TERMINATION OF HOSTILITIES IN INDOCHINA

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HEARINGS
BEFORE THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
NINETY-SECOND CONGRESS
SECOND SESSION
ON
Committee Print of Joint Resolution
TO PROVIDE FOR THE TERMINATION OF HOSTILITIES IN INDOCHINA, SUBJECT TO THE RELEASE OF ALL AMERICAN PRISONERS OF WAR AND THE SAFE WITHDRAWAL OF THE REMAINING UNITED STATES FORCES FROM INDOCHINA, AND FOR OTHER PURPOSES

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TUESDAY, MAY 16, 1972

H. R. Res. ——, 92d Cong., 2d Sess.

JOINT RESOLUTION To provide for the termination of hostilities in Indochina, subject to the release of American prisoners of war and the safe withdrawal of the remaining United States forces from Indochina, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the involvement of United States military forces, land, sea, or air, for the purposes of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate and such forces withdrawn not later than October 1, 1972, subject to the release of all prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government of such forces; and subject to the safe withdrawal of the remaining United States forces from Indochina. An accounting for such American personnel referred to above shall be subject to verification by the International Red Cross or any other international body mutually agreed to by the President of the United States and the Government of North Vietnam.

Chairman Morgan. The committee begins consideration of the resolution this morning with testimony from the Secretary of State. Mr. Secretary, your prepared statement is before the members and you may proceed.

STATEMENT OF HON. WILLIAM P. ROGERS, SECRETARY OF STATE

Secretary Rogers. I welcome this opportunity to briefly speak with the committee and to give our views on the draft resolution before this committee. I want at the outset to stress that the military ac-
tions we are now taking are a response to a clear breach of interna-
tional law by North Vietnam.

The fact of the matter is that North Vietnam is now engaged in a
clear and full scale attack on South Vietnam. Throughout the war in
Vietnam, Hanoi has ignored the commitments undertaken in 1954 to
cease the hostilities and to keep all its citizens—not only military but
civilians as well—on its side of the demilitarized zone. A couple of
months ago it openly flaunted these commitments, making no effort to
hide the fact that it is carrying out a military attack against South
Vietnam and that to do so it has moved men and supplies through
the demilitarized zone.

As you know, Mr. Chairman, they moved at least two or three divi-
sions through the DMZ and moved altogether 12 divisions outside of
North Vietnam.

Hanoi may assert that the people in both North Vietnam and South
Vietnam are all Vietnamese and that there has been no permanent set-
tlement but these facts are totally irrelevant to the 1954 Geneva agree-
ment.

NORTH VIETNAM IN FULL-SCALE OFFENSIVE

The North Vietnam current offensive is not only a flagrant viola-
tion of these obligations, it is also a full-scale conventional invasion
waged by North Vietnamese regular troops with a full panoply of
sophisticated weaponry which only a highly trained army can operate.

Let me cite some examples of the new weapons that have appeared
on the battlefield in South Vietnam. For the first time in South Viet-
nam, the North Vietnamese Army is using the 130-millimeter field
gun with a firing range of 17 miles. Well over 100 of these guns have
already been used in the current offensive.

I might add, Mr. Chairman, that those guns have been directed at:
civilian populations indiscriminately, and as the President said in his
statement the other night, 20,000 civilians in South Vietnam have been
killed since this invasion started.

North Vietnam, again, for the first time is now using a wire-guided
antitank missile which can be redirected in flight. It was this missile
which destroyed a command bunker of the South Vietnamese in Kon-
tum. South Vietnam has no weapon to compare with this or with the
surface-to-air missiles never seen before in Vietnam and which are
particularly effective against helicopters or slow-flying aircraft.

In addition to these new weapons the North Vietnamese are using
medium tanks for the first time on a large scale in Vietnam. It is
against open aggression with sophisticated weaponry that the Presi-
dent made his decision to attack the lines of supply and reenforcement
in North Vietnam and to interdict the supplies. North Vietnam cannot
expect to wage conventional warfare against its neighbor with immu-
nity from a military response at its points of greatest vulnerability.

HANOI'S AIM: CONFRONT U.S. WITH DILEMMA

The President has consistently emphasized that he will take the nec-
esary military steps if they sought to take advantage of our military
withdrawals. We have the impression that the timing of the attacks
was intended by North Vietnam in part to confront the United States with the dilemma to choose between a military response, with possible consequences for the progress of the United States/Soviet efforts to reach accommodation on a number of world issues and a decision not to respond with what this would imply for South Vietnam's effort to be free of foreign intervention.

The President concluded that we could not in conscience fail to respond to the difficulties that the timing presented. At the same time, we are convinced that the North Vietnamese aggression must not be allowed to affect continuing negotiations between the Soviet Union and the United States.

It would indeed be tragic if this kind of North Vietnamese blackmail were permitted to imperil the SALT talks. We have, and will continue to have, divergent and even conflicting interests with the Soviet Union in many parts of the world but there are a growing number of mutual interests, specifically agreements upon such matters as arms control, trade, and overall, a less contentious bilateral relationship.

The current circumstances present serious but not insurmountable difficulties for both the United States and the Soviet Union, and for our part we hope and we trust that they will be overcome so that the two countries can continue to build a new relationship in which so many of the world's people have a stake.

U.S. CONTINUES TO SUPPORT NEGOTIATIONS

Mr. Chairman, we will continue to oppose North Vietnam's use of military force to impose on the people of South Vietnam a regime of its own choosing, and at the same time we remain convinced that the best way to end the war is by negotiation.

This administration together with the Government of South Vietnam has tried virtually every feasible route to induce serious negotiations and thus bring the conflict to an early end. We have made very many serious proposals designed to accommodate the other side's concerns and to facilitate an agreement which would reflect the legitimate interests of all. The North Vietnam response to these negotiating efforts has been to reject compromise and to demand capitulation.

In fact, the vitriolic vicious comments that they have made about our country and about our President in these negotiations have clearly indicated they have no serious purpose. Last week the President made another peace initiative. You know, of course, what it was. He stated that once our prisoners of war are released and an internationally supervised cease-fire has begun, we will stop all acts of force throughout Indochina and proceed with a complete withdrawal of our forces in Vietnam within 4 months.

U.S. PEACE OFFER IS GENEROUS

This is a generous offer, we believe more generous in fact than many of our critics have urged in the past. It would end the fighting, assure the release of our prisoners, the honorable withdrawal of our remaining forces and permit negotiations on a political settlement by the Vietnamese themselves.

It is an offer which we hope will induce Hanoi to consider seriously the advantages of forsaking the battlefield in favor of the conference.
The enemy has not yet indicated readiness to make such a move but we think current circumstances may well give rise to a situation where serious negotiations may become a real possibility.

In this critical juncture it is particularly important, I believe, that no actions be taken here at home which would indicate a lack of U.S. resolve and thereby encourage the enemy to pursue his present course of aggression. We believe that any legislation at this time would undercut the President's position and weaken the prospects for a negotiated settlement which we all seek.

A time of maximum enemy attack is a time when all of us should support the President of the United States. The draft resolution which you are now considering would, I believe, have a particularly damaging effect.

We fully share the objectives expressed in the resolution to bring our forces and our prisoners safely home at an early date and to end our involvement in the fighting. However, the resolution would clearly jeopardize other important objectives to prevent a Communist takeover of South Vietnam by force and to end the war itself, not just our involvement in it.

ADMINISTRATION OPPOSES RESOLUTION

For this reason, Mr. Chairman, this administration strongly opposes the resolution before you today. I might add, Mr. Chairman, that in the last day or two we have been encouraged by the reports from the battlefield. The South Vietnamese are doing better. They have fought courageously in some places. Of course, the actions have been spotty, but that is true in most cases of warfare. They have done quite well and I think that we have every reason to hope that they can continue to defend their country successfully.

Also, I say, Mr. Chairman, that we have every reason to think that the summit meeting is on. I had a meeting yesterday with the Minister of Trade and Ambassador Dobrynin and the discussion revolved around the discussions we would have in Moscow and what we would talk about when we got there.

There was no indication at all that there was any hesitation on their part to have the visit take place.

ASKS SUPPORT FOR PRESIDENT

So I merely want to conclude, and I will be glad to try to answer any questions, with this thought: that I think at this time, on the verge of this important visit when we believe that there are real prospects for a successful visit and for creating conditions that may be of great benefit to our Nation for many years to come, and at a time when we are heavily engaged in Vietnam and when our allies, the South Vietnamese, are fighting well, we think is not the time for Congress to act in a way that would appear to be adverse to the President and what he is doing.

As I have said before, there is going to be plenty of time, of course, to criticize the President. If we are wrong, it will be clear in 2 or 3 months. In the meantime, I think we all should stick together because if the President is right, we all benefit; if he is wrong, we all lose.

Thank you, Mr. Chairman.
Chairman Morgan. Thank you, Mr. Secretary.

Mr. Secretary, according to the press this morning you told a Senate Appropriations Subcommittee that the President's current policy will not result in a confrontation with the Soviet Union. Looking at the situation in South Vietnam and the apparent ability of the North Vietnamese to withstand United States and South Vietnamese pressures, why should they do anything at this time? It seems to me they have the initiative and can react at a time and place of their own choosing.

Would you care to comment?

Secretary Rogers. Well, of course, Mr. Chairman, when one makes prophecies there are always certain risks in it. My own judgment is that the Soviet Union does not want to force a confrontation with us. I base that on the conversations that we have had with them, I base it on the attitude toward the visit and even more importantly I base it on what they themselves have involved.

They have a whole foreign policy that is involved. They have attempted to bring about a spirit of détente in Europe by encouraging the European Security Conference as certainly one of their major objectives. They have been very aggressive in attempting to bring about a ratification of the treaty with the Federal Republic.

They are anxious to have the protocol on Berlin signed. I think they are anxious to have an agreement in strategic arms limitation. I think they are interested in having tensions in Europe reduced and to be able to focus more attention on the Chinese border.

My own judgment is I don't believe they are going to jeopardize that foreign policy and their many interests that I have just referred to by forcing a confrontation with the United States on Vietnam. I recognize that I can be wrong but my judgment is that this will not occur.

I don't doubt for a moment that they may at some point attempt to cause trouble and that sort of thing but I am speaking about a major confrontation and I don't believe it will occur.

DID THE ADMINISTRATION “RETREAT” ON POLICY?

Chairman Morgan. Mr. Secretary, you said that you are opposed to this resolution and have been reported in the past as saying that Congress should not enact any sort of a war resolution because it would undercut the President's Vietnam policy. Now, the President in his Monday night speech stated that the United States would withdraw all of its forces from Vietnam subject to the release of the prisoners of war, and the beginning of an internationally supervised cease-fire. Is this a retreat by the executive branch to a new position with respect to an antiwar resolution?

Secretary Rogers. Well, I don't like the word “retreat” but it certainly is more forthcoming than any proposal that we have made before. As I said in my statement, it does meet the demands of most of our critics. We were talking a year or so ago about proposals that would refer to a year and then 9 months, now we are down to 4 months and we think that is rock bottom.

Chairman Morgan. Thank you, Mr. Secretary. Mr. Mailliard?
MR. MAILLIARD. Thank you, Mr. Chairman. Mr. Secretary, could you give us a little insight into what the reaction of other nations in Asia generally has been to the events of the last week? Particularly I am interested in what kind of reaction you had from Japan.

Secretary Rogers. Yes. Let me start in the Pacific area. There are two kinds of reactions we get. One is the public reaction and one is the private reaction. The public reaction always has to take into account the political realities in the country itself.

In the case of Japan, Prime Minister Sato made a statement in The Diet that was reasonably supportive but it indicated some disappoint­ment that this was necessary. Foreign Minister Fukuda gave a very supportive statement.

The Japanese Government, I think, supports the President’s position. They do have, as we have in this country, some people who disagree though a segment of their population feels the other way. So when they make statements they qualify them a little bit, but I would say the Japanese response has been a good one.

REACTION FROM NATO ALLIES

Now, as far as other Asian countries are concerned, they all support the decision of the President.

Now, in the case of NATO, we have had excellent support from Great Britain, from Belgium, from other European countries. Although the foreign minister of France hedged a little bit, he stated it both ways. He deplored the mining but he pointed out that the offensive had been undertaken by the North Vietnamese.

Canada has supported us, with Prime Minister Trudeau making a statement in support of the President’s position. So, on the whole, the reaction in foreign capitals has been excellent, surprisingly good.

Comments in both Eastern European countries and the People’s Republic of China have been, as you know, quite moderate and fairly de­layed.

Both the Soviet Union and the People’s Republic of China reacted quite moderately compared to past statements and they took some time before they made the statements.

A ROLE FOR UNITED NATIONS

MR. MAILLIARD. Mr. Secretary, in this situation do you see a possibili­ty of a role on the part of the United Nations in trying to help to re­solve this along the lines that the President has offered?

