward with something. But we failed and now we read where they throw their letters in the incinerator and are not even looking at them.

Mr. Zablocki. I want to agree with your reference to world opinion.

TROOP PRESENCE AS LEVER ON POW RELEASE

Mr. Wolf. I would like to get to one or two other points if I may, Mr. Chairman.
There is a point here on stopping the withdrawal of our troops, that we should negotiate from the position of strength. The position that was taken by my colleague relative to the fact that perhaps we were in a stronger position; I would like to follow on. Do you feel that if we had more people in Vietnam today, we would be in a stronger position to get our prisoners back?

Mr. Rainwater. We would be in a stronger position to go after them if we decided to go after them. I am not sure; given the mood of the Congress, given the mood of the Senate, that we are ever going into North Vietnam and recover the prisoners of war. That is one of the reasons why we are so concerned about making some kind of an arrangement before we get out of there.

I don’t know. It would seem to me it would be next to impossible, once we unilaterally withdraw, and we still have prisoners in North Vietnam, to get Congress to land an army in North Vietnam to recover them. I don’t think we can expect that, but as long as we have 250,000 men in Vietnam and Thailand, they certainly are going to be a deterrent to the North Vietnamese who are embarked upon this program of domination of all of Indochina.

I think they would be willing at that point to concede the prisoner issue if we were hard and firm as a unit in that spot.

Mr. Wolff. Therefore, you do disagree with the President’s policy?

Mr. Rainwater. No; I don’t disagree with the President’s policy. The only difference between my policy and what you have been saying is that you are putting one date on it, December 31 or January 1.

POSITION ON WITHDRAWAL POLICY

Mr. Wolff. The President’s policy is to continue withdrawal. Do you disagree with that?

Mr. Rainwater. I don’t disagree with his withdrawal at all. What I do disagree with is continuing his withdrawal program stage by stage until we are down to zero troops and have not made arrangements for the prisoners of war. That is what I disagree with.

Mr. Wolff. Then you do disagree. What is hard for me to understand is that you say we should keep troops there when the President says phased withdrawal. That is disagreeing with him?

Mr. Rainwater. No; you have to make up your mind. You can’t have it both ways.

Mr. Wolff. But that is disagreeing with the President’s position. You are not speaking with one voice as you have recommended everyone else do.

Mr. Rainwater. You either recover the prisoners of war or leave them there.

DANGERS TO POW LIVES

Mr. Wolff. If you were in the position as a military commander and you felt threatened by opposition, what would you do with your prisoners?

Mr. Rainwater. I would not kill them; if that is what you meant, but I am not a North Vietnamese either.

Mr. Wolff. That is just the point. Unfortunately for our personnel, and fortunately for us, we are not North Vietnamese. I think your personnel
of the points involved here is the fact that you are jeopardizing the lives of these men by some of the recommendations that you are making. I don't think that we should make these unfortunate men pawns and I don't think there should be politics played with them.

I think that their plight is much more serious than we are given information about. I requested from the North Vietnamese the opportunity of visiting the POW camp. I was turned down from doing that. However, I think it would be much more in keeping with the safety and well-being of those men for the VFW and other organizations to ask for the protecting powers of the Geneva group to take a hand.

Mr. Rainwater. We have. We have asked the protecting powers to name North Vietnam as an outlaw government.

Mr. Wolff. You either have a Geneva convention or you don't have one. There are people who have relations with both North Vietnam and the United States—France, India, and quite a few other nations have relations with the North Vietnamese. Why shouldn't we prevail upon these nations to act as a protecting power in this case? No one has done that. Nobody has asked either France or India, who we have relations with and who our adversary has relations with, to act as a protecting power. Not to remove the men from North Vietnam, but to intervene to see that these unfortunate men are being treated humanely.

I was wondering whether or not the VFW would support the idea of calling upon the protecting powers to intervene.

Mr. Rainwater. Mr. Holt can answer that for you.

AN ECONOMIC BLOCKADE OF NORTH VIETNAM

Mr. Holt. We did call for an economic blockade 2 or 3 years ago. We asked President Johnson for that in Haiphong Harbor. Go to France and say we know you are shipping in there, and to these other countries, even Russia, and say, "We know you are shipping in there. You will either stop that shipping or we are going to stop all aid to your country."

Mr. Wolff. But it is not a question of aid. It is the question of a protecting power to act for the nations that are at war and to protect the rights of prisoners of war.

Mr. Holt. I couldn't agree with you more, but, sir, we are doing a lot of business in this country and a lot of our business is ending up in Hanoi. You know it and all of us know it. I think if you talk about the political power of the United States, putting that behind the countries doing shipping over there, I think you would get North Vietnam to her knees pretty fast if these countries would do this for us.

We would join in the effort if you can get it started.

APPOINTING A "PROTECTING POWER"

Mr. Wolff. I'm afraid you do not clearly understand the thrust of my effort. The only point I make is the fact that the definition of a protecting power as defined by the Geneva Convention is that they would act to protect our rights and the rights of our men. I am talking about acting for us in seeing to the well-being and protection of our prisoners.
Mr. RAINWATER. I talked to the International Red Cross in Paris from Geneva, Switzerland. They are not allowed to go into North Vietnam.

Mr. WOLFF. We are aware of this. I, too, requested permission for the IRC to visit the camps when I talked to the North Vietnamese. I was turned down.

Mr. RAINWATER. They have never been there.

Mr. WOLFF. I am saying we would call upon the two or three nations that have relations with both nations to see to it that there is some inspection made. The North Vietnamese will not permit the International Red Cross in.

Mr. ZABLOCKI. If I may advise the gentleman from New York, I think prior testimony will reveal that attempts have been made in this regard, but no favorable response was forthcoming from North Vietnam. The details have been supplied the subcommittee on a classified basis.

Mr. WOLFF. I thank you, Mr. Chairman.

Mr. BINGHAM. No questions.

DISCUSSIONS OF POW PROBLEM IN VIETNAM

Mr. ZABLOCKI. Commander, you are an excellent witness and, of course, we want to obtain every piece of information you can share with us. As I stated in my introduction, you recently visited Vietnam. During that visit you did have an opportunity to discuss the prisoner of war problem with U.S. military and civilian officials there, I presume. Could you share their views of this discussion?

Mr. RAINWATER. Like yourself, Congressmen and also Senators, one makes a judgment after as much input of information from wherever you can gather it. Part of the information gathered in Vietnam led me to come back and make the statement I made about letting Hanoi set this date, after having been in Vietnam.

One gathers information in my position from strange sources when you are overseas, as you know. There is a feeling in Vietnam among our troops, among our people, that we have about done all we can do for the South Vietnamese and, indeed, it is time to wind up business. But the many, many people, soldiers, both officers and enlisted men, said they would be willing to volunteer to remain to go North to get the prisoners. It is on their minds, too. A lot of them are wing buddies. A lot of people are down up there who are friends of theirs. They encouraged me to come back to tell people, whoever would listen, that the first issue would be to recover prisoners of war.

Mr. ZABLOCKI. Commander, this is the very purpose of these hearings.

Mr. RAINWATER. I want to relate to you how much they are depending on you. I think Congress has more to do with it than anybody else. I think whatever suggestions you have will have a great bearing on it. The VFW has always had that as a No. 1 position. We have never changed that.

OFFICIAL'S VIEW OF VFW VIETNAM PLAN

Mr. ZABLOCKI. Are we to assume or deduce that the proposal of the VFW that Hanoi make the next turn and announce it——
Mr. Rainwater. Put it on their backs.
Mr. Zablocki. Is the position that you propose the official position of some of our people in Vietnam, military and civilian?

Mr. Rainwater. Put it on their backs now.
Mr. Zablocki. Is that what they told you in Vietnam?
Mr. Rainwater. Put it on their backs.
Mr. Zablocki. Your statement is based on information you received in Vietnam. What I am trying to put on the record, commander, is: Did U.S. officials make that sort of a statement or propose that position to you?

Mr. Rainwater. No, don't take me up that road, sir. I am not going down that road. I gathered my information and based my judgment upon many sources that I conferred with.
Mr. Zablocki. Did some of the official sources in Vietnam hold that position?

Mr. Rainwater. I decline to state, sir. I really don't want to.
Mr. Zablocki. Did any of the military or civilian officials state that view.
Mr. Rainwater. Many military officials agree with my position on letting North Vietnam make the next move on POW's.
Mr. Zablocki. Of course, we didn't want you to identify them by name.

Mr. Rainwater. I appreciate that. Thank you.

Rainwater Visited South Vietnam POW Camps

Mr. Zablocki. I ask this question because it was an issue raised earlier by some witnesses associated with the Committee of Liaison, criticizing the inhumane treatment given the North Vietnamese and Vietcong in South Vietnamese prisons. On page 6 you state the fact that South Vietnam has humanely treated the Vietcong prisoners and has even made attempts to exchange POW's, but this has had no influence on Hanoi. That prompts a question: Did you have the opportunity to visit a South Vietnamese prison camp and would you share that experience with us?

Mr. Rainwater. Yes, sir: I visited three camps with an aggregate of 36,000 prisoners of war of North Vietnamese and Vietcong and in the majority they were Vietcong. They do not hold them together.

Oh Phu Hoa Island, for example, there were some 26,000 Vietcong prisoners in a barbed wire prisoner-of-war camp, well drained and well kept up. Here the Vietcong are treated differently than the North Vietnamese prisoners. Their families are allowed to visit once a month. I have pictures with me showing the families visiting on that day, bringing chickens and eggs.

These men are also allowed to participate in vocational training. They have recreational opportunities. They grow most of their vegetables on site. Their barracks are well drained and cleaned. It is a prisoner-of-war camp which is well secure.

The men look well and healthy. I had a number of them completely stripped as I went through the barracks, to see if I could see marks on their bodies from beatings. Nobody knew what men I was going to look at. They look well. I just hope and pray to God our men were treated that well in North Vietnam.
In the North Vietnamese prison camps these men are very belligerent and very violent. They act differently than the Vietcong, who are not indigenous of South Vietnam, of course. They are in the same exact type of camp except they do not have the educational facilities, vocational training facilities and their families are not allowed to visit them. Because, first of all, nobody admits they are down there from the North.

So that is the difference between the two. They do not have as much freedom of movement in the yard. It is more like a maximum security prison in this country.

**Atmosphere in POW Camps**

Mr. Zablocki, In view of your detailed report, the fact that you had some of the VC's stripped there, did you similarly ask at random for some of the North Vietnamese to be stripped? I wanted to make the record clear as to whether you treated both camps the same.

Mr. Rainwater: You must understand something else about the North Vietnamese camp. When I went into it there were certain things I could not do that I could do in the others without endangering my life. I went into the yard where they were cutting wood in both cases, but in the case of the North Vietnamese I was kept 10 feet back so I would not get decapitated. But they treat them very, very carefully because all of these fellows, every day almost, try to escape.

