get either enough other States to vote against them or to abstain them to death; that is, under the present rule, if you get seven abstentions out of the 15 members that is enough to prevent a favorable decision.

I might say that I understand that these hearings now are concerned also with Senate Resolution 180 which was given great attention, and deservedly so, in this morning’s papers. I have read this resolution hastily, and I see that it has a great number of distinguished sponsors.

UNITED STATES MUST BE PREPARED TO STOP BOMBING OF NORTH VIETNAM

It seems to be a very general resolution, one that I would certainly think would be a useful initiative for the Senate to take, although for reasons which I will explain in a moment, I do have reservations about our taking this matter to the U.N. unless we are prepared to take certain other decisions at the same time.

Let me comment further on that.

As I said in a letter to the New York Times recently, a letter which you, Mr. Chairman, were kind enough to have reproduced in the Congressional Record, it seems to me that in order for the United States to usefully bring the matter of Vietnam before the United Nations once again, we must be prepared to stop the bombing of North Vietnam indefinitely.

I think it is fair to say that a very large number of members of the United Nations at the current General Assembly have indicated that in their view so long as we continue the bombing of North Vietnam no negotiations will be possible. Certainly U Thant has said that on many occasions, and it is his feeling, I believe, that so long as we maintain the bombing there really is nothing useful that he can perform in his function as mediator nor is there any value in taking our case to the United Nations.

Indeed, so long as we continue the bombing, if we take the case to the U.N. without a willingness to change that policy, we are quite likely to get slapped down, I think, with a resolution that would be hostile to our position.

On the other hand, if we are to take the step that I suggest, to announce a willingness or—that is, either to stop the bombing or to announce our willingness to stop the bombing under certain conditions, the whole atmosphere at the U.N. would change. We could once again mobilize the services of the Secretary General in attempting to mediate the conflict and, perhaps, more important, we could enlist the help of many nonaligned countries and probably many Eastern European Communist countries in bringing pressure to bear on Hanoi and the NLF to come to the conference table.

I share the view that up to now Hanoi has not indicated any desire to negotiate. I think that stems from a number of factors. But I think it is the case, and I think that one of the important things that could be done, if we were to change our policy on the bombing, would be to bring a great deal of international pressure, to make it virtually impossible for Hanoi and the NLF not to come to the conference table.

WILLINGNESS TO NEGOTIATE WITH THE NLF

I believe that such an announcement for the actual cessation of the bombing, should be accompanied further by a clear statement of
our willingness to negotiate with the NLF in its own right, and a reiteration of the fact that our objective in Vietnam is not to maintain an anti-Communist bastion in South Vietnam at all costs, but to assure the right of the South Vietnamese people of self-determination, free from outside pressures. I would like to develop that point a little bit, Mr. Chairman.

The President has many times stated—he said it in his Johns Hopkins speech in 1965, he said it, by my count, seven or eight times during the course of this year—that our basic objective in Vietnam is to assure to the people of South Vietnam the right of self-determination. That objective, I think, is one that is subject to negotiation with the other side.

I think that this is something that they cannot, at least in principle, quarrel with, and as long as that is our objective we can get the support of all of the members of the United Nations and the Secretary General to help us achieve it.

But I must say I am very disturbed by statements such as that made by Secretary Rusk recently that indicate that, perhaps, this is, after all, not our real objective; that our true objective is to maintain at all costs a firm anti-Communist position in that part of the world, and that means that we would insist on maintaining in South Vietnam a regime that is hostile to North Vietnam, that is hostile to Communist China, and if that is our objective, then our position is not negotiable. We have nothing to negotiate with because they would have no reason to come to the conference table with us.

**PEACE CONFERENCE OF NONALIGNED POWERS**

As a means of bringing to bear the kind of international pressure that I think would be useful and might bring about negotiations, I would specifically propose—as a matter of fact, I have proposed, both to the President and the members of his Administration at times in the past—that at this current General Assembly we extend a public invitation to a group of nonaligned powers—and I would suggest the group of 17 nonaligned powers who called for peace negotiations in 1965 which we, incidentally, accepted in principle, and the other side turned down—to arrange for a peace conference at a time and place of their own choosing and to invite such parties as they would see fit.

Of course, that would mean that they would invite, if they did this, they would invite the NLF, as well as Hanoi.

At the time of extending such an invitation to a group such as this to set up a conference, we would announce that we would be there, we would attend, and we would further announce that in advance of the conference, three weeks or a month in advance, we would stop all bombing of North Vietnam and would be willing to cease all hostilities in South Vietnam at the time the conference opened so long as such a cease-fire was reciprocated.

I want to make clear that this would be an announcement of stopping all bombing of North Vietnam unconditionally and indefinitely, but that the offer of a cease-fire in the south would be an offer to stop shooting in the south as long as the other side maintained a cease-fire.

By such a move I believe we could mobilize enormous pressures on Hanoi and the NLF to come to the negotiating table, a step which we have so far, through other methods, failed to achieve.
I believe the United Nations General Assembly would be a useful forum in which to make such an announcement and through which to bring to bear the kind of pressure I have suggested, and eventually the United Nations itself might be involved in the carrying out of whatever settlement might be agreed upon.