The present Secretary General has taken a somewhat different atti­tude than his predecessor and I have a feeling that there would be some sense of relief on the part of the public if there were a legitimate way to get the United Nations into this act.

Secretary Rogers. I have been in touch with the Secretary General on the subject and he has been canvassing the Security Council mem­bers. I don’t think it is feasible for quite a practical reason; and that is that both the People’s Republic of China and the Soviet Union oppose it.
Mr. MAILLIARD. Then without the General Assembly being in session that fairly well rules that out but—

Secretary Rogers. You notice that the Secretary General is attempting, I think, to promote some public support for United Nations involvement. He issued a statement yesterday which appeared in this morning’s paper which is rather unusual for the Secretary General, I think with the hope that he would get some public support for his position.

Mr. MAILLIARD. I realize this is a little bit speculative but I presume the General Assembly convenes when, in September?

Secretary Rogers. Yes.

A U.S. INITIATIVE IN U.S. GENERAL ASSEMBLY

Mr. MAILLIARD. If something has not changed markedly by then, would you anticipate that we might take any initiative in the General Assembly in this field or that if we don’t someone else is likely to?

Secretary Rogers. I would doubt it. The General Assembly really is not a very good place to negotiate or solve problems; it is a forum for speakers. I would have serious doubts about that. I don’t believe our problem is lack of a forum, I think our problem is lack of willingness on the part of the North Vietnamese.

There are other possible forums, and in some ways a preferable forum might be a Geneva-type conference; as you know, the British have proposed a reconvening of that. They proposed that several times, and the parties still recognize that the Geneva agreements still have some validity.

Mr. MAILLIARD. Have the Soviets indicated any reaction to the British proposal?

Secretary Rogers. They have not indicated any yet, no.

Mr. MAILLIARD. Thank you, Mr. Chairman.

Chairman MORGAN. Mr. Zablocki?

PREDICTS NO MAJOR U.S.-U.S.S.R. CONFRONTATION

Mr. ZABLOCKI. Thank you, Mr. Chairman.

In reaction to the mining of Haiphong the Soviet Union has said that it will take every step necessary to continue supplying military assistance to North Vietnam. Last weekend Admiral Zumwalt in Milwaukee stated that the United States will take every step needed to prevent any military supplies getting into North Vietnam.

Do you see a confrontation between the United States and the U.S.S.R. in the event of such a development?

Secretary Rogers. I don't think there will be a major confrontation, no. I would not be surprised if attempts were made to circumvent the harbor area but I would not think a major confrontation between the Soviet Union and the United States will result.

Mr. ZABLOCKI. It is my understanding that there are Soviet submarines heading for that area and if they decide to sweep the mines, Admiral Zumwalt said we will reseed with new mines. He said the United States will take every step to see that the mines will not be swept. Could that not lead to a confrontation with Soviet submarines?

Secretary Rogers. Well, as I say, I don't see it developing.
Mr. ZABLOCKI. But the very fact that Admiral Zumwalt mentioned such a possibility would indicate that it could happen.

Secretary Rogers. Well, I just don't believe it will happen.

Mr. ZABLOCKI. I am just wondering whether such an eyeball to eyeball situation could bring some very serious developments or will our eyeballs drop?

Secretary Rogers. As I say, it is dangerous of course to make predictions. My prediction is that that kind of confrontation will not occur. I base it on the reports we get. I base it on the conversations we have had with the Soviet Union. I base it on the points that I made earlier about how much they have riding on improved relations with the United States and I don't believe that they want to have a major confrontation with the United States about South Vietnam.

WHAT HARM IN A CONGRESSIONAL RESOLUTION?

Mr. ZABLOCKI. Mr. Secretary and Mr. Chairman, if I may ask one question relative to the resolution. In view of the President's four conditions, and if indeed similar conditions would be contained in a resolution, what harm would there be for the Congress to speak out on this issue in the form of a resolution?

I, for example, would want to and shall make every attempt to amend the resolution before the committee to include a provision providing for a U.S. withdrawal not later than 4 months or even 3 months after the establishment of an internationally supervised cease-fire, subject to the other three conditions contained in the resolution.

What harm will there be in Congress passing such a resolution?

Secretary Rogers. Well, I think it depends on the kind of resolution we are talking about. If it is really supportive of the President and says we want to pass a resolution to let the President know we support him, of course, that is fine; but if the purpose of the resolution is to say we don't support the President, we want to say something else, we want to give a signal to the public that we don't go along with what the President is doing, we want to cut off funds or something of that kind, then I think it is wrong.

Of course, we would welcome a resolution that says we support the President's position, that the proposal he made is a fair one and we welcome that.

AN "ELECTION YEAR" RESOLUTION

Mr. ZABLOCKI. Mr. Secretary, it is most unrealistic in an election year to pass a resolution which would completely support the President. But if the Congress passes a resolution which is essentially similar to the President's position without so stating in the resolution we would in effect be supporting him. We would not be going at counter purposes would we?

Secretary Rogers. I was not suggesting that the language say that you support the President. But if the language is totally consistent with what the President has proposed so that it could be interpreted as support for him, that would be fine. But if you adopt a resolution which seems to be going in the other direction and undercuts his position, then it is harmful.

You say in an election year. I don't think that is important. I think what is important is the situation the country is in. We are faced with
a critical period in our history and it may well be the turning point. I think there is a good possibility that if the South Vietnamese are successful in repelling this invasion and our visit to the Soviet Union is successful, I think there is a good possibility that the other side would decide that negotiations provide a good solution—a better solution than what they attempted.

You see, they are committing an awful lot. They are committing all of their combat divisions. If they are unsuccessful militarily, they cannot regroup quickly; it is going to take them quite a while. They might say this is a pretty good offer: have a cease-fire, exchange prisoners of war, all United States military forces will get out in 4 months. Then they might say to themselves: we have a pretty good, clear field, we will try to get our way by political means, why not try that?

So I think there is a pretty good prospect of negotiated settlement if the South Vietnamese do well in the battlefield and I don't think we should do anything in this country at the time to undercut the President's position.

Even Senator Church said the other day if he were in North Vietnam he would accept it. I applauded him; I think he is right.

Mr. Zablocki. Mr. Secretary, I didn't mean to imply in any way that our elections in this country are more important than the international situation. However, being in politics I know what the pragmatic considerations and concessions must be as far as getting support for any resolution.

Secretary Rogers. I was not suggesting that the resolution say we support the President. I am just saying if the resolution was totally consistent with the President's position, then, of course, we would have no objection to it.

Chairman Morgan. Mr. Frelighuyseinen?

NEXT 2 OR 3 MONTHS ARE CRITICAL

Mr. Frelighuyseinen. Thank you, Mr. Chairman.

Mr. Secretary, you have urged Congress to take no action at this critical juncture. You said at this time it would be unwise in view of the imminent visit to Moscow. How long will the talks take; and if they are successfully concluded, would action at a later time be appropriate?

In other words, if we waited until the beginning of June, say, and made a statement, would there still be a reason for you to have serious reservations about the damaging effect of action by Congress?

The reason I ask is that it is quite obvious that this committee, in a figurative sense, is under fire with the young people outside as an example. Each one of us, I assume, is under considerable pressure to go along with some kind of language.

Would it still have a damaging effect if Congress should act after the visit?

Secretary Rogers. I don't think I want to relate it directly to the visit. I am relating it more to the visit and what happens in the next couple of months, because it seems to me those are the critical months. By that time—I would think in 2 months and certainly at most 3—the battlefield situation will be clarified to a considerable extent.

Now, I really don't want to make any statements about what the situation might be like 8 months from now. But certainly I do em-
phasize the importance that I attach to no action on a resolution being taken now. I just don't see why it is necessary for Congress to do this now.

Everyone admits that the President's position is a fair position. So why now? I mean, if you are talking about the election, that is not until November. You have plenty of time then. Why now?

RESOLUTION OMITS MENTION OF CEASE-FIRE

Mr. FRELINGHUYSEN. Well, I think the answer is obvious. The pressures are very real. There is this feeling, as an example, as expressed by the Washington Post, that if Congress includes language regarding a cease-fire we are simply a rubber stamp for the Executive.

It is not the kind of language that irritates me particularly. But this is an election year and some feel we should be able to express ourselves one way or the other about a matter of consequences that has gone on for too long.

I would guess that action will be taken. The majority has come up with language which does not include a cease-fire. I would suppose if there is any discussion about pros and cons the issue will be whether or not cease-fire language should be included. I would assume that if cease-fire language were included, it would be in practical effect unquestionably supportive of the President because it would be a rephrasing of what the President has already offered.

I would hope that this will not result in a reluctance on the part of Democrats to admit the feasibility or the advisability of including cease-fire language in the resolution. We should not forget that the cease-fire is an important part of the process of bringing the war to an end.

As written now without any reference to cease-fire, this resolution might well not solve the situation at all. It would not eliminate the possibility that there would be continuing fighting. I don't see how we can get away from the fact that a cease-fire as a part of this process is important.

So I do think there should be recognition on the part of the executive that the legislative branch has given the appearance of incapacity to express itself for so long that the pressures have built up to such an extent that the majority in Congress have decided on language which is presumably moving toward a decision one way or the other.

RESOLUTION MUST INCLUDE POW PROVISION

Secretary Rogers. I think, of course, that in addition to an internationally supervised cease-fire, any resolution should be drafted very carefully to make it clear that nothing becomes operative until the prisoners of war are actually released. Some of these resolutions I see make only agreement on prisoner release the operative portion.

Well, that is not what is important. I think if the Congress decides that it has to pass something, it wants to be sure that it passes something that is not vulnerable.

Second, I don't want to debate with you because I understand your position. I don't know that I agree with you about pressure building up and your citing the Washington Post. The fact of the matter is that the
response that we have had since the President’s talk has been over­whelmingly favorable and all the polls show that the people support the position he has taken. So I have some trouble understanding where the pressure is coming from. I think everybody is frustrated by the war and everybody wishes it would go away and everybody has doubts about some things that are done in connection with the war. That is understand­able. But I have been doing quite a lot of talking lately and I find a very good response from people saying, well, we think the Presi­dent has made a very difficult decision; we think it is a good decision and we certainly hope it is, and let’s all stay behind him and see how it works.

I don’t really get the feeling that there is a great deal of pressure building up for Congress to take some action. Of course, I am sitting in a different chair.

PRESSURES ON CONGRESS TO ACT

Mr. FRELINGHUYSEN. I don’t mean we necessarily should respond to it. The Washington Post and certainly even the New York Times doesn’t vote, but they typify what a lot of articulate people are ex­pressing to us.

I would suppose, as far as my own mail is concerned, it is an inspira­tion of Common Cause. This mail does not really clarify the situation for me at all.

Secretary Rogers. No.

Mr. FRELINGHUYSEN. And I am not suggesting that we should roll over and play dead because this is an election year. In fact, we should take care not to do that. If Congress should do something that actually would be disadvantageous to our national interest because of our feel­ing that we must respond to pressure we could be extremely unhelpful in helping end the war. I think this is our basic problem.

Secretary Rogers. That is really the plea I am making.

Chairman Morgan. Mr. Fraser?

PROBLEMS ON UNIVERSITY CAMPUSES

Mr. Fraser, Mr. Secretary, one of the pressures comes from my uni­versity—Minnesota—where the National Guard was called in the other day because the students barricaded the streets. The police came, and there was a police riot, and the National Guard was called in.

Perhaps your Department and the White House don’t know about this, but these problems are developing all over the United States. I set up ad hoc hearings for Kent State students who came to Washington. They are trying to find a way to relieve pressures similar to those that led a year ago to the Kent State tragedy. Are you saying there is no pressure anywhere?

Secretary Rogers. No, I didn’t say that.

Mr. Fraser. What are you saying, that there is not enough pressure, or that we should use our own judgment notwithstanding the pressure?

Secretary Rogers. I said that I thought that when Mr. Frelinghuy­sen referred to pressure from the Washington Post, it was not a very good test.
Mr. FRASER. Do you acknowledge the existence of a very strong feeling in the United States that we have no reason to pursue our involvement in Indochina?

Secretary Rogers. Yes, there is no doubt about that. There is certainly a segment of our population that feels that way.

MINING: PART OF PRESIDENT'S SECRET PLAN?

Mr. FRASER. Mr. Secretary, is the mining of Haiphong a part of the President's secret plan to end the war?

Secretary Rogers. Well, it is part of his plan to end the war.

Mr. FRASER. Is it part of the secret plan that he announced to the American people 4 years ago?

Secretary Rogers. As I said, it is part of his plan to end the war, for the reasons that I mentioned in my statement.

Mr. FRASER. Mr. Secretary, part of the problem we have is credibility. Do you know whether or not the President in fact had a secret plan, and can you tell us what the components of it are?

Secretary Rogers. He said he had a plan to end the war, and that is the plan that we have been following.

Mr. FRASER. So the plan we have been following is the secret plan he said he had that he could not disclose prior to the election in 1968?