But the South Vietnamese and Vietcong do not. It is a different atmosphere.

**No Knowledge of Atrocities on POW's in South**

Mr. Zablocki. I am sure you read the transcript and you are certainly aware that we have had a parade of a couple of dozen supposedly former Vietnamservicemen who attested that they witnessed and even participated in atrocities on prisoners. Where do they get their factual information?

Mr. Rainwater. If they did, I did not witness atrocities. But yes.

Mr. Zablocki. Could any U.S. servicemen in Vietnam who would want to advise you of such atrocities have the opportunity?

Mr. Rainwater. I doubt if they would advise me if they had committed an atrocity. I am not sure of that. It is total speculation. But I have not had that experience.

Mr. Zablocki. Not any of them have attempted to reach you and inform you of atrocities?

Mr. Rainwater. No, they did not.

Mr. Zablocki. Did any of the prisoners, North Vietnamese prisoners or Vietcong prisoners, through interpreters, of course, desire to advise you of irregularities?

Mr. Rainwater. The Geneva Convention rules and agreements do not permit me to interrogate prisoners as a civilian verbally. I did not break that rule.

Mr. Zablocki. Thank you. I commend you for not breaking the rule.

Mr. Rainwater. The rule states that you cannot singularly interrogate a prisoner of the enemy. You can only talk to them or look at them in groups and have your picture taken only in groups with them, not as an individual.
So I studied the Geneva Convention agreement going overseas before I got there, quite extensively, because I am interested in what the North Vietnamese are not doing.

Mr. ZABLOKCI. My question was not asked to imply that you would even think of breaking or violating the Geneva Convention.

Mr. Fulton. Were there any conditions of drug use in the camps?

Mr. RAINWATER. No sir, I don't think that my cursory inspection of it would have given me very much time to make any judgment on that at all. I moved very fast through looking at such things as what they slept on and what tools they had to work with, what their mess facilities were, the drainage and so forth. I did not get into that part.

I don't think I would have had much success in the short period of time making any judgment on that, sir.

POW'S AS POLITICAL LEVER.

Mr. Fulton. On the use of prisoners of war as a method of political leverage, is there any possible way to get around that when the North Vietnamese use it for such a long period and really so successfully?

Mr. RAINWATER. That has been one of our overall problems in trying to fight an Asian war because there I think we have a totally different set of values than they have concerning such things as human treatment or lack of it for prisoners of war. I don't know if we can ever get away from the political part now of dealing with North Vietnam on the prisoners. It has gotten all mixed up in our whole policy here and that is unfortunate because there is a whole set of different side agreements dealing with prisoners which should not be involved in whether we pull out or fight or what we do.

I think North Vietnam sees it as a leverage they can use on us and I think they will exert it as much as they can.

Mr. Fulton. Would you have a recommendation for this subcommittee of how to set off that narrow issue of prisoners of war from the war problem?

Mr. RAINWATER. Not everyone here agrees with me but we could have more effect if we as a unit of Congress and the Senate of the United States, passed a concurrent resolution dealing with it and taking it out of some of the politics if we can. I think it has unfortunately gotten into politics and I think it is unfortunate that it ever got there and besides that, it got involved in unilateral or nonunilateral withdrawal of troops and it became another bargaining tool in the arsenal of North Vietnam.

We tried to keep that from happening in the beginning. We thought it should be a No. 1 issue dealing totally with the Geneva Convention, an agreement that is signed, as Congressman Wolff said, by several signatory countries. I think it should have been handled in that way. I think North Vietnam feels that the United States really cares for these people and I think they are using that and unfortunately they continue to use it unless we use something as a counterbalance.

I think that something is our presence in Vietnam.
Conditions on U.S. Withdrawal

Mr. Wolff. Would you yield?

Mr. Fulton. Yes.

Mr. Wolff. You said on page 9:

I suggest once again that a much more logical approach to this problem of universal interest would be that Hanoi set a date for our withdrawal contingent upon the release of our men that they are holding captive.

Does that mean our unilateral withdrawal? In other words, if they said, "We will release the captives, not the prisoners of war, but all of the captives," which is more important than just limiting it to just POW's because the list they have issued of POW's is to my mind incomplete, that you would agree to the idea of unilateral withdrawal upon our part? If they agreed to release the prisoners?

Mr. Rainwater. Yes, but read the rest of the paragraph, sir.

Mr. Wolff. Then there are other conditions, is that right?

Mr. Rainwater. It says "in addition to it."

Mr. Wolff. Yes, "in addition."

Mr. Rainwater. The only conditions.

Mr. Wolff. Would be the international supervision of a cease-fire, an agreed timetable for complete withdrawal of all foreign forces. Then that is not unilateral. In other words, the statement you made before is conditioned upon certain other circumstances.

Now, it also says:

An eventual political settlement that truly meets the aspirations of all South Vietnamese.

Would Affect South Vietnam Only

Mr. Rainwater. You must remember we are speaking of an area called South Vietnam. I think that may be where you are a little confused with what I am saying.

Mr. Wolff. You don't mean Indochina?

Mr. Rainwater. South Vietnam is the only thing we can talk about at the moment; because that is what they are saying, "Let's unilaterally withdraw from South Vietnam." In addition, I said they would get out of South Vietnam.

The foreign forces would get out of South Vietnam. That is where the whole thing may hang up.

Mr. Fulton. Before you leave that, I have a question. Does that mean arms and material as well when the U.S. forces withdraw?

Then, that there would be no further U.S. supply of arms to anybody?

Mr. Rainwater. I cannot, sir, go beyond what is now happening and set the tone that Congress is going to set about foreign policy and foreign aid and so forth to foreign countries. I am talking about the troops we have in South Vietnam. That is what this whole discussion has been about: troops remaining in South Vietnam.

Mr. Fulton. But would you withdraw the U.S. material with the U.S. troops and then not continue to supply the South Vietnamese Army?

Mr. Rainwater. I can't make that judgment. It is not up to me to make it. It is the Congress and the President of the United States who will make that judgment on foreign aid. We have always supported
the assistance of countries defending themselves against communism, from attack from outside of their borders. That has been the policy of the country. Whether that policy continues or not, partially depends upon the action you take in the review of all of these 42 agreements we have after Vietnam.

I think that is what the Congress really ought to be into right now.

Mr. Wolf. We would like some of your recommendations on that part, as well.

It seems to me that the issue of the relationship that we have with other nations, and the way we conduct our foreign relations and our foreign policy, is the thing that we ought to review. I think there have been suggestions that some of our colleagues that said it ought to be done every 25 or 30 years, no matter what we are doing about, we ought to be arguing about positing this country, I think, is what will really happen if Israel suddenly is attacked, what will we do?

Who will push the button if we are involved? Will it be you, gentlemen? Will the administration commit troops as we did in Vietnam?

These are the questions that we ask you to consider and continue to ask through releases and bulletins and so forth, why don't we hold hearings on all the agreements we have? We have a lot of agreements with South American countries that could be updated and be heard again.

Mr. Fulton. From the revelations of the last several weeks on the "Pentagon Papers," it would appear that Congress doesn't know where the button is or which button to push.

Mr. Rainwater. I think you gentlemen rightly ought to make that contribution in the next few years, to get the U.S. foreign policy into the 21st century.

Mr. Rainwater. The North Vietnamese who have made the condition that not only will the foreign troops have to be withdrawn, but also the U.S. weapons, now in the possession of the South Vietnamese forces, that there will be no further supplying of the South Vietnamese forces. North Vietnam has not said one word about withdrawing their troops or stopping the supplying of their forces, nor U.S.S.R. and China, stopping the supplying of the Vietcong.

Mr. Rainwater. That is correct. It is a one-way street. We keep saying it is a one-way street that these prisoners will continue to be used for until they have exacted everything out of Indochina they want, and I think that would stop this year, provided we can stop this year.

Mr. Fulton. What is your reaction to that?

Mr. Rainwater. My reaction to that is that we stop right now withdrawing troops and you do it by a joint resolution of the Congress and Senate and say, we go no further with anything until the prisoner-of-war issue is settled, and after they do it, it would seem that we could proceed with getting out of Vietnam.

Mr. Fulton. How long would you estimate the war under the status quo?
Mr. Rainwater. I said it in the beginning and I don't believe you were here at the time. We must be willing to go to total war to recover one prisoner.

Mr. Fulton. My point was the time frame in which you are speaking.

Mr. Rainwater. You are trying to set a time frame and I am not. I am saying that all the negotiating of the cease-fire, the international control inspection; you know, what bothers me here is that when I was in Cambodia in May, I kept hearing rumor, after rumor, from the Cambodians that the North Vietnamese still held 330 some French prisoners after 17 or 18 years. What bothers me here is if you accept the North Vietnamese word that a unilateral withdrawal will recover our prisoners, they may give you 200 of them and say that is all we have.

I want an inventory of them concurrent with this cease-fire, because we are afraid they are going to hold some back for further bargaining power, even if we hold this arrangement. All of this is going to take a little time anyway and everybody is talking about 5, 7, 9 months. So I think all this will take some time and it certainly would seem to me to be the best way of recovery.

Mr. Fulton. With all these Members of the other body called the U.S. Senate running around the country running for President and having various solutions.

Mr. Zablocki. Both sides of the political aisle.

Mr. Fulton. Yes, and one or two Congressmen, likewise making political ventures, shall we say, into this field, it then, looks as if the prisoner-of-war issue is well-embedded in politics in this country, as well as in North Vietnam, doesn't it?

Mr. Rainwater. I said that in my opening statement. There was some exception taken by some members of the committee. I feel there is a lot of politics involved in this thing.

Mr. Fulton. Both in the United States and in North Vietnam?

Mr. Rainwater. Yes, I think politics is certainly getting wrapped up here and the field of prospective presidential candidates now, looks like the Kentucky Derby. I think all of them are trying to make some mileage of the prisoner-of-war issue and we don't want it.

Let's not get the POW's, the human part, mixed up in that, that is what we are saying.

**ELECTION PROCEDURES IN SOUTH VIETNAM**

Mr. Wolf. On the political angle, you know, we come down to the point of political settlement that truly meets the aspiration of South Vietnam. Are you familiar with the election law in South Vietnam today?

Mr. Rainwater. Fairly familiar. It is somewhat patterned after ours, although not as effective.

Mr. Wolf. They would speak as you ask with one voice in Vietnam because of the fact it is almost impossible for anybody else to run for public office today but one man.

Mr. Rainwater. Where?
Mr. Wolff. In South Vietnam. The new election law says that they have to have 40 members of either the lower or upper house of the National Assembly support their candidacy in order to run for office. Don't you think we ought to insist upon democratic procedures there?

Mr. Zablocki. Fifty men.