Secretary Rogers. The programs that we have been following of attempting to negotiate a reasonable settlement based on fair terms, and the Vietnamization program, are the programs he had in mind. We think they will end the war.

We have brought out 500,000 men that another administration sent to South Vietnam, so to that extent, we have reduced the presence of American men in South Vietnam to a very considerable extent. We have reduced the casualties from about 300 a week when we took office, down to about 10 now, and we are going to continue our withdrawal program.

DIRECTION OF FUTURE U.S. POLICY

Mr. FRASER. Mr. Secretary, that raises the question about what future U.S. policy will be. You stated earlier that the United States will continue to oppose any efforts by North Vietnam to impose a government or regime on South Vietnam.

Secretary Rogers. Yes.

Mr. FRASER. Is it fair to take that statement in conjunction with the President's last offer? Let me rephrase that question.

If Hanoi were to accept the offer of the cease-fire, and the withdrawal of U.S. forces followed within 4 months, would the North Vietnamese at that point be free to resume hostilities in the absence of a political settlement, and would the United States refrain from reintroducing naval and air units?

Secretary Rogers. I am not going to answer the second part because it is so hypothetical. As for the first part, I can answer it very directly, and that is, obviously, if we negotiated a cease-fire, we would expect the enemy to observe it.

We would not enter into an agreement for a 4-month cease-fire and then say to them "Go ahead and start the war again." It would not make any sense.
Mr. Fraser. That is what I wanted clarified. In other words, what you are saying is that a cease-fire will only be agreed upon if it is one that leads to a political settlement?

Secretary Rogers. What I am saying is that the President has proposed a release of prisoners of war and an accounting for all of those missing and an internationally supervised cease-fire. Then, we will withdraw all our forces in 4 months.

We would expect that the Vietnamese themselves would attempt to resolve the political future of that area of the world. That is what most Americans have been urging, and that is what we would like to see happen. But we certainly are not going to enter into an agreement whereby the minute our troops are out, the war should start again.

REINTRODUCTION OF FORCES INTO VIETNAM

Mr. Fraser. Supposing the political negotiations break down and hostilities resume in Vietnam. Will the United States reintroduce its forces into that conflict?

Secretary Rogers. The only thing I am going to say in answer to that question is, we are not going to reintroduce ground combat forces in South Vietnam.

Mr. Fraser. Mr. Secretary, this is clearly the reason you are not going to get a settlement?

Secretary Rogers. No.

Mr. Fraser. Your cease-fire is aimed at stopping the fighting with the threat that if the fighting resumes, no matter whether it is 4 months or a year or 3 years from now, the United States may reintroduce naval and air units to participate in the hostilities.

Secretary Rogers. I didn't say that.

Mr. Fraser. You left that implication.

Secretary Rogers. Well, I didn't say that. I said I would not answer that question.

NO REINTRODUCTION OF U.S. GROUND TROOPS

Mr. Fraser. You left that implication because you said that we would not reintroduce ground troops.

Secretary Rogers. We have said repeatedly that we are not going to reintroduce ground troops. Insofar as other actions that the United States will take, we are not going to say hypothetically what we would propose beyond a cease-fire, internationally supervised, with the idea of ending the war.

We certainly don't want to make an agreement that encourages the other side to start fighting again in 4 months. It does not make any sense at all. We are not going to say what we will do in those circumstances, because we think it would be a silly position.

Mr. Fraser. Mr. Secretary, I think your position is a silly one if you think Hanoi is going to accept an open-ended approach after 20 years of struggle. A cease-fire leaves them stopped dead in their tracks with the implicit threat, if not the express threat, that if they start fighting again, we will resume bombing with B-52's and reintroduce naval forces.
I have defended the President's proposed peace terms, but I under­stood them to mean that at the end of the 4 months we were out and we were not going to go back in.

Now you are leaving the impression that we may go back in. Under those conditions, I will publicly denounce the President's peace offer because it is not going to work.

Secretary Rogers. I think—

Mr. Fraser. How many years—

Secretary Rogers. Could I just answer what you said?

Mr. Fraser. Yes, you can.

**REASON FOR HANOI TO ACCEPT CEASEFIRE**

Secretary Rogers. I want to point out that I did not say that we would reintroduce anything. I just said that I don't think that situa­tion is ever going to develop and I will not answer that question hypothetically.

If the enemy agrees to an internationally supervised cease-fire, I am firmly of the opinion that they will have come to the conclusion that they can achieve their purposes politically over a period of time, and that may very well be. This is what a great many people think may happen.

Mr. Fraser. Mr. Secretary—

Secretary Rogers. May I finish, please?

Mr. Fraser. I am sorry. Please go ahead.

Secretary Rogers. We have indications from other countries that that is a possibility. If they are not able to succeed militarily then they may feel that if they can develop an internationally supervised cease-fire and that if we get out in 4 months that they will then be able to achieve their purposes politically.

They say that they have a lot of support in South Vietnam, that the people support them. The argument has always been made that the reason their support is not obvious is because our troops are there; that if we get out they will have a chance to show how strong their support is. We don't believe it.

We think the people in South Vietnam are in favor of freedom and that is why the refugees go south instead of north. I don't think that this proposal that you make would ever come to pass. I don't think it would for a moment. That is why I am not going to enter into that kind of a discussion.

Chairman Morgan. The gentleman's time has expired.

Mr. Broomfield?

**POSITION: BETTER NOT TO PASS ANY RESOLUTION**

Mr. Broomfield. Thank you, Mr. Chairman.

Mr. Secretary, I would like to compliment you on your testimony this morning. I certainly am not confused by your statement. I do feel that if we could work out a resolution that would include a cease-fire and it could be passed by Congress it might be helpful to the cause. Would you not agree?

Secretary Rogers. I had attempted to say a moment ago that I would like to look at it. We believe at the moment that it would be better
not to have anything passed. But certainly I would not want to reject anything out of hand.

Mr. Broomfield. Certainly the question of a cease-fire is absolutely essential. I mean, if the critics of the administration and those who favor North Vietnam winning this operation, the stopping of the bloodshed seems to me to be the most essential thing.

Secretary Rogers. Absolutely.

Mr. Broomfield. If we can work in a cease-fire and follow the other principles, I think we have got a chance. I am afraid this is developing into a partisan issue. I certainly would support something that would follow the basic principles of the President's statement, outlined a few minutes ago.

Secretary Rogers. Thank you, I think it is a very unfortunate time in our national life to have it develop in a partisan way. There is plenty of time to engage in partisanship after the conventions. I would hope that we could deal with this problem on a unified basis as a nation.

Chairman Morgan. Mr. Rosenthal?

ISSUE OF PARTISANSHIP

Mr. Rosenthal. Thank you, Mr. Chairman.

Mr. Secretary, I disagree with much of what you say. Let me see if I can illustrate the areas of disagreement.

From where I sit there is no partisanship in our objection to the President's position or in our own position on the war. Many of us felt this way when Lyndon Johnson was President. We saw the national interest as our paramount concern. Any discussion of an election year is, I think, somewhat irrelevant.

I am honestly and seriously offended when you call on us and the President calls on the Nation to support the President.

This week's Life magazine, which is not exactly the Washington Post, either, says in an editorial that if it does not stand up and develop an independent policy on this war, the Congress really ought to abolish itself.

This clarion call to support the President is an empty gesture based on rhetoric and not on a sensible policy. Instead it is based on an irrational policy, based spuriously on the credibility and the dignity of the Office of the President. Most of us are concerned with the future of the United States.

I only wish you, in your esteemed position of Secretary of State, would stop using these cheering phrases of "let's all support the President," and "we must have one nation," and "we must unite in support" because those kinds of remarks really fall today on deaf ears.

DANGER OF A MAJOR CONFRONTATION WITH U.S.S.R.

You said, "They," meaning the Russians, "do not want a major confrontation with the United States over Vietnam." Presumably, you have decided that it is not in their national interest.

Does the United States want a major confrontation with the Soviet Union over Vietnam?

Secretary Rogers. No.

Mr. Rosenthal. Do you see a scenario where a couple of Russian ships are blown up by some mines or where some other untoward inci-
dent develops that they themselves cannot control. Their political forces cannot help prevent the confrontation yet neither side wants the confrontation.

Sometimes battlefield events lead both sides inescapably to an atmosphere of confrontation. If that happens, was this worth it all?

Secretary Rogers. We certainly hope it won’t happen. As I say, I feel myself, and it is a prediction, that we will not have that kind of a major confrontation. I would like to comment, if I may, about the first part of your question.

I have not talked about supporting the President in the sense that everyone has to get out in front and cheer for him. What I am saying is that at a time that is so critical for our Nation and at a time when the President has made a difficult decision—and obviously no one can be sure that this is the right decision—we think that at that time and during the period of difficulty while we are going to the summit and while we are trying to get a response to the proposals that the President has made for a negotiated settlement, that Congress should not take any action that would undercut the President’s position.

We are not talking about making speeches and criticizing; of course you will. I am not suggesting that you should necessarily favor him. I just suggest that we be reflective and not be openly and stridently critical at the moment.

ESCALATION OVER FAILURE OF VIETNAMIZATION

Mr. Rosenthal. From where I sit he is the one who made it absolutely necessary to criticize his policy. The policy of Vietnamization was not working. He took the next critical step of escalation.

The other side, the Russians—whom I think do want a rapprochement—have had to restrain themselves and cool their response, praying that nothing happens in the same way that we pray nothing happens.

If nothing happens, it was the President’s critical action that escalated the controversy. It seemed to me that he rolled heavy dice with the future of mankind over a situation where the American national interest is not involved.

Secretary Rogers. Suppose we end up with a negotiated settlement and have a whole new relationship with the Soviet Union which benefits mankind for many years to come. How about that? How do you react to that?

URGES 3-MONTH WAIT

Mr. Rosenthal. That could be a delightful kind of experience.

Secretary Rogers. Let’s wait then.

Mr. Rosenthal. We cannot wait.

Secretary Rogers. We will know in about 3 months. If we have a catastrophe that you are suggesting, which I don’t think will occur, then you will be right.

If we have a negotiated settlement, and we get along well in the Soviet Union, then I will be right. Why don’t we wait and not argue about it in the next 3 months?

Mr. Rosenthal. Mr. Secretary, I don’t want to be right under those circumstances. I join with you in hoping that this thing is resolved.
I see a different scenario in getting a scenario of the United States to declare that by October 1, or some other date, we will totally withdraw from Southeast Asia and let those people there once and for all determine their own future.

It may be painful from where we sit. There may evolve in South Vietnam a kind of government that we are unhappy with, that both of us are unhappy with, but it may be beyond our capacity to affect that result.

If I may be permitted just one more moment, a cease-fire as Mr. Zablocki suggested, will never work because it is a reaffirmation of the tail wagging the dog. South Vietnam will never agree to a cease-fire because they would then have to relinquish the power and the control of the present regime. They won't agree to it.

We cannot get a cease-fire in South Vietnam unless there is some political settlement altering the government in Saigon. That is why it can't work.

Chairman Morgan. Mr. Whalley.

PARALLELS TO MIDDLE EAST

Mr. Whalley. Thank you, Mr. Chairman.

Secretary Rogers. Could I just make one comment on the last question? It may be that we cannot get a cease-fire. But I want you to know that I had the same arguments made to me time and time again on the Middle East.

I had literally hundreds of people that told us that it was ridiculous to think that we could get a cease-fire in the Middle East. But we got one, didn't we, and it has been going on now almost 2 years.

Now, it is a different situation, I grant you. All I am saying is that that seemed to be out of the question at the time, and I can show you records of people that told me that our position made no sense at all. But we got a cease-fire, and it has been reasonably effective. The area has been stable for almost 2 years. So, I don't like to say it is impossible. It may be difficult, but it is possible.

Mr. Rosenthal. No one on this committee ever said you could not get a cease-fire in the Middle East. No one on this committee ever said that.

Secretary Rogers. Well——

KOREAN TROOPS IN VIETNAM

Chairman Morgan. Mr. Whalley.

Mr. Whalley. Thank you, Mr. Chairman. Mr. Secretary, does Australia, New Zealand, and South Korea still have combat troops?

Secretary Rogers. South Korea does.

Mr. Whalley. Are they being used at all?

Secretary Rogers. Yes, about 40,000 of them, and they are in military region II, and they have been involved in combat along route 19 as I remember.

Mr. Whalley. Is there any question about them continuing in combat?

Secretary Rogers. No.
RAINY SEASON IN VIETNAM

Mr. WHALLEY. How about the rainy season; when does it start?

Secretary Rogers. Well, it differs in different parts of the country, of course, but, around Kontum and Pleiku, it is beginning now—next week or so. Up in military region I, the rainy season won't affect the situation so much; but in the central highlands, it is almost there now; there have been some rains.

Mr. WHALLEY. How long does that last ordinarily?

Secretary Rogers. Well, it is hard to say. You know, 3 or 4 months, something like that.

Mr. WHALLEY. Well, that will practically stop the combat.

Secretary Rogers. Well, it makes it very different to move heavy equipment.

Mr. WHALLEY. I hope we can get together here on a satisfactory resolution, Mr. Secretary. Thank you very much.

Secretary Rogers. Thank you.

Chairman Morgan. Mr. Culver.

FOREIGN POLICY: CONGRESS AND THE PRESIDENT

Mr. Culver. Thank you, Mr. Chairman, Mr. Secretary. I think that you have already sensed that one of the very fundamental issues and concerns that is being expressed here today is the rather basic one of the relationship between the President on the one hand and the Congress on the other in the formulation of American foreign policy.

I am one of those who certainly does not view this in a partisan sense at all. I think that our Founding Fathers personally were very wise in placing the primary responsibility for foreign policy in the hands of the President, but I think they were equally wise in putting certain checks and balances on the uninhibited implementation of that particular portion of the Constitution by expressly giving to the Congress the power to declare war, to raise and maintain armies, and to tax the people.

I feel that the wisdom of the Founding Fathers here was in the recognition of the fact that to have any foreign policy in a democratic system that is viable and sustainable it does presuppose a dependence upon the support of the governed, the people.

I think the thing that concerns so many of us is, and I think Congress has to probably assume a primary responsibility for the breakdown of the institutional concept, in this relationship, I, for one, feel had Congress been in the position and taken a proper role earlier on in the whole history of the Vietnam war, that, perhaps, the entire tragedy could have been avoided, or certainly in its aggravated form it could have been avoided because we would have had available, on a systematic basis, some constructive input of a political nature with regard to what the will of the country really is.

I think this is the one thing that we are equipped to provide in the formulation of foreign policy, and I think it is the one essential ingredient that has been tragically lacking, and has brought about so much of our critical dangerous state in national affairs that you have made proper reference to today.

I hope that this idea that we are a co-equal independent branch of government is made clear. We are individually charged to uphold the
Constitution, to vote according to the dictates of our own conscience in the national interest, as we individually perceive that to be, and, certainly, I think there is no higher patriotism than to responsibly honor that obligation and meet that responsibility. Frankly, it is totally independent and upon each of us to perform that.

**Motivation of the War Critics**

I think many of the critics of the war in Vietnam, and you well know this, have really been leaders in their own constituencies politically on this issue. They have gone out, very much contrary to public opinion, in their particular area and taken the position that they felt was more compatible with the Constitution, as they understood it, or with the national interests as they understood it.

So, I do want to emphasize and underline the expression of concern that many of us have about the theory that to fail to agree with any President is somehow incompatible with our own individual responsibility as Members of the U.S. Congress. I really would like to underscore this concern.

Second, I hope that we can somehow better equip ourselves in a nuclear age to perform our historic responsibility, however designed under the Constitution.

Now, I was struck when you were reciting in your response to Mr. Mallei's question about the Japanese response being "good," and going through the checklist of various national public reactions. I don't want to quibble about that at this point, but I think reasonable men differ on the construction as to good or supportive.

Secretary Rogers. Yes.

Mr. Culver. And, I think that when you talked about the public reaction as distinguished from the private reaction, and went on to say that public statements always have to take into account the public attitude, that this is very important in a democratic society.

Secretary Rogers. Yes.

Mr. Culver. The public must be taken into account and be answered to. I think that when in the private counsels of the President's own difficult decision last month, for example, I am certainly prepared to believe that there were men highly placed and dedicated to the national interest who sincerely disagreed with the President's decision, and, perhaps, gave expression to that in private consultation, and I would think less of them if they did not do that on that occasion.

Then, I don't think it is that great a leap of the imagination to envision a situation where we, as individual members of the Congress, with public responsibilities, charged as we are with elected representatives of the people, are going to give expression to those same views consistent with our own construction of the national interest and our constitutional responsibilities. I hope that we don't see this made a partisan issue of jingoism and of know-nothingism which fails to recognize some of these very basic and critical institutional considerations.

A "Critical Time" for Action

Now, I was struck too, when we talked about "It is a critical time" for the Congress to take action. In my 8 years on this committee, I
have never known a time that the executive branch, regardless of party, ever felt was a proper time for Congress to do anything in the area of foreign affairs or foreign policy.

Frankly, if it is not a critical time with the monumental proportions that we are currently confronting, it is a manufactured critical time for all kinds of bureaucratic reasons, and, you know for cuts in the direction of Congress to roll over and play dead, to go with "big brother" and stay out of the way, and we will see it through somehow, you know; particularly if you don't do anything about it.

So, I think that this is another time when it is critical and that, perhaps, the congressional obligation is greatest. Perhaps when we are at one of these historic watershed points in the formulation of foreign policy, and when the institutional breakdown has reached such critical proportion that many of us feel that it is at that point when we are presented with the greatest obligation to speak out, and if we don't somehow it is totally inconsistent with our own individual responsibilities.

Now, I don't say that in a partisan sense; I say that very sincerely in terms of justifying a degree of mutual understanding of what the respective branches of government do, what they should do, and if we fail to do it, that is in part our responsibility. But, to fail to ever be considered as having this kind of individual role is to many of us just totally unacceptable, given our own responsibilities.

THE TONKIN GULF RESOLUTION

Secretary Rogers. Well, I agree with very much of what you said. Historically, though, if you look at this war—I always hesitate, to bring this up because it is a subject that raises hackles—but the Gulf of Tonkin resolution was clearly a recognition by the executive branch of the Government of the necessity of getting congressional support. He would have much preferred not to do it.

Now, second, if you go back and look at the Gulf of Tonkin resolution and what was said, Congress knew exactly—or at least the men who were debating it knew exactly—what that resolution said. You know, they wished they had not said it, but they did, it is right there. So, the President used that as authority.

Now, it is not the system that was wrong, I don't think. The fact is that the Congress made a mistake, you know, in retrospect, if that is what they wished. I am not arguing whether it is right or wrong; I am saying for those people——

Mr. Culver. Mr. Secretary, Congress has overwhelmingly acknowledged that error. And yet, the Congress' frustration results even in the absence of this blanket authority which they have repudiated; the war is at the same level of intensity, and in the recent weeks, in greater terms of danger, in terms of international peace.

Secretary Rogers, I just want to complete my thought on the Gulf of Tonkin. I don't say it was a mistake for those people who opposed what happened, and many do in the Congress. That resolution and the debate on it clearly authorized the President to take the action that he took.

Now, on the rest of what you said, I agree. Obviously, Congress has the role that you described, and anybody in my position has to
respect that role. There is always a built-in conflict about how that role is played, whether the executive branch is assuming too much power or whether the Congress is too powerful, and so forth.

That is a natural concomitant of our system, and it is probably desirable. But what I am talking about now is not that. Obviously, the Congress should play the role you describe. I am saying that right now, in view of the situation in the battlefield, in view of the trip to the Soviet Union, in view of the fact that it is quite possible that if the North Vietnamese are repelled we could work out a negotiated settlement; I would hope that Congress would be restrained in the actions that they take.

That does not mean that people cannot express their views. But I would just hope that as much restraint as possible could be used for this period of time.

TIMING AND THE DRAFT RESOLUTION

Mr. Culver. Mr. Secretary, I think the other thing you said was in reference to the generous terms that the President now has offered, and how they exceed even some of his critics, and how we move, as you properly point out, from a year to 9 months to 4 months.

My point is that we always move about a year after the initial suggestion is being taken for the particular initiative. The one haunting question, of course, in the area of diplomacy, as you know, is timing. It seems to me that had those in the executive branch perhaps been more sensitive and responded in a timely fashion to some of these suggestions perhaps we would not be driven now to the same kind of corner that we seem to find ourselves in.

Now, the last question I have is really, I think, of importance in terms of the particular draft resolution that the committee has before it, and that is on this issue of the cease-fire. It seems to many of us that the cease-fire involves a degree of complication, involving all of the particular warring parties, and a degree of introduction of political and military questions that are extremely difficult and complex in their nature and would inevitably result in a very protracted negotiation to set a cease-fire even if you could get serious interests on the other side.

NEGOTIATING A WITHDRAWAL

Therefore, I would be interested in your thoughts on having the opportunity to give the President the flexibility to seek on a bilateral basis with North Vietnam, obviously in consultation with our own allies—the kind of safe withdrawal understanding on a bilateral basis that could be monitored by certain international arrangements, but would permit the United States unilaterally to withdraw.

Of course, this would obviously involve the POW question as well, but it would permit us to affect the type of understanding which, of course, would be subject to monitoring, and which would permit us to achieve our professed objective which is to effect the safe withdrawal of our forces, to set a date certain for the termination of American military involvement, and of course, to see the safe return of our POWs.

It seems to me it is easier to envision an acceptable arrangement of this particular kind than it is to see the kind of understanding that is
an essential prerequisite for an international cease-fire arrangement.

Chairman Morgan. The gentleman's time has expired. You may answer the question, Mr. Secretary.

Secretary Rogers. Without an internationally supervised cease-fire, it would not be acceptable to us. As you know, when you say it is difficult to imagine a cease-fire being negotiated, it was negotiated in 1954 at Geneva. There was a cease-fire negotiated, and it was internationally supervised. So we don't think it is out of the question.

Mr. Culver. Thank you, Mr. Secretary. Thank you, Mr. Chairman. Chairman Morgan. Mr. du Pont.

DETAILS OF A VIETNAM CEASE-FIRE EXPLORED

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

Mr. Secretary, returning to the President's offer of the cease-fire, it is my understanding that if the North Vietnamese accepted the offer, that while the cease-fire was in effect we would continue to supply aid, both economic and military, that is, in terms of hardware and supplies, to South Vietnam. Is that correct?

Secretary Rogers. You mean during the 4 months?

Mr. du Pont. No; once the cease-fire goes into effect.

In other words, the cease-fire going into effect, internationally supervised, is not the end of our aid to South Vietnam?

Secretary Rogers. I think that would be right.

Of course, those are matters we would have to negotiate at the time we made the agreement.

Mr. du Pont. Well, that is the point I am trying to get to.

Secretary Rogers. What we would like to do, of course, is have an agreement which would mutually limit armaments being supplied to the area.

Mr. du Pont. But that negotiation, as I understand it, would begin after the cease-fire?

In other words, the agreement that we are trying to make now with the North Vietnamese is that we will stop the fighting; we will take our troops out?

Secretary Rogers. Yes.

Mr. du Pont. Then, hopefully, at some other time we will sit down and negotiate a permanent solution?

Secretary Rogers. Well, we have an internationally supervised cease-fire and release of our prisoners of war and all the things that go with the accounting for the missing, and then within 4 months we would have a total withdrawal of our military forces.

Mr. du Pont. Yes, but even during the 4 months and after that total withdrawal you would foresee us giving military and economic aid to Vietnam?

Secretary Rogers. As I say, I would not want to say necessarily. It would depend on what the negotiations consisted of. You could be negotiating in the meantime.

Mr. du Pont. Exactly.

Secretary Rogers. For a political settlement.

U.S. ACTION ON A CEASE-FIRE VIOLATION

Mr. du Pont. Now, returning to Mr. Fraser's earlier point, if an internationally supervised cease-fire was agreed upon, presumably if
that was violated our initial response would be to go through the international organization supervising the cease-fire, be it U.N. or whatever, in an attempt to stop the violation of the agreement in that forum.

Secretary Rogers. Sure. You would start out with the thought that the agreement would be honored and you would set up some supervisory machinery to prevent such violations; probably you would also be able to set up some machinery that would take care of what happened in the event the cease-fire were violated.

Mr. du Pont. And we would provide through that machinery and if that did not work we would retain whatever other options might be available.

Secretary Rogers. Here again, I don't want to say yes or no. I don't want to leave the impression that this is any kind of a threat. We are a long ways from that. I don't want to leave the impression that we would do something or we would not do something.

I just think it is so far down the road that it is better not to speculate about it.

Mr. du Pont. But, clearly, the point would be that we would go through whatever organization, whatever machinery had existed?

Secretary Rogers. Sure. That is the whole point of the international supervision.

Mr. du Pont. Thank you.

Thank you, Mr. Chairman.

Chairman Morgan. Mr. Wolff.

HARBOR MINING AND THE HAGUE CONVENTION

Mr. Wolff. Thank you, Mr. Chairman.

Mr. Secretary, I am sure that you are aware of what I consider the very historic nature of this particular meeting. All of us are going to be praised or damned by the reliability of the statements that we make even though this is in executive session.

Has the United States renounced the Second Hague Conference which was ratified by the Senate? Do you know?

Secretary Rogers. Mr. Wolff, I don't know which conference you are speaking about.

Mr. Wolff. There was a Hague Conference, No. 8, signed by the U.S. delegate to the Second Hague Conference and ratified by the Senate, which has been in effect since February 28, 1910.

Secretary Rogers. Is that the one dealing with mining?

Mr. Wolff. Yes.

Secretary Rogers. No; we have not.