Mr. Rainwater. Does anybody know how many members they have in the lower house?

Mr. Wolff. Yes, 133.

Mr. Rainwater. The point is, what we have said here and continue to say, is we do not try to impose our political will on anyone and that is always the argument. I don't think we ought to try to pattern it. We didn't agree to pattern the South Vietnamese Army after the American pattern.

Mr. Wolff. I am talking about the straight democratic process, that it would seem logical that if we are going to "satisfy the aspirations of all the South Vietnamese," they should have the opportunity to vote.

Mr. Rainwater. They did vote last time.

Mr. Wolff. I was there last time.

Mr. Rainwater. We sent our commander in chief to observe.

Mr. Wolff. I was there prior to and during the election.

Mr. Rainwater. We had a man there monitoring during the election.

MAINTAINING A FREE EXERCISE OF THE VOTE

Mr. Wolff. I am interested in the position now. We have a lot of investment there. If we are to meet the "aspirations of all the South Vietnamese," we should see to it that the free exercise of the will of the people is maintained. If we are not there for that purpose, if we are there to perpetuate a government in existence today rather than the "aspirations of all the South Vietnamese" that is a different story.

Mr. Rainwater. Well, Congressman, that is an argument that is carried all the time. I see it all the time. But it would seem to me that any rules that have been made in Vietnam by a 4-year-old regime, administration, that is the last time they voted—4 years ago this fall.

Mr. Wolff. 1967, that's right.

Mr. Rainwater. Those rules were made by members of that Congress, the same as you make them here. I don't have any argument with who they let run down there. I think they are going to run some Communists this time, aren't they?

Mr. Wolff. I wouldn't know.

Mr. Rainwater. I understand they are. I understand a number of them are going to win. I talk some politics while I was down there with the South Vietnamese.

Mr. Wolff. Are they going to allow the former President, Big Minh, to run?

Mr. Rainwater. Big Minh is already running.Ky is running and taking the other side now. When you hear a lot of politics from South Vietnam, they should not disturb you.

Mr. Zablocki. This hearing is really on the prisoners of war and not the politics of Vietnam. We have difficulty trying to understand our own congressional districts.

Mr. Fraser.
OBJECTIVES IN VIETNAM

Mr. Fraser. I apologize for arriving late, but I have read through your statement rapidly. Let me see if I understand you.

I gather you feel there are at least two objectives to be pursued as we try to close out this war. One is to try to obtain the return of our prisoners. The second is to assure the viability of the South Vietnam regime.

Mr. Rainwater. I don't think we can assure the viability of the South Vietnamese regime, but I would think that so far as I can see, it is the best way to leave them if we have any choice of leaving them in any particular way.

Mr. Fraser. That is, I think, fairly fundamental. If all our interests centered simply on the return of the prisoners of war, that might dictate one policy. If, in addition, we want to maximize the chances of South Vietnam surviving as an independent regime, then that might lead the United States or perhaps should lead the United States to the maintenance of a substantial force in South Vietnam for some time.

What is your view on that?

Mr. Rainwater. I think you have to go beyond South Vietnam to answer that, if I did answer your question. We are interested solely in maintaining a free government in South Vietnam. We are looking beyond that to what could be the future for some of our own veterans now, the younger ones who might have to return to a war of another kind if Vietnam falls after we leave.

Here you get into the much used and abused theory of the domino. Everybody jumps down your neck when you start talking about the domino theory. In my past two trips there since last November, Cambodia is very hard pressed to survive. I am not sure, sir, that it is going to. If it falls, the South Vietnamese Government will have unbearable pressure on them from the North Vietnamese.

So I think you have to look at all of Indochina, whether or not we are interested in whether Cambodia stands or Laos stands or whether Thailand stands. So I can't simply say that I am only interested in the surviving of the South Vietnamese Government.

I am more interested as an individual, and my organization is interested through their efforts to see that country remain a non-Communist country. I mean “Indochina” when I say “country.”

I am not sure one can tie the whole package together on what we are discussing here this afternoon. I think that may be another discussion for another time.

U.S. INTERESTS IN VIETNAM: A DILEMMA

Mr. Fraser. Except that if our objective were principally the return of our prisoners, then we would not get into these other questions. We would shape our policy in order to maximize the success of getting back our men held prisoner; if, however, we are still pursuing a policy to achieve the goals we originally set out to achieve in Vietnam, this might suggest that our current policy of withdrawal is wrong and that we ought to either level off or perhaps increase our forces.

It might suggest a continued commitment to South Vietnam for a number of years. This is where the crunch comes. Rightly or wrongly
I think the consensus in the United States is that there is not a sufficient national interest in South Vietnam to justify a definite, extensive involvement there of our own armed forces.

As long as one believes that there is sufficient national interest involved in Indochina, then it seems to me that the prisoners of war and their return become secondary matters. If we stay there another 5 or 10 years, there will be many other prisoners of war and many other casualties. I want to be fairly clear that this is in the interest of our Nation before we submit ourselves to that course.

I think this is the dilemma that the country faces. I think they have resolved the dilemma in their own mind.

Mr. Rainwater. It appears to us that given that dilemma, and it is an agonizing dilemma for all of us, and given the vote of the Senate in the 9 months' unilateral withdrawal on the amendment and the vote in the Congress the last few days, we are moving toward withdrawing from Vietnam and in light of that, you have— you, the Congress and Senate—already decided some of the critical issues, at least you are getting very close to polarizing your position.

What we fear and continue to try to raise the sounding of the alarm is, we hope, that the first consideration in that political settlement and judgment in your mind will include, first, the recovery of the prisoners of war. That is what we are saying. We are realistic enough to know the way you are moving in the Congress and Senate. We realize that there will be a day that we will come out.

Given that, we want to continue to remind you that we want to recover these prisoners first.

THE VIETNAMIZATION PROGRAM

Mr. Fraser. You will not get much of an argument on that. The argument comes with the second condition which the President asserts—that he wants Vietnamization completed and wants to maximize the chances of South Vietnam surviving. This is what he says. This is why the withdrawal is stretching out. The minimum period looks like 4 years.

Mr. Rainwater. I think we moved toward Vietnamization the moment we stopped escalating and began withdrawing troops. I think we started then toward Vietnamization.

So it is not something we have to complete from now to X-day.

Mr. Fraser. I think it started from 1961.

Mr. Rainwater. That was the start of the Vietnamization program. We could end our participation tomorrow in Vietnam or today if the other side were not being supplied and pushed into this fight by Red China and Russia.

It has given vent to the broader policy which you face in Congress today. We are standing head to head now in North and South Vietnam, standing head to head with two major powers. That gets into the overall picture and we feel that the prisoners of war are trapped there in between these two agonizing decisions to be made at this time. That is the reason we came here, to prevail on you to remember that in your deliberations and recommendations and maybe even positions and resolutions to provide, first, for the release of the prisoners of war before you make the final settlement in Vietnam.
Mr. Fraser: My last question: Is the fastest way to get the prisoners of war returned, assuming that were our only objective, to withdraw the United States completely from Vietnam?

Mr. Rainwater. We went through that testimony, but I will go through it again.

Mr. Fraser. You would not agree with that possibility?

Mr. Rainwater. That is the longest time, in our judgment.

Mr. Fraser. Has there been any war where the prisoners have been returned before hostilities were ended?

Mr. Rainwater. I did not say that they should be returned. I said that there would be a cease-fire in place. Now you must remember also that the French did not, they made their arrangements after the cease-fire. We are asking North Vietnam, first of all, to cease fire. This Government has made that offer many times. And then an international inventory of all prisoners, including the ones we hold of theirs downstream, and the number of troops we have in Vietnam afterward.

Each time we get 50 prisoners, we will bring out 50,000 men. This is logical to me.

Mr. Fraser. This is what you have in your statement. You added that we should also insist on the removal of all foreign troops. I gather you would include the North Vietnamese as foreign troops.

Mr. Rainwater. I identified a moment ago that the area I am speaking of is the country of South Vietnam, that all forces cease fire and withdraw. There is no problem with us and no problem with them, if somebody gets the word.

Mr. Fraser. My judgment is that if that were a condition of our termination of involvement, we would very likely be there for decades and our prisoners of war would be in prison all that time.

North Vietnam's Timetable

Mr. Rainwater. I don't think so. I think North Vietnam's timetable is much less than many years for the domination of Indochina. The presence of 250,000 Americans there is going to prevent them from dominating Indochina. They want us out of Indochina.

Before they can dominate Indochina, they have to get us out. I think they will discuss this, I have thrown this out to the President of the United States before.

Mr. Fraser. You are saying that they are waiting for us to get out of Vietnam and then they will come back in?

Mr. Rainwater. I think they will. All intelligence reports say that they are digging in for a 20-year war in Hanoi.

Mr. Fraser. To insist that they go out is not such a great objective then; is it, because they will come right back in?

Mr. Rainwater. That's right.

Mr. Fraser. But in the meantime we will delay the termination of the war because for us their temporary departure has great meaning.

Mr. Rainwater. The goal has great meaning, the prisoners of war.

Mr. Fraser. But you are adding to that goal the condition that the North Vietnamese have to get out, conceding that they will come right back?

Mr. Rainwater. Yes.
Mr. Fraser. Why set that as an additional objective?

Mr. Rainwater. Because that would stop the war and there is always a chance that our men will be slaughtered if we do not get the cease-fire.

Mr. Fraser. If you would alter your condition to say that we should have arrangements that assure the safety of our men, that would make sense to me. But you add this further objective that I think would be a paper victory only.

Mr. Chairman, I am taking too much time.

Mr. Zablocki. Mr. Bingham.

Mr. Bingham. No question, sir.

DEATHS OF POW'S IN CAPTIVITY

Mr. Wolff. Just one point, Mr. Chairman.

At some point you said you don't believe that the men who are prisoners there cannot hold out much longer. I think that was a statement you made.

Mr. Rainwater. In prison.

Mr. Wolff. Yes.

Mr. Rainwater. Yes; you know we have had some reports that some of them have died in captivity since January. Some of the ways you know things, and I didn't go into detail, is that some of them are in very bad condition now from malnutrition and other causes and we don't feel they can stay there while we argue for the next 5 or 6 years over technicalities.

Mr. Wolff. I think that is some of the thrust that some of us here at the table have made, Mr. Rainwater, the fact that these men cannot hold out under the conditions that they are living under for much longer and it is imperative we get them released as soon as possible. Perhaps we seek different routes for obtaining their release, but I think we have parallel objectives. The important element today, I think, for the prisoners and the families as well, is to see if we can extricate them as quickly as possible, because their lives hang in jeopardy as long as they stay there.

Mr. Rainwater. You are right.

WORLD PUBLIC OPINION AND POW'S

Mr. Zablocki. If I may conclude with a final question, I really believe that if we are going to make progress in Paris and if we are going to have our prisoners of war treated humanely, we will have to again resort to worldwide public opinion in which the VFW played such a magnificent role in the past. By doing so, the inhumane treatment of the prisoners of war has improved somewhat. The violations of the Geneva Convention are fully known by all parties concerned.

I think the nub of the question is that North Vietnam maintains that our prisoners are war criminals. Our next task is to see that they will not be so identified so that North Vietnam will, indeed, abide by the Geneva Convention and release the sick and injured.

We are hopeful that again we can generate, I hope, a unified public opinion in this country to further generate a public opinion worldwide to bring North Vietnam to a conciliatory mood. Do you agree?

Mr. Rainwater. I don't know how much we can seek up another round of this public opinion thing that we are talking about as far as
having peaked out on this before. We do still have an on-going program in the VFW. We are pouring letters into Hanoi and even foreign governments in Paris. How much effect it is having, sir, I don't know.

I do agree that we have to do something and we keep grasping for something we can do that is meaningful and will help. We don't know the answers either or how much good we can do. I think more good can be done if this country will adopt a purpose, a single purpose, as a body and Congress of the United States and tell the enemy this is our goal and this is our position rather than everybody having a different policy and going around saying it.

I just have to say that. I think that is the most important thing we can do at the moment.

Mr. Zablocki. Commander, I am sure you will agree that we could have a debate on that very issue that will be prolonged for months and perhaps years. In the meantime, as you said earlier, our prisoners will be languishing.

In conclusion, let me say we are deeply grateful to you and your associates, Mr. Holt and Mr. Jones, for coming before this subcommittee this afternoon and sharing the views of the VFW. I am sure my colleagues will join me in commending your organization for the efforts you have made in the past and I want to encourage you to use these good offices for continued good works in the future.

Mr. Rainwater. Thank you.

INTRODUCTION OF MRS. MARIAN M. JONES

Mr. ZABLOCKI. Earlier, I announced that if time was permitting—and time is permitting—I would call to the witness chair Mrs. Marian Jones, wife of Lt. Col. Louis F. Jones, who has been missing in action in Laos since November 1967. Mrs. Jones is the mother of two children and is originally from California and now resides in Fairfax, Va.

Next week she will return to California, where she will live in Sarasota. A planning engineer by profession, Mrs. Jones was the first POW/MIA wife to speak to representatives of the Pathet Lao about prisoners in that country in December 1969. Today she is here as a representative of a new group of POW/MIA representatives called Families for Immediate Release.

Mrs. Jones, you may proceed with your statement.

STATEMENT OF MRS. MARIAN MITCHELL JONES, ACCOMPANIED
BY MRS. TAMARA BLOODWORTH AND MRS. SHIRLEY CULBERTSON

Mrs. Jones. Thank you.

I want to thank you, Mr. Chairman, for asking me to come and testify on behalf of the prisoners of war. My husband, Air Force Lt. Col. Louis F. Jones, has been missing in action in Laos for 3 years and 7 months to this day. Before presenting my statement to you, I would like to introduce two other relatives of men held prisoner or missing, who feel generally as I do, who are here with me today.

Of the other women who had hoped to be here, one had to fly back to Florida and the other had an appointment with her Congressman. I still have with me Mrs. Tamara Bloodworth, sister of Capt. Donald Bloodworth, missing in Laos since July 1970, and Mrs. Shirley Culbertson, sister of Cmdr. Kenneth L. Coskey, a prisoner in North Vietnam since September 1968.
Some points in my statement I would like to relate on are contradictory to some points in the commander's statement.

In July 1969, the 1,326 prisoners of war, four captured as missing in action, and three captured since 1964, were made public. Prior to this date we were asked not to discuss the situation outside our immediate families. It was in May of that year that the Defense Department had decided to make this issue public. Until then, we kept it very quiet. Very few people in this country knew we had prisoners of war.

Since July 1969 the suffering and misfortune of these men has been heard from around the world and from the moon. I would like to state here that the responsibility for this does not lie with the VFW, with whom we begged and pleaded with to support us, but it was the families themselves. We went out on the street corner and begged for the world to listen about the plight of our husbands and sons and brothers.

"We joined in unison to sing the lament of torture and suffering of our men. Our country responded with, "What can we do?" We replied with, "Write to Hanoi; Write to Paris." We proclaimed man's inhumanity to man.

The people of this country and the world wrote. Eighty million letters were generated from families, friends, and concerned people—more than any other amount in history—and our Government smiled with approval. Millions of words of oratory flowed from our Congressmen, our Senators, and the President.

But like all voices singing the same song for 2 years, we grew hoarse and some dropped out of the choir. Others, however—and we represent that group—have started singing a new stanza to the song.

The new stanza was crowned upon by many Congressmen and Senators—and by the President. The new, new stanza, added section II, article 118 of August 12, 1949, of the Geneva Convention relative to prisoners of war, "Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities."

The war goes on, and our song for 1,326 men once unknown, to the people of our own country goes on. Today, June 29, 1971, there are 1,665 men for whom we sing, and by June 29, 1972, there will be 1,775 men, by annual average.

We have a new urgency. We need to speed up the tempo. "Cessation of hostilities, "Release, "Repatriation!" Now! "We, the few small voices in 1969, pleading to be heard, cannot permit more victims, more pawns to be created. The war must end now to bring these men home.

Vietnamization and a residual force do not provide for the majority of the 1,665 men who are in Laos, Cambodia, and South Vietnam. You will notice I did not mention North Vietnam nor for the 45 young men who give the ultimate weekly in its name.

I believe the people who can still ask for humanitarian treatment—-an extra bowl of pumpkin soup—can no longer be so ideologically motivated to believe this is genuinely helping these men, who have
suffered so long. The most humanitarian action toward these tortured souls is their release from the life of not only decay, but also slow death. The prisoners must now be brought home to rest, to be Fed, and most of all the love of their families.

Before we turn to questions, let me leave you with one thought, if you want to continue this miserable war beyond the end of this year, and by continuing it mean a residual force, and I am extremely sorry that the gentlemen didn't want to hear me, continued air and sea bombardment, at least be honest with us about why you are doing it. You are doing it to maintain the South Vietnamese Government, the very same bankrupt motive that has motivated our policy through the last four administrations.

Make no mistake, you cannot justify the continuation of this war with our prisoners and the men unaccounted for. We, the families of the prisoners of war and missing know we will never see our men until we withdraw our forces from Indochina. This miserable fate must hang on all of our consciences.

Mr. Zablocki. Thank you, Mrs. Jones. It is my understanding that you and some of the other POW/MIA relatives have indeed started a new group called Families for Immediate Withdrawal. Can you tell us something about your efforts and the organization, as such, and finances?

We have asked this question before, although, I did not ask it of the other witness because we know of the VFW organization.

Mrs. Jones. Mr. Zablocki, I guess I first grew discontented when the President on April 7 made his statement that the war would not end until the prisoners were released. I was working as a planning engineer for Fairfax County. I had to take a break from the POW effort. Many of the wives have had nervous breakdowns.

You can only be involved for a short time and then you have to withdraw. After the President made this statement and then again in his press conference about 22 days later he repeated this statement and he said that as long as we had prisoners, the war would be continued.

This to me was saying that these men would never be released because as you and most of us know, at the end of the war prisoners are released and repatriated. I think that even the families have been very reluctant to go ahead and continue with the Geneva Convention statements, beyond the humanitarian portion, and this is why I repeated it today: The men will be released and repatriated upon cessation of hostilities.

It was at that time I came to the Hill and started lobbying and I drew a great deal of support from some businessmen who said to me, "We will give you money to fly these families in, especially the families who cannot afford to come in." Many of these parents live out in the country and cannot financially afford it. Many of the families can fly, space available, but the parents, some of them, cannot and have never come into Washington to speak with their own Representatives.

Many of the families joined me who also felt this way and many, more of course, are joining in every day, because we know that there
is a general feeling among most of the families that under the present situation the prisoners are expendable. This is how we started.

Mr. Zablocki, your funding is from interested businessmen?

Mrs. Jones, interested businessmen.

DISCUSSIONS WITH NORTH VIETNAMESE OFFICIALS

Mr. Zablocki, now you stated that you are convinced that the prisoners would be repatriated. Have you yourself or any members of your group discussed the matter of trying to arrange prisoners' release with representatives of the other side?

Mrs. Jones. Have we discussed this with them?

Mr. Zablocki. Yes.

Mrs. Jones. Many of the families have gone to Paris and there have been some bad experiences and some favorable ones. Most of the families that have gone have gone on the humanitarian situation. To me the only humanitarian thing is to get them released.

Mr. Zablocki. Mrs. Jones, do you have any information that you can share with the subcommittee that any of your representatives had indeed some assurances from a representative of North Vietnam on repatriation should withdrawal dates be set?

Mrs. Jones. Mr. Zablocki, when I went to Laos in 1969, Colonel Sothpethrasi, who was the only Pathet Lao member in Vientiane, said to me at that time, "Go home and end the war and the prisoners will be released. They will not be released until then."

I think one of the greatest concerns among the people I am working with is that there is no proposal table at this time for the men missing in action in Laos. Every pilot and everyone who is down in Laos has been there for such a long time. There is one man who went down in Laos 7 and a half years ago, who is still carried as missing in action. I think there is a general feeling among the people that there is no bargaining table such as there is in Paris for the men in Laos.

Mr. Zablocki. We are missing a vote. I will not take any more time.

Mr. Fraser:

SEES REPATRIATION FOLLOWING END OF WAR

Mr. Fraser. I gather from what you say that you feel that setting a withdrawal date would be useful or perhaps be the best way to proceed at this point. Is that true?

Mrs. Jones. Mr. Fraser, the end of the war is the only way these men will be repatriated.

Mr. Fraser. By the end of the war, do you mean the end of the U.S. involvement in the war?

Mrs. Jones. Yes.

Mr. Fraser. And however that is to be accomplished; that is what you are after?

Mrs. Jones. Yes; this is what we are supporting.

Mr. Fraser. Unless that happens, you don't think the prisoners will be returned?

Mrs. Jones. I don't think the prisoners will be alive to be returned if the war continues under the present Vietnamization policy that will go on for another 5 to 6 years.
Mr. Fraser. So Vietnamization is not, in your judgment, an adequate policy?

Mrs. Jones. No; it is not.

Mr. Fraser. You may have heard us discuss with the commander, that the President has also indicated as an objective enabling the Thieu government to survive. What is your view of that objective?

Mrs. Jones. About enabling the South Vietnamese Government?

Mr. Fraser. Continuing our presence to enable the Vietnamization to go forward.

MORE PRISONERS AND MISSING ARE ADDED DAILY

Mrs. Jones. Mr. Fraser, having been a military wife for 21 years and knowing many of the men who are flying combat out of Thailand this day, I know we are adding to the number of pilots who will be missing in action tomorrow. We keep increasing this number. We are not decreasing it.