Mr. Wolff. We have not?

Well, we have in that I quote from the Conference, and it says:

'It is forbidden to lay automatic contact mines off the coast and ports of the enemy with the sole objective of intercepting commercial shipping.'

Secretary Rogers. Yes.

Certainly, this is not for the sole objective of interfering with commercial shipping.

The object is to interfere with military supplies going to Haiphong, as well as to prevent use of the port by ships of the North Vietnamese Navy. We carefully considered this Convention and we are not in violation of the Convention.
NUMBERS OF POW/MIA'S

Mr. Wolff. Could you furnish for the committee the number of MIA's and POW's since January of 1972?

Secretary Rogers. Yes, I can supply that information.

(The information requested follows:)

The number of Americans listed by the Department of Defense as captured in Indochina during the period January 1, 1972 to May 20, 1972 was eight. The number of Americans listed as missing in action during this same time period was 108.

POLICY DISAGREEMENT IN ADMINISTRATION

Mr. Wolff. Now, a question was raised before, I think by Mr. Culver, relative to the fact that whether or not there was some private disagreement about the policy of mining the harbor and the bombing of Haiphong.

Is it possible for this committee to know of some of these disagreements?

Secretary Rogers. Let me address myself to that briefly.

The idea, somehow, that when these decisions are being made that people line up in team, team "A" on one side and team "B" on the other, is just not realistic.

What you try to do because they are such close decisions and such difficult decisions, you try to present all the arguments pro and con, all the risks. You weigh the risks against the possible advantages and no one starts out with a sure conclusion.

You would have to question the sanity of anybody who was absolutely certain that he was right, because they are difficult decisions.

In this case, the President thought about the situation long and hard; he heard all the factors, all the considerations, all the risks, all the advantages; and he had to weigh them based on all the things that he knows and he made a decision. That is why you have a President.

A RESOLUTION: "TOTAL CONSISTENCY" WITH PRESIDENT?

Mr. Wolff. We also heard from you in the statement something to the effect that you would agree with the resolution if it was totally consistent with the President.

The word "totally" raises my hackles because it has a connotation of the President being the total authority.

Secretary Rogers. I withdraw it. I withdraw "totally."

Just agree with the President.

Mr. Wolff. So, in other words, it would be all right if we had a resolution that was not totally in agreement?

Now, you have said something about the fact that you don't believe that there is any chance or that you don't believe that there will be a major confrontation with the Soviets or the Chinese. You say this is based upon conversations that were held and probably some input from other sources you may have.

Now, were there any conversations held with the Soviets? Were they forewarned in any manner, shape or form of the mining or the bombing of Haiphong?
Secretary Rogers. Well, they were given a little advance notice but very shortly before the events. I don’t want to leave the question standing the way you ask it because I don’t want to leave the impression that we had any advance word from the Soviet Union that they were not going to prevent a major confrontation.

All I was referring to was my own judgment that there will not be a major confrontation and I listed reasons why and I won’t repeat them, but I would not want to leave the impression that somehow we would have some assurance to that effect because that is not the case.

Mr. Wolff. You say they were notified in advance.

Were they notified in advance of the Congress?

I understand the leadership came in about 1 hour before the actual statement that was made by the President; however, after the mining had already begun.

Am I correct in that?

Secretary Rogers. No; that’s not correct.

Chairman Morgan. The gentleman’s time has expired.

Mr. Steele.

EFFECTS OF NEW MILITARY MEASURES

Mr. Steele. Thank you, Mr. Chairman.

Mr. Secretary, can you tell us if there has been any noticeable effects of the new military measures that were announced 8 days ago? Is there any way to gauge what kind of effect they are having at this time or is it too early and when will we start to be able to assess the effect?

Secretary Rogers. It is always difficult, I think, to make that assessment in military matters because there are so many factors involved. I mean, there is the whole psychological impact of the act. There is the manpower that is necessary in North Vietnam to repair the railroads and do all the other things. We have destroyed a good many of the places where they store petroleum.

I think it is a little early to tell. All we can say is that things have been going better on the battlefield than they were before. Certainly, the South Vietnamese have been fighting better than they were before and around An Loc they have fought very courageously.

There has been very little military activity in the last couple of days. We don’t know whether the enemy is just regrouping or whether this has had a major impact on them. I think we will know as time goes on.

WILL MINING AND BOMBING WORK?

Mr. Steele. In the past, it has been my understanding that we have not taken actions similar to this because it has been the assessment by those people whose job it is to do the assessing that it would not work.

What new developments have there been that lead us to believe that technically the mining and the increased bombing of rail points and rail lines, will, in fact, work when the assessment evidently a few years ago was that it would not work? What has changed here?

Secretary Rogers. Well, let me first talk about your question and then I will come to the answer. It is interesting.
I had this question raised yesterday in the Senate Appropriations Committee.

The critics of the war point out that the previous administration used very bad judgment and the decisions they made were wrong except in this instance and then they conclude that their judgment was right and therefore we should not mine because the other administration said that they decided it would not be wise.

Now, that, to me, is a total non sequitur.

We think the decision was wrong; we think their assessment was wrong.

I think I can well argue that if this had been done earlier, it might have shortened the war.

But, coming to your question, the nature of the war has changed. Before, it was a guerrilla-type war fought locally, not with main force units and so forth. Now it is a major conventional war with 12 enemy divisions involved. They have very heavy equipment, as I said in my statement, so petroleum becomes a very important item; spare parts become very important, all of those things.

So that the mining of Haiphong and the cutting off of these major military supplies is quite a different ball game than it was when they were involved in guerrilla attacks, sniper attacks. That is one of the reasons that we think this is a good move.

THE PRESIDENT'S PROPOSAL CLARIFIED

Mr. Steele. With regard, also to the President's peace offer to withdraw within 4 months after a cease-fire and subject to the release of prisoners of war, is that also 4 months after the actual physical release of the prisoners of war? Is that the proposal?

Secretary Rogers. Well, I think the important thing, of course, would be to have the cease-fire in effect and the arrangements made for the release of prisoners. I suppose it would take some time to release them just as it will take us 4 months to get our troops out.

You know, we have not fixed that exactly, whether all the prisoners would have to be released the day the agreement was signed.

Mr. Steele. So, we are talking about subject to an agreement to release the prisoners of war?

Secretary Rogers. Yes, but we would not want to withdraw our troops until we had the release of the prisoners of war. You know, you can imagine that might be extended over a period of a couple weeks or a month or something of that kind.

Mr. Steele. Thank you.

Chairman Morgan. Mr. Hays.

INVASION: FAILURE OF U.S. INTELLIGENCE

Mr. Hays. Mr. Secretary, Mr. Wolff said we only had 3 days until the bombs start falling because of what the Soviet Union was going to do and, of course, I didn't think then they would and I don't think now they will and obviously they didn't. So, I am not too worried about what the Soviet Union is going to do. I think if it would have been Poland or Czechoslovakia or Hungary and we would be sending troops their reaction would have been entirely different.
I am curious about these 12 divisions that so suddenly got into South Vietnam. What about our intelligence? Didn’t we know there was a buildup going on and, if so, what did we do about it? Apparently nothing.

Secretary Rogers. If I said in South Vietnam, I misspoke.

They are outside of North Vietnam; two of the divisions are in northern Laos, so that there are 10 divisions in South Vietnam, Cambodia, and on the Ho Chi Minh Trail in Laos. There are a total of 12 combat divisions outside of North Vietnam.

We had reasonably good intelligence about the movement of the divisions, the fact that they were preparing for some action, and we predicted it. You can go back and see that we said.

I think the thing we did not expect was that they would make such a major commitment of their forces because they had never done that before.

We didn’t expect the conventional type of warfare to quite the degree that is taking place. We didn’t expect they would be willing to expose their heavy equipment to bombing attacks. We think they have suffered a good deal as a result of the bombing attacks. We think a lot of their tanks have been knocked out.

So, I think that we had reasonably good intelligence about the movement of the divisions. But we didn’t expect the massive type of invasion that occurred.

THE SOVIET REACTION ON U.S. MOVES

Mr. Hays. Well, when the Russians invaded Hungary, and I remember that very vividly, when the Hungarian Revolution occurred, the Russians did nothing for about a week or 10 days until they found out what our reaction was going to be because Mr. Dulles had made all the great statements about we were not going to continue that sterile Democratic policy of containment; we were going to do better; we were going to push communism back and I guess they believed him because they didn’t do anything. They waited to see what we were going to do and when they found out we were not going to do anything they moved then in a very brutal way.

Now, the left wing press and its followers in this country never made much fuss about what Russia did in Hungary or Czechoslovakia but they make a helluva fuss when they think the Communists are going to lose in Vietnam.

You people in this administration have the greatest propaganda machine in the world; why don’t you crank it up and get it into gear? You are really not defending yourselves much on this, it seems to me like. You are not pointing out that the Russians didn’t move. You are not pointing that out.

I don’t see anything in the press about no; they have moved; it has been a week now and they have not done anything. I don’t see anything in the press about what they did in Czechoslovakia and Hungary to remind the people.

I can tell you the American people, regardless of what some of my colleagues think, are not going to be happy if there is a defeat in Vietnam and they are not going to buy it and they are going to look for scapegoats and I think they are going to find plenty of them, and
I think some of them are going to be your administration, as far as that is concerned. I don’t think they are going to be all on our side.

It seems to me that you are not putting your best foot forward and you are leaving those in the Congress that think that we should not give aid and comfort to the Russians and the North Vietnamese now in a rather exposed position.

I said a week ago that Moscow was going to wait and see how much support they had in the U.S. Congress before they decided what to do, and I stand on that statement right now, because the proof of the pudding is already here; they have not done anything except mildly remonstrate.

**EFFECTS ON PRESIDENT’S MOSCOW VISIT**

Secretary Rogers. That is correct.

Mr. Hays. Well, why have you not put a better case out?
Why have you not got it into the public print about what is happening over there, really?

Secretary Rogers. We think we have put out a pretty good case. We have got a lot of public support.

In any event, Mr. Hays, as you know, we are right on the threshold of a visit to Moscow and we don’t want to make a lot of comments that are going to make it more difficult to get along with the Soviet Union. We have a lot of things that we would hope we can work out with them.

Mr. Hays. If you are under any illusion that you are going to have an easy path in Moscow even if this had not come up, let me disabuse your mind. I have done a little negotiating with these people.

You talk about negotiating. Has there been any real negotiation since Lyndon Johnson first opened up the talks in Paris, any real negotiation at all, one iota of it?

Secretary Rogers. I was really talking about the SALT talks.
The answer to your question is no; there has not been.

Mr. Hays. That is all, Mr. Chairman.

Chairman Morgan. Mr. Whalen.

**PRESIDENT’S PLAN ON POW’S**

Mr. Whalen. Thank you, Mr. Chairman.

Mr. Secretary, I was not clear as to your answer to Congressman Steele’s question about the prisoners of war.

Is it my understanding that we will not begin to withdraw our troops under the President’s plan until such time as all prisoners of war have been returned?

Secretary Rogers. Yes.

You know, I suppose, as I said to Mr. Steele, you can imagine the situation where you would have some phased withdrawal and the phased release of the prisoners but we would not have a withdrawal of our forces unless we are absolutely certain the POW’s were released.

**EFFECT ON SHIPPING TO NORTH VIETNAM**

Mr. Whalen. You may have commented on this in your opening remarks, Mr. Secretary. I had two different constituent groups in my office, and I apologize for being late.
Have any ships, to your knowledge, been hit by mines in the North Vietnamese harbors?

Secretary Rogers. No.

Mr. Whalen. Have any ships come into the harbors since those mines have been laid?

Secretary Rogers. I don’t think so.

Mr. Whalen. Have any ships left the harbor since the mines have been laid?

Secretary Rogers. No.

Well, now, wait. I should not say that. Since they have been activated. There were some of them that left after the mines were laid.

Mr. Whalen. But, to your knowledge, no ships have come into the harbor?

Secretary Rogers. No.

Mr. Whalen. Do you detect any evidence of other means of bringing supplies into North Vietnam?

Secretary Rogers. Well, of course, they continue to use the railroads and how they are going to attempt to adjust the present situation we are not quite clear. I think it will take a little time to clarify that.

Mr. Whalen. Do you have any idea of the percentage that arrived by ship?

Secretary Rogers. About 90 percent.

Mr. Whalen. Ninety percent?

Secretary Rogers. That is approximate; in that area.

GI DEATHS IN VIETNAM: WHAT PURPOSE?

Mr. Whalen. Mr. Secretary, there is one final question I would like to ask, and it is one that has bothered me since I arrived here in 1967, and I think it is one that really goes to the heart of the whole issue.

Let's assume that one of my constituents is killed in Vietnam today. His parents come to me and say, “Mr. Congressman, what purpose, what national objective, did our son’s death serve?”

Could you tell me how I should answer that question?

Secretary Rogers. Well, I don’t think that there is any answer that you could give to that man that would satisfy him.

Mr. Whalen. I realize his son is gone but I have to satisfy myself; that is the one I am thinking of immediately.

U.S. OBJECTIVES: FUTURE PEACE AND STABILITY

Secretary Rogers. The answer that I think is the right one is that we believe that what we are doing is helping to provide peace and stability in the future. Obviously, these are difficult decisions.

You can argue that we should have gotten out faster; you can argue that, by taking out 500,000 men as fast as we have, we have jeopardized the lives of a lot of South Vietnamese. We encouraged the South Vietnamese to fight with us. In fact, we encouraged them; we taught them. They have had a lot more casualties than we have. They are doing what we asked them to do.

For us to act as if somehow they are the villains in the piece is really unfair to them. If historians claim the war is a mistake, then
we certainly bear a good deal of responsibility. It is not all the fault of the South Vietnamese.

If the historians say that this was the turning point in helping bring about peace and stability, then the sacrifice, at least, will be understood.

It is very difficult in wars like this to answer that question; it was also very difficult in the Korean war.

Mr. Whalen. Mr. Secretary, I thank you for your answer and I am not going to comment on it or attempt to engage in debate.

As I suggested, I do have myself to satisfy; I think each of us as individual Congressmen do; and, to me, this is really the heart of the whole issue.

Thank you, Mr. Chairman.

Chairman Morgan. Mr. Reid.

IMPORTANT OF U.S. TROOP WITHDRAWALS

Secretary Rogers. Could I say if we didn't believe that we had done the best we could do with this difficult problem and to solve it, then I would feel differently; but just by getting out the 500,000 men we think we have done a good job. Now, maybe it could have been done better; I don't know. As I say, historians can decide on that, but we found the situation when we got here and we think we have an answer. We think it is going to work.

Mr. Whalen. Mr. Secretary, I think I can say we all appreciate the situation which you inherited and certainly we must give credit where credit is due.

We do have approximately 500,000 less troops today than when you took over your duties as Secretary of State in 1969.

Secretary Rogers. And we have about 290 less killed in action each week.

Mr. Whalen. I say I think the difference has always been on the pace of withdrawal.

Thank you, Mr. Chairman.

Chairman Morgan. Thank you.

Mr. Reid.

Mr. Reid. Thank you, Mr. Chairman.

LE DUC THO STATEMENT IN PARIS

Mr. Secretary, I have two questions only; if I may, on the negotiations and on the relationships between the executive and the Congress. The first refers to a news conference of Le Duc Tho in Paris and the translation thereof.

I think, to put my question in perspective, I should take three sentences from the statement of Le Duc Tho to seek clarification about it.

He said the following:

The Paris negotiations have lasted 4 years but still remain in a deadlock because Mr. Nixon wants to Vietnamize the war rather than negotiate seriously.

He explains that by stating the following:

Everyone knows that the most arduous problem now existing between the two sides is the problem of power in South Vietnam.

Specifically, he stated:
Our correct and constant position is to fix a specific terminal date for complete and rapid withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp and to establish in South Vietnam a three-segment government of broad national concord as proposed in the PAG seven-point solution, and its two key points elaborated on February 2, 1972.

Could you comment on that statement of position and what we have done to negotiate in this general area?

Secretary Rogers. Well, we have made many proposals about a political settlement. We have not had any response from the North Vietnamese that indicates that they are interested in that.

I don't happen to have read this particular one, but when they talk about national concord, if they are talking about letting the South Vietnamese people decide what they want to do in the future, why don't they accept the President's proposal of an internationally supervised cease-fire and release of our prisoners, and we will get out in 4 months and then let the people decide the political issues.

Mr. Reid. He is talking apparently about a three-segment government and I presume he is discussing also the question of whether there would be some changes in the Constitution to permit that.

Secretary Rogers. Well, my point is, though, Mr. Reid, that if they accept the offer the President has made, they can negotiate with the South Vietnamese any way they want to.

SHARING DECISION-MAKING WITH CONGRESS

Mr. Reid. Mr. Secretary, the other question that I wanted to ask you about is the procedure when a fundamental decision is made by the President and the executive. You talked a little about some of the criticism that has occurred. I think part of it is based on a feeling that this was not a shared decision and, indeed, that the Congress was not apprised of the decision until after it had been made.

I have talked recently to one of your friends whom I think you respect as being one of the best international lawyers in the field and he felt the action we were taking was a very serious step. I won't try to put words in his mouth.

You have talked also about the clear breach of international law by North Vietnam.

Without trying to prejudge one versus the other at all, let me just ask what was the reason for not consulting with the Congress before the decision?

I believe the Speaker of the House was not apprised of the decision or the fact that the President was going on the radio and TV on that he was going to be called down to the White House until he heard it from the press.

Secretary Rogers. The reason that there was not more advance notice is because it is military action and the secrecy of the action is important. This is the problem that Presidents have had in all wars, as you know, how much do you tell about what you are going to do militarily.

The decision was made because it was a military action that secrecy was of vital importance.

Now, there was no effort to

Put it this way. The Congress and the public certainly were fully notified and aware of the fact that we were going to take appropriate steps. I hope we have that understanding.

Mr. REID. I understand.
military action, whatever action the President felt was necessary. I testified to that time and time again before all the committees; I had press conferences on it and I said the President is going to take whatever military action he thinks is necessary to protect our troops and prevent the Communist takeover of South Vietnam. So, there was no doubt about that.

The only thing that we didn’t disclose was the exact nature of the action.

As far as the mining is concerned, the enemy has been mining during the war; they have mined territorial waters, and they have mined inland waters, and there has not been any outcry about that.

REASONS FOR NON-CONSULTATION WITH CONGRESS

Mr. REED. Well, I understand what you said and I think the President was very clear about indicating that he might take certain responses outside of two options that you very clearly mentioned, but, for the sake of the constitutional point, and leaving aside whether this totally falls within it or not, my friend indicated that he felt this was approaching an act of war.

Assume for a moment that that is a possible interpretation. At what point does the administration now feel that it must act in conformity with shared power under the Constitution between the executive and the Congress in the area of warmaking powers?

I think my concern is, and I have heard it from several administrations when decisions have been made, the answer is we don’t have time; it is a military decision, which implies that some Members of Congress cannot be trusted as much as the military, which I think is a little denigrating.

Third, I think there are decisions that could be made that would clearly fall within the powers of the Congress where—and I think, as you know better than I—President Eisenhower felt very strongly that there was an area here where he had to—and indeed is required to—consult with and receive the concurrence of the Congress.

How would you define how that relationship should work in this area?

I think that there is massive confusion on this point and a growing feeling that the Congress is not consulted and does not share in the decision when it is in this area.

Secretary ROGERS. I think that the argument that you suggested some people make, that we didn’t have time, is not a valid argument. I don’t believe we have ever said that. We have certainly had time.

Really, it is a question of secrecy, the importance of not having it disclosed.

As I say, the risks are so great that the President hesitates to do it.

In fact, the first conflict, you know, George Washington had with Congress was on this very subject.

I have given a statement here on war powers that I would be glad to provide for you showing the whole history of the relationship between the Congress and the executive branch.

I don’t think I can answer your question except to say that as for the actions that the President is now taking, I had disclosed that we were going to continue them and I believe it is very difficult to answer your question for the reasons that I mention in this statement.
Mr. Reid. Thank you, Mr. Secretary.
Thank you, Mr. Chairman.
Chairman Morgan. Mr. Findley.

HOUSE WAR POWERS LEGISLATION

Mr. Findley. Thank you.
I want to follow on with the relationship of Congress to the executive branch in the war field.

As you know, a subcommittee of this committee for the past 2 years has been studying this field and did report a bill both last year and this year. This year’s bill is House Joint Resolution 1, and one of the provisions of this bill which was adopted without dissenting vote in the House of Representatives provides that:

In any case in which the President without specific prior authorization by the Congress substantially enlarges military forces already located in a foreign nation, he shall submit promptly a written report.

Now, Mr. Zablocki and I jointly wrote to the President right after the laying of mines and the enlargement of the naval activity off the North Vietnamese shore, suggesting that even though this bill has not been signed into law that nevertheless, it would be entirely appropriate and very helpful if the executive branch would comply with that provision, namely, to report to the Congress promptly in writing as set forth in the House bill.

In a letter to Senator Allott, you indicated that the Department of State had no objection to House Joint Resolution 1. That strengthened our feeling on this point.

So far as I know, there has been no written report by the President to the Congress on the subject of the mining of the harbor or other enlargement of military actions. We do have a copy of the statement made over radio and television, but it was not addressed to Congress and, so far as I know, it has not even been transmitted to the Speaker and to the President of the Senate as a document.

Do you see any reason why the President should not, in these circumstances, comply with the provisions of that bill?

Secretary Rogers. Well, Mr. Findley, I am frank to say I have not seen the letter that you wrote but I would like to take a look at it and consider what we could do to respond.

PRESIDENTIAL REPORT TO CONGRESS

Mr. Findley. I think it would be good public relations on the part of the President; it would be a recognition on the part of the President that this is an area of shared responsibility.

Even though the President has obligations that he has to fulfill with or without the approval of Congress, the Congress has responsibilities, too, and by providing a written prompt report this would not require consultation in advance of the decision but, rather, a prompt report afterward in which he would give not only the factors that led him to the decision but the legal, treaty, and statutory justification for these actions.

I think it would help to establish a more healthy relationship between what we term the people’s branch of the Government and the Presidency in this field.
Secretary Rogers. I will look into that, and I appreciate your suggestion.

Mr. Findley. Thank you.

Chairman Morgan. Mr. Fasell.

Mr. Fasell. Thank you, Mr. Chairman.

Chairman Morgan. Mr. Fasell.

Mr. Fasell. Thank you, Mr. Chairman.

CONTINUED “FIRM SUPPORT” OF SOUTH VIETNAM

Mr. Secretary, the President in his message not only stated his proposal but also delineated the methods of implementation. He then said that the United States would continue to give firm support to the South Vietnamese in their resistance against aggression.

I just wanted to be certain how you reconcile this statement with the scenario laid down by the President that we would be out in 4 months if the two conditions were met.

Secretary Rogers. Well, the second part of what he said was based on no negotiated settlement. If there is a negotiated settlement, by that I mean a cease-fire and a release of our prisoners, and a withdrawal in 4 months, then we would expect that the political process would set in and the people there would then decide the future of the area.

Mr. Fasell. It seems to me that U.S. firm support of the South Vietnamese in their resistance of aggression means more than permitting the political determination to be only between North and South Vietnam. Is that the current administration definition of “Vietnamization”?

Several weeks ago, the President went on the air, said Vietnamization is a success. Now obviously in response to the fact that the then defined Vietnamization was not effective the President took additional military action further enlarging and committing U.S. effort.

Does Vietnamization mean economic and military support to South Vietnam after the conditions in the President’s latest proposal have been met?

Secretary Rogers. Well, yes.

In the absence of a political settlement, we would expect to give economic assistance to South Vietnam.

Mr. Fasell. But the crux is military assistance, Mr. Secretary.

Secretary Rogers. There again I think that would have to be one of the things that would be considered.

If you could work out an agreement so that there would be a limit to military supplies on both sides; we would like to do that.

Mr. Fasell. That envisions then, as I understand it, that the United States would be part of the political settlement machinery. That is a little bit different from what I had understood you earlier to say, which was that if the conditions were met and honored, the United States would withdraw in 4 months, and leave the political settlement to the Vietnamese—North and South.

Secretary Rogers. Yes; they could negotiate an arms limitation agreement among themselves. I mean, obviously, we would be concerned about it, but we would not necessarily have to be in the negotiations.
Mr. FasceU. In other words, there would be no precondition on whether the United States would continue military support to the South Vietnamese?

Secretary Rogers. No; there would not be any precondition on it, one way or the other: If the other side accepted the President's proposal, you would have an internationally supervised cease-fire, as you mentioned, and a release of prisoners and we would agree to get out in 4 months.

Mr. FasceU. That is combat—total force—discontinuation of military assistance to the South Vietnamese Army?

Secretary Rogers. No; it means all of our forces.

Mr. FasceU. On the ground?

Secretary Rogers. Yes.

What is the language? The President has broader language than that.

Mr. FasceU. He says, "And at that time we will proceed with the complete withdrawal of all American forces from Vietnam."

But, the United States has seven or eight aircraft carriers out there; there are also troops and aircraft in Thailand. What about those?

Secretary Rogers. If we had a cease-fire, the carriers would not be affected because we would not be using the planes.

VIETNAMIZATION AND A RESIDUAL FORCE

Mr. Faseell. No, but I mean it is the question of a residual U.S. force in and around Vietnam; and the continuation of the Vietnamization program notwithstanding a cease-fire. It seems to me that is the crux of the future relationship.

How does Vietnamization continue to play a part in U.S. future relationship if the United States is not concerned about a residual U.S. force; and the United States is not concerned about the parties to or the nature of the political settlement, both of which ideas I think are inherent in the President's proposal.