It is my feeling that the 50,000 men listed as a residual force are only concerned with South Vietnam. It does not concern Cambodia, Laos and, of course, at this time there are almost 300 men in Laos and there are close to 25—this was the last count—in Cambodia.

As long as we are dropping bombs in Laos, I feel that my husband's chances or my ever knowing that he is alive or dead will never be revealed.

Mr. Fraser. You don't know at the moment?

Mrs. Jones. We have never heard anything from any of the men in Laos.

Mr. Fraser. Thank you, Mr. Chairman.

Mr. Zablocki. Mr. Bingham,

GETTING P.O.W.'S RELEASED; HOW?

Mr. Bingham. I would certainly like to compliment you on a very powerful and moving statement, Mrs. Jones. I basically agree with what you had to say. I wonder if you would care to comment at all of the methods of getting prisoners out that you heard described here earlier by the witnesses for the VFW.

Mr. Jones. Mr. Bingham, I have been a very fortunate person in some ways and very unfortunate in other ways. My family has been involved in prisoner-of-war problems for 21 years under today's policy, not under Korea's policy. I had a brother who was missing beyond the 29th parallel, deep in Korea, during the Korean situation. He was a Congressional Medal of Honor winner and we never received his body back. It was not until 5 years later that we realized we would never receive the body back.

Had we been under today's policy, that man would be still carried as missing in action in Korea. I saw my family suffer through 21 years of this.

I have also been in contact with the two men in the military who are the foremost military authorities on prisoners of war.

Mr. Zablocki. I wonder if we should recess and come back. It is the final vote.

Mr. Wolff. There is nothing that I can add, I think the prisoner of war families could speak for them better than any. It is they who
have the greatest risk. Too many people speak for them and they tend to drown out the real voices of the POW.

Mr. Bingham: You were in the middle of a statement.

Mrs. Jones: I have spoken with the two men who are the military’s foremost authorities on prisoners of war. One of those men was involved with the prisoners of World War II and Korea. He was the top interrogation officer for all of those years and this man very bluntly said to me the other day: “You know and I know prisoners are never released until the war is over. The other’s humanitarian effort is only an opiate to soothe the families and general public to sort of ease the war into a ‘controlling’ situation because of the prisoners.”

RAST SILENCE ON LAOS POW, MLA’S

Mr. Zablocki: One final question. First of all, you stated that you were advised not to discuss the situation of your husband in Laos. By whom and why?

Mrs. Jones: Well, the State Department at the beginning of the war was the primary contact for the prisoner families. When Melvin Laird came into office as Secretary of Defense, he asked that the prisoner issue be taken to the Defense Department where it belonged. Under great discussion and great duress the men concerned with the prisoner issue finally determined that since nothing had been done to get the prisoners released and since the families were getting very restless, that it should go public.

So May 1966 the prisoner issue first became public to the United States people.

Mr. Zablocki: There is a great fear in the executive branch that the other side has put a higher priority in prisoner release than just withdrawal of troops, that if we set a withdrawal date to release the prisoners, the United States also would be asked by North Vietnam to abandon totally the South Vietnamese Government and to pay reparations.

Mrs. Jones: I remember the repatriation of the prisoners from the Bay of Pigs, as most of us do, and I also know that since we have contacted the French and we received their opinion of what happened to the French prisoners, I don’t think that world opinion and world pressure will permit any reprisals on these men. We have to remember that in March of 1966, long before it was made public, it was not the people of the United States who kept them from trying the prisoners as war criminals, but it was the people of the world who brought pressure on Hanoi and said, “You will not try these men and execute them for war crimes.”

Mr. Zablocki: Any further questions?

Mr. Moss: I have no questions other than to commend the witness.

FUTURE SUBCOMMITTEE SESSIONS ON POW’S

Mr. Zablocki: I want to thank you for a very stirring statement and your direct replies to our questions.

The subcommittee intends to continue throughout the year to have sessions devoted to prisoner-of-war matters.

At the present time we are attempting to arrange through the Department of the Army for a session featuring testimony from several
of the U.S. servicemen who have escaped from Vietcong captivity in South Vietnam.

Announcement of that session will be forthcoming when arrangements have been completed.

STATEMENT OF HON. SEYMOUR HALPERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. HALPERN. I understand that my name— and I was not aware of it—had been mentioned in the testimony of the commander in chief of the Veterans of Foreign Wars, Commander Rainwater.

Mr. ZABLOWSKI. Without objection, you may revise and extend your remarks in the hearing record.

Mr. HALPERN. I would like to, because I had been aware of it. I would have been here, although I am not a member of the subcommittee.

Mr. ZABLOWSKI. The Chair had asked that all members concerned be informed of the testimony and I presume that your office was sent a copy of Commander Rainwater's statement.

Mr. HALPERN. Not to my knowledge.

Mr. ZABLOWSKI. Well, if you will file your rebuttal?

Mr. HALPERN. I certainly will. It is an expression of indignation.

This statement is in response to an allegation made by Mr. Herbert R. Rainwater, commander in chief of the Veterans of Foreign Wars, in his testimony before the House Subcommittee on National Security, Policy and Scientific Developments on June 29, 1971.

The witness concedes that Congressman Leggett and Wolff, Senator Hartke, Mr. Clifford, Mrs. Weiss, and I have "every right to work for an equitable solution to our problems in Southeast Asia," and then proceeds to make the unwarranted assumption that our talks with the Hanoi representatives in Paris "were used as a means of enhancing 'menial political aspirations.'" Mr. Rainwater further states that such discussions have the effect of "encouraging the hawks of Hanoi to continue this abysmal war.

The witness is misinformed if he felt that my actions were based on "ignorance or ambition." I made no pretensions to representing the State Department, while discussing the prisoners of war, with the Hanoi representatives, and was privileged to be in a position to express to these men my hopes for a settlement of the prisoners' question, as well as my indignation, as an American, in the face of the secrecy which their side has maintained in this issue.

I would ask the witness if he would do anything less.

Finally, I would like to submit for the record a transcript of my enlightening, if at times frustrating discussions with the North Vietnamese and Vietcong representatives. Thank you, Mr. Chairman.

(The information referred to follows.)

GENERAL COMMENTS MADE BY NUTTEN THANG LE MEMBER OF THE DRV DELEGATION AND DRV PRESS SPOKESMAN BY CONGRESSMAN SEYMOUR HALPERN APRIL 23, 1971 PARIS, FRANCE (BY TELEPHONE)

[Following dialogue were deleted]

Now—I'll be brief, simple, and realistic in my response to your question. So far we have heard from various people who have raised the same opinions and questions you've expressed. This includes President Nixon who went so far as to label the Vietnamese as barbaric as far as the prisoners of war are concerned.
It isn’t difficult to give answers to the questions you raised. However, we find it necessary to look into the background of the problem. Any impartial person would say the United States has interfered in Viet-Nam affairs since 1946-1949. You probably will remember since October 4, 1950 a military mission of advisors was set up in Saigon. And some 80% of war expenditures of the French were financed by the United States.

It is not true that when Mr. Nixon says the presence of American troops in Viet-Nam was in response to an appeal of the Saigon government. This is definitely not true for it dates back to the French occupation. Even at that time the late President Kennedy, then Senator Kennedy, said we share the same bed as the French colonialists in Viet-Nam.

If the question is raised why is an American serviceman captured in Viet-Nam, that doesn’t mean we have gone to the United States to get him, it is the reverse. That’s why we say when Mr. Nixon says that the Vietnamese are the most barbaric nation in the world today that such statements by Mr. Nixon are stupid. Not only do the Vietnamese say that but many Americans say the same thing. The crimes committed by Americans are among the most barbaric in history. I don’t know if you read the article in the Herald Tribune today but it describes an American officer’s statement. He stated that an order was given by an American general to massacre a hospital in South Viet-Nam by shelling it. And when a wounded combatant in South Viet-Nam was in the hands of American troops the American general asked to withhold treatment in order to explore his mind and then leave him to his death. These are only a few and tiny examples. We have a long history of being a cultured people, a civilized people. All the Vietnamese people follow the guiding principles of humanitarianism, fidelity, faithfulness, courtesy, intelligence, and confidence. The first guiding principle for the Vietnamese is humanitarianism. You know that during thousands of years we have been victims of aggression and each time we were victims of foreign aggressors.

We also captured servicemen during these periods of resistance and always treated them well. During the 13th century, the 14th century, and the 18th century when our country was invaded by the Mongolians and Chinese feudalists we captured hundreds of thousands of their men. But every time we have had a specific policy as far as the treatment of the prisoners of war were concerned and as soon as war would be over we would release them. We even provided the transportation.

Now, from 1945-1954 we resisted French aggression and there were great numbers of prisoners of war. You may remember that during Dien Bien Phu we captured tens of thousands of men but we released them right after signing the Geneva Agreement. There never was the slightest problem! General De Castries has declared he received very good treatment. The same thing was said by a great number of French officers and French soldiers. Anyone who puts himself in our place—victims of bombings and strafings by those who came over to North Viet-Nam to destroy schools, hospitals and dykes—in spite of these crimes the pilots we captured received only good treatment, fair treatment, once they were captured. Let us say as another example, our food ration. Any food ration of a captured pilot would be much better than that of the Vietnamese people. You may remember an American colonel who was released. He said he received good treatment and he corroborated that his food was better than the Vietnamese. I can cite many other examples. For instance, in Viet-Nam we have no heating systems, but in wintertime every Vietnamese gets one blanket. But every captured pilot gets two. One of the captured pilots is a Commander McCain, the son of Admiral McCain. His father is the one who ordered the bombing of North Viet-Nam yet when his son was captured inside Hanoi he was treated very well. His arm was broken and despite his contention that it would be an act to try to save him that he was going to die, yet he got the very best of medical care and our doctors saved his life.

We think that there are many foreign visitors and journalists who came to see these captured pilots with their own eyes who would attest to their good treatment. This has been reported in the Herald Tribune. The same thing has been reported in the Baltimore Sun and the Los Angeles Times.

For the name lists of the pilots, we have no interest in holding up secret names than those we released. We released the entire list based on the guiding principles of humanitarianism and the guiding principles of the Vietnamese people which, I mentioned to you. Now everyone knows, as soon as the war is over, as soon as an agreement is signed, this question of release of the prisoners is automatically solved. It was the same as with the French at Geneva. What is different from the general understanding about the war in the past, in order to show the good will of the Viet-Nam government and our people and to create conditions for the war to end, and to create conditions for the peace of our country.
named people, the PRG in Paris has put forth their ten point initiative: If the United States would announce its intention to withdraw its troops by June 1971, then all parties will discuss the question of release of prisoners.