Secretary Rogers. Well, the residual force idea was the concept to provide a leverage to get the return of our prisoners of war. If there is an agreement upon the prisoner-of-war return, then you don't need the residual.

Mr. Faseell. The residual force and no need for Vietnamization?

Secretary Rogers. Well, you need Vietnamization until there is a political settlement, but let them work out the political settlement. The word may confuse people.

What you would have to do is continue to provide certain economic assistance to South Vietnam because they are dependent on it.

Mr. Faseell. But how about this military capability, Mr. Secretary?

That is the $64 question.

Secretary Rogers. We would expect to continue that until there is a political settlement.

Mr. Faseell. So, the United States would be involved in the political settlement by the nature of its assistance economically and militarily to South Vietnam even though the United States is inferring publicly that it is possible for a political settlement only involving North and South Vietnam?
Secretary Rogers. Well, just as we are in the Middle East; the same type of thing.

VIETNAM: “A WHOLE NEW BALLGAME”

Mr. Fascell. Mr. Secretary, I remember that heretofore the action in Vietnam has gone from guerrilla warfare to main force warfare. The battle of Ia Drang some years ago was the first time the North Vietnamese ventured into a traditional force battle. Their main force was decimated. They dispersed—resorting again to guerrilla actions and fought thus for years more—until now.

The United States knew that at some point in the withdrawal program, the enemy would try a coup de grace to humiliate the United States. The administration publicly anticipated that a traditional main force threat was coming many weeks in advance.

What reason do we have to believe if the United States can defeat or blunt this present North Vietnamese attack that they won’t just go back into their guerrilla activity? What basis is there for them to negotiate? We cannot humiliate them on the battlefield. If we do destroy their main force, those who are left will disappear into the woods. And it has been shown that intensive bombing has not destroyed their capacity to fight on although they have taken fantastic punishment.

Secretary Rogers. You cannot be sure but the odds are if they suffer defeat here or they don’t achieve their objective of takeover of South Vietnam that they are going to have difficulty regrouping. They will take a lot of losses. Maybe they will go back to guerrilla warfare, but that is a long proposition and we think the South Vietnamese, if they are able to repel this invasion, can handle any kind of guerrilla activity for a long time.

In other words, because the commitment that the North Vietnamese have made this time is so different than what they have ever made before, if they are not successful, then it is a whole new ball game. There has not been anything like this in the war before.

Chairman Morgan. Mr. Hamilton.

Mr. Hamilton. Thank you, Mr. Chairman.

ACCEPTABILITY OF A CEASE-FIRE

Mr. Secretary, we have appreciated your appearance here today. Do we have any reason at all to think that the North Vietnamese will accept a cease-fire?

Secretary Rogers. Not from anything they have said; no.

Mr. Hamilton. Has there been any discussion with them as to the modalities of a cease-fire? Have we gotten to the point in our discussions, either publicly or privately, where we are actually talking about the details of a cease-fire?

Secretary Rogers. No, Mr. Hamilton, as I think I answered one of the other Congressmen, I guess Mr. Findley, there really have not been any serious negotiations. That is what has been lacking.

Take the SALT talks you can tell the negotiations are serious because you talk about things like this and one side proposed this and the other side says, “Well, we cannot accept it that way but how about this?”
You can tell when negotiations are serious.
So, there has not been any of that at all.

THE RESOLUTION AND A CEASE-FIRE

Mr. Hamilton. We have a specific resolution before the committee and it does not include any reference to a cease-fire.

The feeling many of us have is that a cease-fire is such a complicated question, that there has been absolutely no progress toward one and, that if you include a cease-fire in the resolution, you really don't see any hope of bringing this war to an end. You have no reasonable expectation of that on the basis of past performance.

The resolution before us does not exclude a cease-fire; it just does not mention a cease-fire.

Every statement I have seen from the North Vietnamese just gives me no hope at all that they are the least bit interested in a cease-fire or in negotiations. How do you respond to that?

Secretary Rogers. Well, if you follow that line of reasoning, that they are not interested in your proposal as drafted—Le Duc Tho said they would not accept any proposal—that they would not accept any exchange of prisoners of war—

Mr. Hamilton. If we follow this resolution that is before the committee, the United States at least terminates its involvement in Vietnam and if we follow the cease-fire condition, then it seems to me that both Saigon and Hanoi have a veto power over what we do.

Secretary Rogers. Well, going back to the earlier question you asked, we think a cease-fire is possible.

As I said, they had one in 1954. They worked one out at Geneva.

Let me say, Mr. Hamilton, to us it is inconceivable at this stage we would say to the South Vietnamese, “We are not interested in whether the war ends; we are just going to quit; we are going to abandon you.”

As I said earlier, we encouraged them to take on this struggle in this way. It was a joint effort and they have suffered tremendous losses. We just can't do that. We cannot just pull out now. We have an orderly way of withdrawing. We have indicated to them that they have got to do the fighting.

We are going to help with air power and naval strength but they have to do the ground combat fighting. They are doing that. As the President said, we cannot abandon them. No nation will ever believe us.

Mr. Hamilton. Mr. Secretary, I don’t think it can be reasonably said, no matter what we do from now on, that we have abandoned the South Vietnamese, not after $150 billion and 50,000 lives.

Secretary Rogers. I think that the program that we have followed is not one of abandoning the South Vietnamese. But I think if right now, because the going is tough, we just throw up our hands and leave, I think that is how it would be interpreted.

CEASE-FIRE: A SOUTH VIETNAM VETO POWER?

Mr. Hamilton. Does not the cease-fire proposal leave with Hanoi and Saigon a veto power on this plan and on the U.S. involvement?
Secretary Rogers. Well, certainly, the South Vietnamese have cooperated in making this proposal so there is no veto power as far as they are concerned; they have accepted it.

Mr. Hamilton. We are not at all a free agent under this cease-fire plan. I just see no pressure at all on North Vietnam today to negotiate or to change their course of action or to enter into a cease-fire.

You keep telling us that you think a cease-fire is possible. Well, obviously it is possible; but the question is: Is it probable? I don't see that it is. They see our troop strength declining; they see our military strength declining; and they are in a better military position today than they have been in for many, many months.

Why are you encouraged that there can be a cease-fire under these circumstances?

Secretary Rogers. Well, first, as I said earlier, I think there are pressures in the world in other places that may well be brought to bear.

Mr. Hamilton. What kind of pressures?

Secretary Rogers. On the North Vietnamese.

Secondly, I don't think your military assessment is necessarily correct. They are very much extended and they have taken considerable losses.

Now, you never know for sure in the middle of a battle how the other side is doing but, certainly, they are having a lot of casualties and they are losing a great number of tanks. They obviously are having problems.

If you read the intelligence reports as I do, they have a lot of serious problems.

So, you ask me why do I think we might negotiate a cease-fire, because of the situation on the battlefield and because of the action the President has taken.

PROSPECTS FOR NEGOTIATIONS

Mr. Hamilton. Well, Mr. Secretary, when you appeared informally before in Congress in this room at one of those 9 o'clock sessions, you told us in response to a question that you were quite pessimistic about the future of negotiations. Shortly thereafter, the President came on television and said that he expected rapid progress to be made toward negotiations. That was his April speech. Nothing happened.

I am not charging either you or the President with bad faith; I am sure you were giving us your best judgment at the time.

Now you are coming before the committee and you are telling us that the prospects for negotiations are good. Well, here within the course of a relatively few weeks it is on again-off again with regard to the prospects for negotiations, and I really don't see that the situation has changed all that much in that period of time.

Secretary Rogers. Mr. Hamilton, I didn't say I thought they could. I am not very difficult to make predictions. I think there are some prospects for a negotiated settlement for the reasons I mentioned. There are a lot of forces at work in the world at the moment, and all I can say is I think the prospects have improved now.

Chairman Morse. Mr. Dellums.

Mr. Dellums. Thank you, Mr. Chairman.

Mr. Secretary.

Secretary Rogers. Mr. Dellums.
POSITION ON POW RELEASE

Mr. DELLUMS. First of all, I am sure you are aware of the fact that in the resolution that we presently have before us, there is a statement, "Subject to the release of all prisoners of war held by the governments of North Vietnam and forces allied with such government."

Now, it is very clear that this phrase is substantially different from the statement, "Subject to an agreement concerning the release of all prisoners of war."

Now, I would recall your response to the gentleman from Ohio, Mr. Whalen, a few moments ago. When he raised the question of the prisoners of war, you mentioned something about a phased withdrawal and a phased return of the prisoners of war.

Can I interpret your statement to mean that you and the administration are prepared to accept an agreement on the release of prisoners of war, or are you still hanging tenaciously to the concept of prior release of all prisoners of war? There seems to be a distinction between the two.

Secretary Rogers. No; we are hanging tenaciously to the release of all prisoners of war.

A PHASED RETURN OF POW'S

Mr. DELLUMS. How do you justify the statement you made about the phased return? That would seem to me to be some good faith agreement.

Secretary Rogers. I said they would not all necessarily have to be released the same day. If you were sure it was going to work, you might phase it out over a week or 2 or 3 weeks. We would have to make certain, based on the discussions and the way the negotiations were proceeding, that the prisoners of war were, in fact, going to be released. We don't want just an agreement; we want the release of the prisoners of war.

Mr. DELLUMS. Would you say that if you and North Vietnam and other governments allied with North Vietnam arrived at an agreement of the release of prisoners of war on a stated date or stated time, you would not accept that until they actually were released?

Secretary Rogers. Well, the negotiations, once the other side agreed to an internationally supervised cease-fire, than we would have to work out a withdrawal of our forces in 4 months. Now, at that time, we would have to be sure that the prisoners, in fact, were going to be released and we would not complete the operative parts of the agreement until the prisoners were released.

Now, just the timing of that could be worked out in the negotiations. But, in any event, the United States would have to be absolutely certain that all prisoners of war were released before we took our final act.

THE "KISSINGER PAPERS"

Mr. DELLUMS. Thank you.

My second question, I am sure you are vividly aware of the struggle that has been going on in the Senate with respect to Senator Gore's attempt to introduce the Kissinger papers in the Congressional Record. These are now in the House Record. Two important questions were
asked of the State Department, the CIA, and the Defense Department in this document.

Question No. 1: Can Vietnamization work?

The response from the State Department, the CIA and the Defense Department was no; it cannot work without a U.S. presence involved in support.

Question No. 2: Will the resumption of bombing of North Vietnam substantially alter the situation of the South Vietnamese with respect to Chinese involvement?

The opinion of the CIA, the Defense Department and the State Department was again requested.

The CIA's response was: "No; resumption of the bombing would not help."

The State Department's response was: "No; resumption of the bombing would not help."

The Defense Department's response: "Yes"

Now, on both of these questions the President, Secretary of State and Secretary of Defense over the past several weeks have indicated to the American people and the U.S. Congress that Vietnamization could and would and was working, but the internal information from at least two reliable agencies is that it could not work.

Three of the agencies indicated Vietnamization would not work.

We have now resumed the bombing of North Vietnam and two agencies indicated that it would not help.

I think the point that Senator Gravel was trying to make and the point I was trying to make in joining him is how, on the basis of this information, could the President continue to claim to the American people that Vietnamization was a strong part of the American program in Southeast Asia; and, No. 2, how can he justify to us, the Senate and the American people, his claim that resumption of the bombing of North Vietnam would substantially help?

I don't see that if you place these things in juxtaposition how one can really justify the President's action.

Secretary Rogers. Those are good questions, and I would be happy to answer them.

First, on the question of whether Vietnamization would work, our answer was no; not without the use of air power by the United States at that time. That is what we were talking about, at that time. That was in 1969. We didn't say it would never work. We said it was necessary then and we have said so all along that it is going to be necessary, and it is necessary now, but it is not going to be permanently necessary.

The South Vietnamese are doing quite well in the air; they are flying almost a third of the tactical air strikes in the south.

Now, secondly, on the—what was the second question?

USEFULNESS OF BOMBING NORTH VIETNAM

Mr. Dellums. I talked about Vietnamization and bombing of North Vietnam.

Secretary Rogers. On the question of bombing, there again it is a question of timing. That was something written about the situation
that then prevailed in 1969 and at a time when the fighting was mostly guerrilla fighting.

Now the facts have changed, so, obviously, the conclusions are different. That is the reason.

As I have said, I think before you came in, Mr. Congressman, now it is a conventional war; it is not a guerrilla war.

At that time, the question was, by bombing North Vietnam, could you sort of force them to their knees and make them quit, and we felt, no.

Now, the question is: Do the bombing and the mining help cut off their supplies for conventional warfare and will that damage their capabilities, and our answer to that is yes; we think so.

Mr. DeLambs. Thank you very much, Mr. Secretary.
Chairman Morgan. Thank you, Mr. Secretary.
Secretary Rogers. Thank you, Mr. Chairman.
Chairman Morgan. The committee will adjourn until 10:30 a.m. on Thursday.