If President Nixon accepted that proposal there would be no need for this discussion now and all parties would be repatriated. But Mr. Nixon refused this proposal be insisting on not setting a date. Suppose President Nixon accepted the date limit of June 30, 1971—and it has been confirmed by an American general that to transport an American division takes five hours. Say there are ten American divisions, that would mean it would take fifty hours. Even if you were to multiply this by another ten that would be 500 hours. Therefore, there is plenty of time to bring back American troops by that date. Another aspect of the problem—if Mr. Nixon feels he cannot accept the June 30 date period he may propose another reasonable date and the parties can discuss that in order to find a way out. Once again this shows the flexibility of the Vietnamese. It is not a prerequisite because the discussions must lead to the total release of all captured servicemen. We call it discussion, let the word be negotiations, on the release, but according to the Vietnamese language, discussion means negotiation, that is to say a discussion of all problems in order to come to a solution. Here again this shows the flexibility and good will of the Vietnamese. But to our understanding it is the desire of President Nixon to end the war but to continue and to prolong it. Moreover, he shows no concern at all as to the fate of the prisoners of war not does he show a concern for American servicemen who are fighting.

Then in 1964 when the ‘Geneva Agreements’ were signed the United States refused to accept them. I just mention this to make clear that we must abide by this truth. Now if there is a war taking place in Viet-Nam, it is hot because the Vietnamese have sent troops to attack the United States. Conversely, the United States has sent troops to attack Viet-Nam. We have to say it again, the United States has conducted the most barbarous war in history against the Vietnamese people. So far over eleven million tons of bombs and shells were dropped in Viet-Nam. Some 60,000 tons of toxic chemicals have been used and the highest act of barbarism has been perpetrated: American troops are killing civilians. They have cut off the ears of Vietnamese patriots. They have cut eyes. Everyone knows about My Lai. No one could have imagined such a degree of human destruction. That is the plain truth! That is why we say any impartial person who has the courage to look into the truth will realize this reality. That is why if he—President Nixon—is really concerned for lives he would set a date because the more he continues the war, the more there will be servicemen killed; the more there will be captured; if he really wants to see the men returned from safely he would do that. Moreover, in his recent statements of April 7 and April 16 he went so far as to put more conditions as to not stop the war. He said as long as a single prisoner is left, American troops will not withdraw. That only means he paves the way for more GI’s to be captured. He also said as long as the Saigon administration has not the power to defend itself, American troops will not withdraw. That is absurd. That can only mean continued U.S. In the occupation. This is not the real way to show concern for GI’s. This is why for our part we do not see any problem at all if only Mr. Nixon would set the date for withdrawal of troops just as we said, in the past there was no problem when we ended the war with the French.

Now I come to the second question as to why we did not talk to the Saigon administration. Mr. Nixon has said that it should be left to the Vietnamese people to decide their own destiny. I’ll be very frank and straightforward about this. First of all we say that that statement is not true. Not only the Nixon Administration but the former administration has said that they respect self-determination for the South Vietnamese people. Everyone knows, even during our resistance against the French, that Richard Nixon on many occasions came over—eight times in fact—to encourage the French during that war. He even came to Hanoi. He even went to the front to see how the French fought. Was it because it was his intention for respecting the right of Vietnamese self-determination? When the French were about to lose the war it was the policy of Mr. Nixon to then have the intention of sending American troops.

When Nixon said on April 16 he would not withdraw all American troops from Viet-Nam as long as the Saigon administration cannot stand by itself but was nothing but direct interfering in the internal affairs of the country. If a question is being asked, “What is the present Thieu Ky Administration in Saigon?” the answer is that everyone in that administration was set up by the Americans. Also everyone knows that Thieu Ky and Kien were mercenaries in the French army, and everyone can remember Ky’s remarks about Hitler. What is Thieu Ky’s plan?
This man keeps saying there is no other way to defeat communism than a military victory. He says there is no other way but to get rid of neutralists. How can there be any possibility of unity or coalition with anyone as long as they are there.

Everyone remembers the 1967 elections in Saigon when there was a candidate, Duy, on the opposite side. He opposed them and as a result he was put in jail. He is still in jail. Thieu is putting everyone in prison who opposes him—monks, Buddhists, even Catholic priests. Just a few days ago two Catholic priests were tried. Even invalids—veterans who demand improvement in their lives have been oppressed and jailed by Thieu. All of this means that the present Thieu/Ky/Khiem regime is dictatorial, warlike, and a fascist regime. This is why the proposal by the PRG stipulated that only those three be excluded from the present Saigon government. You say the United States is not in a position of displacing a government, of deposing a government. We say the present Saigon administration was set up by the American administration. It is being financed, fed, and supplied by the United States. I don't know if you can remember what was stated once by President Kennedy. But we remember it very well. He said that the present Saigon administration is an offspring, an adopted child of the United States.

I wonder if you know Senator Mansfield. Well, you may also remember that he said since the Saigon administration is the tail of the dog, the tail cannot wag the dog. Only the dog can wag the tail. Also, in September of 1968—so it was precise December 10, 1968—the Saigon government in Paris and declared that he considers Henry Cabot Lodge, as his father. This is why we think if it was really the idea of the United States to respect the right to self-determination, the United States would refuse to support these three persons—these three dictators. As for the proposal in the eight-point solution offered by the PRG at the Paris talks it has been very clearly declared that the PRG stands ready to discuss with the Saigon administration—with the exception of these three persons—anyone in that administration who stands for peace, independence, neutrality, and democracy. I can give you an example. The four-party conference started on November 6, 1968. It was because of the stubborn attitude of the American representative and the Saigon administration that only the discussions on the form of the table took two and a half months.

(I interjected that their side certainly was deeply involved in that discussion and certainly contributed to any prolongation. He answered that they proposed a round table. This was opposed with the proposition that the round table be cut in two or that there be a demarcation line in the middle of the green. This was absurd and indicated at the beginning a lack of good will.)

The obstacle to the success of the conference has been the difficulties created by Mr. Nixon, Mr. Thieu, Mr. Ky, and Mr. Khiem. The first proposal as a basis for negotiations was offered by the PRG—the ten-point solution. Then there was the eight-point peace initiative calling for U.S. withdrawal by June 30, 1971. Also the discussion of release of prisoners and setting up of a provisional government was proposed. Just because of the basic reality in South Viet-Nam—on the one hand you have the Saigon administration and on the other the PRG. You still have another force not participating in either of these two governments.

Because of this reality, the PRG offers a provisional coalition government covering all three factions, indicating the good will and flexibility of the PRG. There is also an attitude on the part of the PRG to offer an honorable way out for the United States—by the United States offering to disengage in Viet-Nam. The present Saigon administration keeps opposing a coalition government. So far the Saigon administration has rejected any initiative concerning coalition or any national reconciliation.

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Conversation Between Congressman Seymour Halpern and Nguyen Thanh Le, DRV Delegation

Halpern: In your remarks to me you say that you've been accused of being barbaric by the U.S. administration on the prisoner issue. You vow that is not so. Wouldn't it be the obvious thing, the simplest thing to allow inspections to verify your claim of very good treatment.

Le: In his book, which you have, he has been giving very good treatment to the cultural field and the scientific field, the work that we have done. But in the case of the detainees, if you want to get to the heart of it, you have to go back to the incident on December 10, 1968. The Paris Conference which you have, and which you seem to know as well calls for inspections on principles of long-term war. You certainly are violating international principles to allow a verification of your claims of good

Le: In his book, which you have, he has been giving very good treatment to the cultural field and the scientific field, the work that we have done. But in the case of the detainees, if you want to get to the heart of it, you have to go back to the incident on December 10, 1968. The Paris Conference which you have, and which you seem to know as well calls for inspections on principles of long-term war. You certainly are violating international principles to allow a verification of your claims of good
treatment by international inspection. The very least you can do is release of the sick and wounded and agree to internment in a neutral country. The way to prove that your treatment is humanitarian is to take these measures.

Le. You talk about our side not negotiating the release of the sick and wounded. If it were not for Nixon's bad intentions there would be no prisoner problem.

HALPERN. But, it would be in line with the principles of the Geneva Convention that there be inspections by a third party or international team.

Le. We were signatories to the Geneva Protocols. In full keeping with them we apply very good treatment to American pilots. The problem now is the security of the pilots and our own people. We must discontinue the visits.

HALPERN. You say you provided a list of the prisoners. We have cause to believe there have been more captured and that you have not given complete identification. You have not agreed to impartial inspection. You say they are treated very well. Yet you will not allow verification of this by neutral parties.

Le. We did give you an accurate list. We did start to release men. But now we take protective reaction against attacks by your aircraft and rescue missions. And President Nixon has threatened that as long as there is one prisoner of war left, he would not withdraw.

HALPERN. Well if you want the U.S. to withdraw ... wouldn't it be the obvious thing—the smartest thing—the right thing—to release the prisoners under the repatriation proposals? Wouldn't it be the right thing at least to update and complete the released lists? Wouldn't it be the right thing to allow inspection teams to verify the treatment, you claim is so good? Wouldn't it be the right thing to remove the sick and wounded for internment in a neutral country?

You have told me in your remarks that you would talk about release of prisoners once peace is negotiated ... You say on the signing of peace, prisoners would be released as soon as a solution is reached. But quite different from that principle was the proposal of the PRG who said the release would occur provided President Nixon declared a fixed date. Is your position the same, as the PRG on this issue?

Le. Our position is to support the PRG.

HALPERN. But to be more specific. The PRG tells me it will enter discussions on the release of all its prisoners of war once an appropriate fixed date is set. You said to me earlier you'd talk about release of prisoners only after peace is negotiated. There seems to be a difference here. Could you clarify it for me?

Le. We would include the pilots captured in North Viet-Nam as part of this.

HALPERN. Let me be sure I understand this. And I emphasize that the PRG—and I repeated to them their own words only today and I repeat it here. They told me they will discuss the release of all prisoners of war once an appropriate date is set. They explained when they say discussions they mean ways and procedures for the actual release. Do you mean the same thing?

Le. Of course we mean it, providing an appropriate deadline is set. Then all parties to the problem would discuss the procedures. Once this is done, it is our intention to release all captive pilots—sick, only the wounded and sick—but all, so they can return safely and directly home.

HALPERN. Then I take it that it is your intention to release prisoners if there was agreement on a fixed date. And it is not your intention to then give consideration only after a peace is signed. You agree you would release them after a date is set and immediately discuss the procedures.

Le. Yes. We have no intention of holding them. We'll even give them transportation. In fact they can bring home flowers from Viet-Nam.

HALPERN. You say you cannot allow verification of treatment because of security reasons. Does this mean you couldn't trust an international inspection made up of representatives of neutral countries?

Le. In regard to this and to your statements about verification of treatment, there were visitors. If I wanted to I could cite many instances. The Canadian General is not a communist. You also remember that famous operation to release prisoners, Nixon and Laird have said there would be others. Because of the security of servicemen we cannot allow others. The statements by Nixon and Laird have made other visits impossible. It is because of these threats.

HALPERN. You talk about the security aspect as the reason for not releasing prisoners, and not allowing inspection teams to verify treatment conditions. Why don't you free them and eliminate the security aspect altogether? At least you can allow inspections and release the sick and wounded to a neutral country.

Le. If you don't mind, the United States doesn't take into account any international law. The Geneva Accords of 1954 call for unity, independence, sovereignty and territorial integrity of Viet-Nam. Also the Geneva agreements forbid the introduction into Viet-Nam of foreign military personnel, weapons, war materials. But the United States has taken no account.
HALPERN. In your remarks you talk about the eventual release of prisoners, I talk also of the treatment of prisoners right now. What I'm talking about is not negotiable, but what you should be doing as a matter of course. Why, and I ask in the name of humanity, do you not accept our proposals? I believe your attitude on the handling of the prisoners issue is just plain stupid. There would be a lot more support for a disengagement if the American people knew that the agreement on conditions was anticipated—not a situation where we must do this or that, and then you'll discuss the situation.

Le: We cannot do so because of the security. We must repeat that during 1968-1969 we have released nine of the pilots. But instead of taking this as a good will attitude by the Vietnamese, Mr. Nixon turned it into a campaign of slander and distortion against us.

HALPERN. The cause of peace would be enhanced if your side showed compassion on the prisoner of war issue. You would gain more trust by showing your good faith on this issue.

Le: I assume you are sentimental. We deem you understand we've been victims of many wars of aggression causing pain to millions of Vietnamese families and we deem it that American people should show compassion for Vietnamese families.

HALPERN. You talk about the feelings for peace in the United States. Yet you mention demonstrations. Of course Americans want peace, but that doesn't mean it must be purely on your terms. Let me assure you the American people are completely united on the prisoner of war issue. That is why if you were smart you'd be willing to fulfill what is not only in accord with the Geneva Convention, but recognized international practice and allow a third party—an international inspection—to verify your claims of humane treatment. You would allow the internment of the sick and wounded to a neutral country. You would supply us with continuing complete lists of prisoners.

Le: Let me assure you they are treated well—very well. People have seen this; it has been verified and reported in your press. You can take our word for the good treatment.

HALPERN. Can I go to visit the captive pilots and see this for myself?

Le: I said earlier: many people have verified the good treatment and good care and this has been written in the press throughout the world, including the American press. But for the security reasons I mentioned we must refrain from visits.

HALPERN. I find it impossible to accept that reasoning on a subject of basic humanity, not to mention the principles of the Geneva Convention and international practice. As a first step, the American administration has proposed a repatriation of all prisoners or their internment in a neutral country. I fervently ask that you reconsider your policy and agree to this.

You mention support in the United States for disengagement. By supporting proposals for disengagement, it certainly doesn't mean agreement with all your positions. But the advocates would like to take seriously your assurances of intentions to negotiate a just and lasting peace. I appeal to you for a more enlightened, more compassionate and humanitarian policy—in keeping with your earlier remarks to me about Vietnamese ideals—on the captive pilots. Your present policy has greatly damaged your posture and is jeopardizing support for the peace effort.

Le: There is absolutely no problem, provided a date is set. Meanwhile we give our word we are giving the best treatment.

HALPERN. It is impossible for me to understand why you refuse to sit down and negotiate for peace here in Paris. You say you will not talk to the representatives of the Saigon regime. You knew who they were when you accepted to join these talks. They're the same people. If you're serious about wanting peace, then why not sit down and get these talks moving. Then use as a basis of negotiations your concept of what the Saigon government should be. In other words, you'd say "Okay we'll talk," and then give your terms regarding the perpetuation of a proposed new government.

Le: We join with the PRC in our position that we will talk to anyone in the Saigon administration other than Thieu, Ky and Khanh—anyone who believes in democracy, peace, neutrality and independence. And the proposal for a new government in South Viet-Nam you mentioned to the PRC was meant to reach national accord—harmony. So the problem is clear: who wants peace, who wants war, who wants union, who does not. I am trying to be very frank with you.
GENERAL COMMENTS MADE BY RGC DEPUTY SPOKESMAN NGUYEN VAN Tien.

CONGRESSMAN SEYMOUR HALPERN, APRIL 28, 1971, PARIS, FRANCE. (FROM WHICH QUESTIONS IN FOLLOWING DIALOGUE WERE DEVELOPED)

I would like to give you our polit of view. The United States has sent expeditionary troops to South Viet-Nam to wage a war of aggression. In order to end the war the United States must:

1. End aggression;
2. Withdraw all its forces as soon as possible and the sooner the better;
3. Let South Viet-Nam run its internal affairs without interruption;
4. In so doing not only would the war end, but also favorable conditions would be created for a friendly bond between the people of the United States and South Viet-Nam.

As a matter of fact—and this is another problem—in launching the war of aggression against South Viet-Nam, the United States has installed their puppet administration and is using it as an instrument to carry out its war of aggression.

This is an old trick resorted to by all kinds of aggressors. So, in order to end the war and restore peace, the United States must withdraw its support of this administration and let the people of South Viet-Nam settle their internal affairs. The Saigon administration, headed by Thieu/Ky/Khieu, is a corrupt, rotten, dictatorial, warlike administration which is hated by the South Vietnamese people, who are struggling to demand the replacement of that administration by another administration which would be, broadly, representative—an administration that is democratic and stands for peace, independence and neutrality. It is unreasonable of the United States to waste untold lives of young Americans and to make many Americans get wounded as well as to waste billions of U.S. dollars to support such rotten and dictatorial administration.

By refusing to withdraw its support to this clique the Nixon Administration has shown that it is not willing to solve peacefully the South Viet-Nam problem. Instead, it is clinging to its scheme of using this clique to continue the war under the form of the Vietminh program.

In our eight point peace initiative and our three point statement on the question of a cease-fire, we have stated clearly that since the United States has waged a war of aggression, it must end this aggression and withdraw all its forces from South Viet-Nam. In September of 1970 in our eight point initiative and in December of 1970 in our three point statement on the cease-fire, we stated that if the Nixon Administration declares it will withdraw all its forces from South Viet-Nam by June 30, 1971, then a cease-fire will be immediately implemented between the U.S. forces and South Viet-Nam's People's Liberation Armed Forces. And our side would take measures to assure safety for American troops who are withdrawing or preparing to withdraw and at the same time the parties would enter immediately into talks on the question of the release of the captured military men.

So far until now, the Nixon Administration has refused to declare the withdrawal of all forces by June 30, 1971. This proves that the Nixon Administration has paid no attention to end the war in South Viet-Nam. And at the same time the war is not only in South Viet-Nam but also in being exported into Cambodia and Laos. The operation into Laos in February of this year has revealed that the Nixon Administration is obstinately intensifying and prolonging the war. At the same time the United States has bombèd and shelled the territory of North Viet-Nam by aircraft, warships, and artillery. This shows that the United States is plunging itself deeper into the war in Indochina.

If the United States Government really wants to put an end to war and solve the Viet-Nam problem and if it had declared total withdrawal of its forces from Viet-Nam by June 30, 1971, a short time after we made public the eight point peace initiative, then by now the war could well already have been ended. And all the American troops as well as all American captured personnel would have been released home safely.

But the Nixon Administration refuses to accept such a deadline by saying that June 30, 1971 set by our side is a unilateral proposal and that is why it cannot be accepted by the United States Government. Then we should ask the key question: why the United States Government refuses to accept the June 30, 1971 deadline, that it propose another appropriate date and we will take this into consideration.

Up to now the United States Government has not shown any concern for the setting of a date and it still refuses to set a date for total withdrawal of troops from South Viet-Nam. Therefore, the public opinion all over the world and in the United States itself posses the obstinacy of the Nixon Administration. As an obvious proof of this the meetings and demonstrations taking place all over...
the United States to show dissatisfaction of the American people, of all strata and even in the United States Senate and House of Representatives a growing number of representatives are demanding that the administration set the date for total withdrawal of American forces from South Viet-Nam and disengagement from the Indochina war. In our point of view the American people who have taken such actions are for the mutual interests of the American and Vietnamese people. We think that this constitutes a pressure upon the Nixon Administration for an end to the war and withdrawal of all American forces for the sake of the development of the friendly bonds between the people of the United States and Vietnam.

**CONVERSATION BETWEEN CONGRESSMAN SEYMOUR HALPERN AND MR. NGUYEN VAN TIEU, PRG DELEGATION, APRIL 28, 1971**

**HALPERN.** As one who has identified in the cause for peace and justice in Southeast Asia... and as one who is one of the sponsors of the Disengagement Act of 1971, I feel the American people would be more prone to support the efforts for peace if you people showed more flexibility and more evidence of good faith than that reflected by your rigid prerequisites and preconditions on what should be matters for the negotiations. I believe the American people want peace... that they seek in good faith... but they want good faith in return.

**TIEU.** But surely, as I said earlier, if you are smart, you would release the prisoners or at least the lists. That would help create a new atmosphere. Compassion and humanitarianism can do more to contribute to a just peace than words and might.

**TIEU.** You misunderstand. Our positions are flexible. We have shown good will and a flexible position. Many flexible points are made in our 8-point peace initiative and three-point statement on the ceasefire. And as to the prisoners, let me say again, North Viet-Nam made public their lists of captured pilots. Do you think this has made the U.S. more flexible in negotiations?

**HALPERN.** We question the completeness of that list and we question North Vietnamese refusal to allow for verification of their claims of humanitarian treatment—verification by international inspection as called for, not only in the Geneva Convention, but as an accepted international practice.

**TIEU.** And we must look at the prisoner of war picture as a total issue... the treatment, the lists and release of men by both the North and by the PRG.

**TIEU.** Before North Viet-Nam released some American prisoners, we too received many people, concerned with the same view. They said if you release the list you will turn back public opinion. But after North Viet-Nam did make its move in good faith, the United States is still pursuing the same attitude as before.

**HALPERN.** The American people and their representatives in the Congress—whether they support the Administration or not on the Viet-Nam issue—are completely united on the prisoner of war issue. All of us in the United States are concerned. Families are unknowing and are anguished by anxiety and speculation. It is just impossible for us to understand such an inhumane policy that won't identify who the prisoners are, a policy that won't even allow mail. None of us can understand why you won't give us a list. In the name of compassion I bring the appeals of the American people for the release of the names. We don't care how you do it—through me, if you will, through Senator X, through the French, the Swedes, the Poles.

**TIEU.** Don't forget there is still a war going on in South Viet-Nam—fighting against American transgressors. We cannot fulfill the lists because the list is being lengthened every day. We would have difficulties in doing this. One thing we want to assure again and again to the American people and that is, we are treating the captured men in a humane and very lenient way.