(Whereupon, at 12:22 p.m., the committee adjourned, to reconvene at 10:30 a.m., Thursday, May 18, 1972.)
The committee met at 10:06 a.m., in room 2172, Rayburn House Office Building, the Honorable Thomas E. Morgan (chairman of the committee) presiding.

Chairman Morgan. The committee will come to order.

This morning we are continuing the hearings on the situation in Vietnam and the proposed resolution for the termination of the U.S. involvement in Indochina.

Last Tuesday we heard the executive position from the Secretary of State.

Today we are going to hear from a former member of the executive branch, a former Secretary of Defense, the Honorable Clark Clifford. His testimony today is as a private individual.

Mr. Clifford, you have a prepared statement, and you may proceed, sir.

STATEMENT OF THE HONORABLE CLARK M. CLIFFORD

Mr. Clifford. Thank you, Mr. Chairman.

I remember with pleasure the previous appearances that I have made before this committee and the unfailing courtesy I have always received here.

I welcome your invitation to testify this morning in support of the committee print of the Joint Resolution calling for the termination of U.S. military involvement in Indochina subject to the release of U.S. prisoners of war and safe withdrawal of U.S. forces there.

You are considering this important resolution at another tragic and dangerous juncture in our long and sad involvement in Vietnam. The President has taken certain steps which, in my opinion, can lead only to prolongation of the war, more deaths on all sides, heightened world tension, and continued division at home.

One would hope that the necessary and inevitable debate on this question could be conducted with as much light, and with as little heat as possible.

In this regard, I suggest that it is exceedingly unfortunate for Secretary of the Treasury Connally to impugn the patriotism of those who differ with President Nixon on the wisdom of this policy. It constitutes a distinct disservice to the country at a time when calmness and reason are required.

This is especially true when the decision, in this instance, was made without consulting the Congress, and with such disregard for legislative prerogatives, that the legality of such action is subject to serious question.
The act of President Nixon in mining the harbors and escalating our localized Vietnam involvement into a major risk of conflict with Russia and China raises a grave question of the President's constitutional authority to take such action.

The SEATO Treaty provides no justification. It states only that in the event of armed attack each party "agrees that it will in that event act to meet the common danger in accordance with its constitutional processes."

The U.S. Constitution entrusts to the Congress the power to declare war and thus the responsibility for acts of war against foreign countries.

Recognizing this, President Johnson obtained in the Gulf of Tonkin Resolution of 1964 the authorization to take action to defend American forces and come to the assistance of South Vietnam. Both Houses of Congress have since repealed the Gulf of Tonkin Resolution.

In addition, Congress, in November 1971, declared it to be the policy of the United States to terminate, at the earliest practicable date, all military operations in Indochina, and to withdraw by a date certain, subject to certain conditions.

Under these circumstances, there can be no valid contention that the President's power as Commander in Chief permits him to expand our involvement in Indochina and to precipitate a confrontation with the Soviet Union and China. His action does not protect our troops, nor is it necessary to their withdrawal.

In mining the harbors of Vietnam, President Nixon has not only denied access to foreign shipping, regardless of the cargoes carried, but he has also penned in those ports the ships of foreign flags that entered them in full compliance with international law.

There can be no doubt about the significance to a sovereign state of an action that requires its ships to refrain from and even to remain in foreign ports on peril of their destruction.

**Supports Resolution Before Committee**

The power thus to make war on foreign countries is not entrusted by the Constitution to the unilateral decision of any one man. For the President of the United States to arrogate this power to himself is a defiance of constitutional principles and provides a clear warning that Congress must act and act immediately to reassert its jurisdiction.

In opposing the course the administration is following, I hope to focus attention on what I believe to be the serious mistakes in policy that have been made, and why the Members of this House should take action on the Joint Resolution. Despite the atmosphere of crisis which understandably pervades the country, I hope to offer some useful thoughts on the Indochina problem.

To understand where we are today in Vietnam, and where we are going, we must briefly review where we have been.

**Vietnam: Threat Misunderstood**

All of us—or at least almost all of us—shared in the basic misunderstanding that existed with reference to the threat against the United
States. This was not confined to the executive branch of our Government, for the Congress also took part by passing measures such as the Gulf of Tonkin Resolution. This is not said in an effort to apportion blame, but because it is important that we not continue to make the same mistakes.

The national security of the United States is not threatened in Vietnam, regardless of the outcome of the fighting. Once it was believed that in Indochina we were watching the forward edge of a relentlessly expanding and monolithic Communist bloc, directed from Moscow and Peking.

In the days when that was believed, we knew nothing about the independent nature of the North Vietnam leadership, and had failed to read correctly the early evidence of a Sino-Soviet split.

Our experience in Europe after World War II with an aggressive Soviet Union led us to believe that centrally directed Communist expansion was being repeated in Southeast Asia.

Today we know this to have been a serious misvaluation. The small, underdeveloped, nonindustrial nation of North Vietnam constitutes no threat to us, and it is equally clear that Russia and China are not on the march in Southeast Asia.

The war, itself, has been essentially an internal struggle among Vietnamese—a civil war—in which the Saigon Government is being aided by the United States, and its opponents by Russia and China.

Our national security is not at stake and our national interest has never warranted the investment in lives and treasure which we have made. One would hope, that, by this late stage in the war, there would be no disagreement on this basic assessment.

We are in Vietnam today only because we got into Vietnam yesterday.

U.S. INTERESTS: SAFE RETURN OF TROOPS AND POW’S

The American people have two major interests: To get our forces—all our forces—safely out of Indochina and to get our prisoners back. It is clear that President Nixon’s policies will not accomplish either of these goals. On the contrary, his policies are involving us more deeply all the time and making our withdrawal progressively more difficult.

The President is committed to the preservation of the regime in South Vietnam, and because his negotiating demands are unacceptable to the Communists, U.S. military forces will be in South Vietnam for the indefinite future.

Although he had before him when he entered the White House an impressive array of evidence that the Saigon regime lacked will and competence, and was ridden with nepotism and corruption, he nevertheless decided that it was both necessary and possible to win what he ambiguously called a “just peace.”

On November 3, 1969, he explained that he was proceeding on two tracks: “a peace settlement through negotiations or, if that fails, ending the war through Vietnamization.”

On June 3, 1970, he pledged “to end this war” and insisted, moreover, that Vietnamization would lead to a “just peace.”
Year after year, many Americans have been confused by the ambiguity of the President's stated goals, and have believed his claims that Vietnamization would fulfill their hopes for an end to our involvement in the war. But others of us have long believed that this policy was instead a commitment to an indefinite American presence in Indochina.

I have believed that the policy was to reduce our troop levels to a residual force of 30,000 or 50,000 men; to maintain American air, helicopter, logistic, and naval forces; and thus to provide indefinite support for the Thieu regime. The American force would help build up and support South Vietnamese armed forces of more than 1 million men for a continuing conflict.

Vietnamization, however, was never a process that could end the war. Giving the Saigon regime more arms and more money would reinforce its resistance to a compromise settlement. Yet, this assistance would not strengthen Saigon's forces sufficiently to defeat Hanoi or to force a settlement on Saigon's terms.

**MEANING OF "VIETNAMIZATION"**

It soon became apparent that Vietnamization meant for Mr. Nixon a partial, but far from total, U.S. Force withdrawal, combined with a strengthening of ARVN that would confront the other side with a joint United States-South Vietnamize posture of unassailable and permanent military strength.

It is therefore quite understandable that he has refused to set a date for complete U.S. withdrawal without unrealistic conditions. He never intended to withdraw totally unless Hanoi accepted his negotiating demands. In Mr. Nixon's formulation, an end to the war and a just peace meant Hanoi's formal or informal recognition of its defeat.

We are now able to assess the quality of President Nixon's judgment with respect to the three basic elements he faced in 1969. He was counting on (1) an inherent capacity of the Saigon regime and its army to "hack it"; (2) sufficient support in the United States for the war to permit the indefinite retention of significant American fighting forces in Vietnam; and (3) reasonable limits to the tenacity and fighting strength of the North Vietnamese.

**SITUATION TODAY IN VIETNAM**

What is the situation today?

The South Vietnamese Army has no doubt improved; yet, it has shown that without massive American air and naval support it cannot withstand the forces of North Vietnam.

Domestic political pressures for withdrawal have proved stronger than anticipated, thus forcing faster-paced and larger-scale reductions than President Nixon would have wished.

The Hanoi leadership has proved to be not only tenaciously "unreasonable," but more ingenious in its planning and execution, and better able to regenerate its military power, than had been anticipated in either Washington or Saigon.
Thus, today, 3½ years after President Nixon proclaimed his new policies, there have been almost $50 billion in additional war costs, 20,000 more Americans killed, hundreds of thousands of additional Vietnamese military and civilian casualties, as well as spreading devastation and deterioration in Cambodia and Laos. Our country faces today a more perilous political and military situation than it did in 1969.

The current North Vietnamese offensive has forced the President to change his strategy because Vietnamization has failed the test; indeed, without massive increases in the level of American support, the Saigon government might well have already collapsed.

The President has intensified the bombing to unprecedented levels and the bombs have been falling at an awesome rate. He has put six carriers in the Gulf of Tonkin, more than ever before. He has reactivated an air base in Thailand and added four squadrons of F-4's, and now he has mined the harbors and inland waterways of North Vietnam. He has done all this to preserve his insistent goal of a secure regime in Saigon.

**REASON WHY MINING A MISTAKE**

But even the mining and more bombing will not allow him to reach his goals. They merely increase our chances for more war. I believe that the mining, and other steps now being taken, are egregious mistakes, for four main reasons:

1. They are dangerous and reckless moves which raise the risks of a confrontation with either China or Russia.
2. They will not achieve their stated objectives, for China and Russia both have the means to see that supplies get through to North Vietnam.
3. They will have no immediate effect on the outcome of the fighting in the South, and probably little effect for many months.
4. They will not end the war, but will prolong it.

Underlying all these reasons, the President's actions are wrong because they are based on a completely misguided vision of our stake in the war. Mr. Nixon still perceives each problem of international relations as part of a global chess game between the United States and the Soviet Union—at times, it is a three-sided game in which China is also a contestant. In this game, one player's gain is automatically the other player's loss.

This is an obsolete view, because it fails to acknowledge the reality that many countries, and indeed large areas of the world, have long since demonstrated a progressive independence and neutrality in the great power struggle.

It is also, with respect to Vietnam, a dangerous view because it assumes the Soviet Union possesses decisive leverage in Hanoi, whereas, in fact, it does not.

Operating on this invalid premise, Mr. Nixon has thus seen the recent North Vietnamese offensive not as a gain for Hanoi versus Saigon, but as a gain for Moscow versus Washington. He has concluded that, as a matter of our national prestige, the American President must even the score.
DANGERS IN MINING AND BLOCKADE

What is so dangerous about the decision to mine Haiphong and establish an air and naval blockade of North Vietnam is that it constitutes a confrontation with the Soviet Union, and insists that the Russians terminate their assistance to North Vietnam.

Whatever the misjudgments of past administrations, the policymakers of those years were careful never to widen the bitter local contest in Vietnam into a global confrontation of the superpowers, with all the imponderable risks of such a move. Thus, the President is jeopardizing the basic American national interests involved in our relations with the Soviet Union for the sake of his policies in Indochina.

In his speech of May 8, 1972, the President allowed us a brief but important glimpse at where he is now taking us in Indochina, when he said:

We now have a clear, hard choice among three courses of action: immediate withdrawal of all American forces; continued attempts at negotiations, or decisive military action to end the war.

"DECISIVE MILITARY ACTION TO END THE WAR"

Let me stress those extraordinarily revealing words, describing that choice which he then went on to take: "a decisive military action to end the war."

This is 1972, and it alarms me to hear a President talk of "decisive military action to end the war." For, surely we have learned over the last 10 years, in the most painful possible way, that there is no "decisive military action" that will end the war.

These revealing words illuminate the tragic truth about the policy that the administration is really following—a policy which assures a continuation of the war, and may well confront the President soon with another series of difficult and dangerous choices.

The President has told us that these measures will "stop the killing." I do not believe this because of the tenacity of the enemy, the incapacity of the Saigon regime and the limited effectiveness of the new military measures.

ECHOES OF EARLIER STATEMENTS

When we hear the President's claim that his blockade and new bombing will bring an end to the war, we also hear echoes of earlier statements:

In ordering the troops into Cambodia on April 30, 1970, the President said, "We take this action—for the purpose of ending the war in Vietnam and winning the just peace we all desire."

A month later, he reported success. "This operation," he said, "has clearly demonstrated that our Vietnamization program is succeeding."

Less than a year later, the President ordered the invasion of Laos. This time he went even further. On April 21, 1971, he said, "Tonight I can report that Vietnamization has succeeded."

Of course, it had not succeeded, and now once again, American military action has been called in to make up for deficiencies in Saigon's will and capacity to fight. These deficiencies were brought to