**HALPERN.** Only a few days ago I saw a news story in which the PRG called on American soldiers to defect. They wouldn't be shot, etc. You'd help them go anywhere they want... let them go home. If this is true, then obviously these men would no longer be a threat to you militarily.

Tell me then, why don't you release the prisoners you hold? They will not be used militarily again. They would have absolutely nothing to do with the war. You can release them. Or at least you can identify them. Surely you should release the wounded and sick. Those who have been held prisoner pose no threat. So wouldn't the net result be the same. Another thing, you are stupid not to release the prisoners. It would be the smartest thing for you to do from public relations-wise. The American people cannot accept your attitude and it causes not only untold anguish, but hurts this goal for peace.
TREN. The problem of the capture of military men is a problem connected to the war itself. It is a problem to be dealt with as an aftermath of the war. Generally speaking, it is only solved when the war is over. But in order to show our goodwill, we have stated that the U.S. Government needs only to declare an appropriate date for the total withdrawal of its troops from South Viet-Nam. Then we are ready immediately to enter into talks on procedures and ways to release the captured men.

The discussions will be on how to release the men. The question is not, on whether we will release them or not. We will agree to release the men. The discussions would be on procedures to expedite the release.

Let me also point out another fact. North Viet-Nam released a complete list of American captive pilots even though the bombing is still going on. Yet, this did not deter the United States from its position. The bombings are still going on and very fiercely.

So it still wouldn't deter U.S. aggressiveness if we gave the lists. But we are not able to do so anyway. We would have great difficulties to fulfill the list of captured men.

HALPERN. But it would be the right thing to do. It would show real evidence of good faith. And it would be the humane, decent thing to do. And you profess how humane you are.

TREN. We want to release all American captured men—not only make the list public—but to release all. In this we think you and your colleagues instead of raising this problem here, should exert more pressure with the U.S. Government to end aggression, set a date for the rapid withdrawal of U.S. troops.

HALPERN. I can only emphasize that your refusal to give a list can only hurt the cause of peace and it is stupid on your part to maintain this attitude.

TREN. The other side of the table—the U.S. and South Viet-Nam administrations, up until now refuse to enter into serious negotiations and talk directly with us then the problems would be more easily settled. As for the Saigon delegation, it reflects warlike policy which is seeking a military victory which doesn't desire to end the war. So how can we reach a solution with such a delegation.

Only a few days ago, Thieu declared peace should be achieved through a military victory. I.e., the Saigon government wants to stick to the U.S. in order to get all-sided aid from the USA and in order to prolong the war. That is why in order to reach serious negotiations the U.S. must not give support to this regime. Let the South Viet-Nam population set up a coalition government of their desires and then we are ready to talk to such a government.

HALPERN. Do you think the U.S. can dismantle the government of Saigon?

TREN. If the U.S. wants to, of course, it can. Now the Nixon Administration continues to support this clique.

HALPERN. The Administration says it will support whatever the people want. They have assured they will support a political solution that guarantees this self-determination.

TREN. One thing I would like to add. We have been pursuing a very flexible position. Since the beginning of the Peace Conference we have put forth many proposals in order to settle the problem, but all have been rejected by the American government and we think that now, the U.S. Government must take steps toward peace. And the key to peace is in the Nixon Administration's hands.

HALPERN. You have questioned the good faith of my government. Isn't President Nixon's policy of rapid withdrawal of troops evidence of U.S. good faith?

TREN. We have no confidence in Mr. Nixon. He talks about peace, but he intensifies the war of aggression in the name of Vietnamization. And now it is expanded in all of Indochina. That's why we say President Nixon is speaking about peace, but is actually intensifying the war.

HALPERN. How can you say it is intensified if troops are rapidly being reduced?

TREN. It is being intensified by air and artillery forces. As far as the Vietnamization program is concerned, this actually means a continuation of the war. It means the puppet Saigon troops will keep fighting in place of U.S. troops with maximum air and artillery support—and logistic support of the USA.

HALPERN. This question is a very simple, but a very realistic one. Why in the world can't the Vietnamese get together and talk? Why can't you all sit down and negotiate without prerequisite conditions, involving issues that should be the basis of the talks?

TREN. When you came to Paris, you said you'd talk to them. They're the same people now as then. Why can't you get together, how can peace be resolved without negotiation? You agreed to meet. Now you say you won't talk. You must face reality. Why don't you get talking and take up your proposals at the table, but don't impose them before getting started.
You must understand the realities that exist. The government of Saigon—regardless of what you may think of the individuals—recognizes this realization. Therefore, because of the tautness of the present administration in Saigon, that is why we demand the U.S. renounce support of such a regime. We will gladly have made it clear that we will accept a political decision that would give the government should be. The United States wants to impose or depose. We have made it clear that we will accept a political decision that would give the people of South Viet-Nam the opportunity to decide their own future.

HALPERN. You are asking the United States to renounce the South Viet-Nam government, but not Thieu-Ky-Khiem—we accept representation of the Saigon Government; but not Thieu-Ky-Khiem—we accept representation of the Saigon Government. You are saying that the United States would be free to impose or depose the government. We have made it clear that we will accept a political decision that would give the people of South Viet-Nam the opportunity to decide their own future.

ALSO, aren't you pre-conditioning a viewpoint that should be subject of the talks you refuse to participate in.

TEN. We will not discuss the matter with Thieu-Ky-Khiem, but as I stated, we will be pleased to talk to anyone else within the administration who believes in peace, independence and neutrality.

HALPERN. But whoever would represent these stands would have to be cleared by the PRG. You would have to veto power. Is that the same as imposing?

TEN. That is not correct. The provisional coalition government will comprise of three segments: (1) members of the PRG; (2) members of the Saigon Administration with the exception of Thieu-Ky-Khiem. We will take anyone who believes in peace, neutrality, and independence, and persons of other forces outside the above—other political forces.

The membership of the provisional government would be decided through discussions by these three segments. Discussions would decide how many members there should be in the government, and what representation each segment would have.

HALPERN. You mentioned that the people of South Viet-Nam would settle their internal affairs. Through what means?

TEN. Through free and democratic general elections in South Viet-Nam.

HALPERN. Would you accept international overseas?

TEN. The provisional coalition government comprising the segments I mentioned would have the task of holding free and democratic general elections. That problem would be decided by this government.

HALPERN. Isn't this a subject for negotiation at the table?

TEN. We think this will be a subject for discussion within the provisional coalition government. It is not a difficult problem.

HALPERN. The American people want more than rhetoric—generals, or simplistic, unrealistic formulas for peace. And this is what seems to be coming from your side. And what else seems to confuse the American people as to your good faith is your constant reference to the word "consider" after you would gain certain conditions? People don't understand. Why only consider? Why don't you say you will do this, you will do that. Then we would know where we stand.

TEN. We didn't state we would "consider" a ceasefire. We said it would be observed. It's the first point in our three-point statement. We will observe a ceasefire and will enter into talks.

Let me say there are many problems that could be settled immediately, such as the problem of a ceasefire. The ceasefire would be immediately observed. We will take measures to assure the safety of American troops as they prepare their withdrawals. But there are other problems that need certain discussions and then there is the question of carrying out the other problems, i.e., the question of release of captured military personnel, the discussion on the ways and how we can conduct it. We would talk immediately on the question of release if you announced a date. And concerning a date, by that I mean a most appropriate date for a rapid ceasefire.

HALPERN. Let me get back on the issue of the prisoners. Will you reconsider your withholding of the names and make them available through whatever means you feel most appropriate.

TEN. We will take into consideration your ideas on the prisoners.

HALPERN. Earlier I mentioned my bewilderment at the PRG's stark refusal to reconsider the South's representation at the table. As I said, you know who they were when you accepted to join these talks. Should not the differences you have in the very basis of the talks themselves? Recently I met with Vice-President Ky in Saigon and he certainly has indicated a willingness to discuss the issues.
He feels in order to go further there must be a form of reconciliation—some flexibility to negotiate aims.

HALPERN. Obviously there is an impasse. Each must yield—even a little. We have yielded more than a little and have made clear our flexibility; I certainly feel there would be a lot more progress toward peace if the American people were to hear of some deviation from the rigid position of your side.

Incidentally, in your comments earlier about the large demonstrations and meetings in the United States and the growing number of Congressmen and Senators who support a disengagement date, I wish to take issue. You are reading these reports wrongly. They want this war to end. Of course they do. I believe all Americans do, through whatever formula they think best. I am among those who support a disengagement date. But I do so because I want negotiations for a lasting peace to get underway. So wanting peace is one thing but for you to think it reflects full support of your terms is another thing.

Mr. ZABLOCKI. It is my understanding that the gentleman from California, Mr. Leggett, also wishes to make a statement at this point.

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

Mr. LEGGETT. I would also like to make a statement, Mr. Chairman.

It has come to my attention that the national commander of Veterans of Foreign Wars has accused me and other Members of Congress of having “unwittingly been drawn into an unholy alliance with Hanoi either through ignorance or ambition.”

My reaction to this bit of stale McCarthyism, as to all ad hominem attacks, is that it is best ignored. However, Commander Rainwater appears to be laboring under a misconception of fact which should be rectified for the record.

His position, as elicited by questions from the members of the Subcommittee on National Security Policy and Scientific Developments, is that I and the others named were wrong to meet with the other side and then rush out and call a press conference without first discussing the matter with the administration. On the other hand, Mr. Rainwater feels it would have been responsible behavior for a Member of Congress to meet with the other side, inform Ambassador Bruce and other officials of the meeting, return to the United States, and only then release his information to the public.

The latter was in fact the course I followed.

I met with the North Vietnamese in Paris on the afternoon of May 29, 1971. Immediately after the meeting, I returned to our Embassy and reviewed my talk with Mr. James Rosenthal of our Vietnam negotiating team. I dictated my notes into a recorder supplied by Mr. Rosenthal; these were typed up by his secretary; a copy was given to me, another to Ambassador Bruce, and I assume another was sent on to Washington.

I met with the NLF late in the afternoon of May 31. At 9 a.m. the next morning, I reviewed the meeting with Mr. Rosenthal and again dictated my notes, this time directly to a stenographer. Mr. Rosenthal kindly offered to arrange a press conference for me; however, I declined the offer, feeling that such action on my part would be premature.

The following day, June 2, I met with Ambassador Bruce and reviewed both meetings with him. I then returned to the United States
and immediately sent a report to President Nixon, along with a request to meet with him and discuss the significant progress I felt we had made.

It was not until June 8 that I released my findings to the press and the public.

In summary, I have cooperated with the official negotiators and have acted through regular channels at all times.

Mr. Zabłocki. The subcommittee is adjourned until further notice. (Whereupon, at 4:13 p.m. the subcommittee adjourned, to reconvene at the call of the Chair.)