For example, the U.N. has had experience in the supervision of elections, and I would visualize that any settlement we would make would probably culminate in the conduct of free and fair elections in South Vietnam under international supervision, which would give to all parties, including the NLF, the right to participate and the right to be protected in the campaigning and in the participation and the voting in contrast, of course, to these last elections at which they did not have the right to participate.

The U.N. could, perhaps, also be involved in inspection if agreement were reached on some form of continuation of supply to the extent of maintaining existing forces, but not increasing existing forces.

These are all things that would have to be negotiated, and once negotiated the U.N., I think, could be usefully involved, and probably would be involved, in the policing of those agreements or if not the U.N., if the U.N. were still considered unacceptable to the other side, then it might be some other international body; for example, it might be the International Control Commission beefed up for the purpose, or it might be an international body especially set up for the purpose by agreement.

Those, in general, are my thoughts on the matter, Mr. Chairman. I do believe that this course would be a more practical one, a more useful one, than simply to ask the U.N., as presently constituted, to seek to devise and impose a solution of the conflict without making any other changes or any basic changes in our policy in the conduct of the war.

Thank you very much.

Senator Morse. I think it is a very helpful contribution to this record.

U.S. PARTICIPATION IN SECURITY COUNCIL DISCUSSION

I refer to the question you raised as to what the intention of the author of Senate Concurrent Resolution 44 was concerning our participation in the discussion before the Security Council. Certainly the resolution was designed so we would have full power of discussion and debate. My own view is that it would be very desirable. We would waive our veto right and, in a sense, put this in quotation marks, "We are one of the defendants" in such a consideration of the resolution. We should not have the right to render the judgment which a veto would be and thus to prevent action that would be applicable to us.

That is why I have suggested in many of the debates in the Senate that the best way for us to show our good faith now, in view of the acrimonious charges that are made against us by many in the United Nations, is to say: "Well, if you will take jurisdiction and really carry out your obligations as members of the charter to enforce the peace,
we will accept the jurisdiction. We will cooperate in carrying out the responsibilities that you assign to us in enforcing the peace so long as you do not transgress upon our sovereignty; that we would withdraw, of course, as we have a right to withdraw, if the United Nations should ever seek to transgress upon the sovereignty of any member."

But I take note of your point that we have great influence in the Security Council. Our participation in the discussion might very well cause one or more nations to accept our point of view and they might exercise their right to prevent the formulation of action under the Security Council. I think it is quite possible. I do not think it is inevitable, because this carries with it, of course, a determination on our part to act with complete good faith and really try to make the rules of law work.

EXHAUST ALL PROCEDURES OF CHARTER

But if it should happen that one resolution is turned down in the Security Council, then the next step would be to move into the General Assembly and see if it might not take a concerted action whereby it would make clear, as we did in the Congo case, for example, that peace has to be maintained.

My only point is that I do not think we are going to meet the historic responsibility of the Republic until we exhaust all the possibilities of procedures under the charter.

I even contemplate the possibility that, if it is retained within this Security Council format, that the Security Council would seek to have the nonaligned countries participate in the discussion, give the Security Council their point of view, give them an opportunity to make suggestions as to what kind of an arrangement they would accept in connection with a United Nations jurisdictional takeover. If they turn that down, as they have in the past indicated they would not participate in the United Nations discussions at that level, we could have a second chance in the General Assembly or follow up the suggestion that you made, that a group of nonaligned nations could propose an international conference that seeks to get the cooperation of the Vietcong, North Vietnamese, and the South Vietnamese and, for that matter, China, in suggesting a format for setting up a multilateral program for negotiating a peace. I think bilateral negotiations are almost out of the picture at the present time.

I only make this statement, Mr. Congressman, because I thought you ought to know at least what has been going through my head, since I have now for almost four years been making a plea for an approach along the lines that my resolution envisions.

MANSFIELD RESOLUTION AS A FIRST EFFORT

I am not wedded to it. I said this morning that the Mansfield resolution, introduced while I was away for a week, with that broad base of support in the Senate, is a very significant thing, and I am willing to go along with that as a first effort. It may be the best way to build a bridge between the Congress and the Administration because it does not contain a directive, as my resolution can be interpreted as containing.
It expresses a sense of the Congress to the President for him to respond to.

Senator Mansfield and I made comments this morning to the effect that we have come to the conclusion, as a result of conversations with the Administration, that they are willing to explore all of the possibilities to find a solution to the problem that confronts us in Vietnam, but there is no indication of any commitments to any particular solution.

My own view is, and Senator Mansfield indicated the same, that the President certainly welcomes the exploring that we are doing up here. It does not bind him in any way.

I happen to think that it is a part of the advice and consent clause before the fact which, as you know, I have argued on the basis of constitutional law, is part of the meaning of the advice and consent clause.

I am concerned. I would like to get your judgment, as to whether or not you think I have any basis for my concern. I am concerned about the failure of the United Nations to really do anything very effective in trying to resolve the threat to the peace in Asia. About the image that it is creating around the world in many countries, and the image that it is creating in the United States among many of our own citizens.

So my direct question is this, Congressman: Do you think that the failure of the United Nations to act thus far in trying to enforce a peace in South Vietnam is increasing its prestige and influence around the world or detracting from it?

Mr. Bingham. Well, Mr. Chairman, I think, Mr. Chairman, it certainly is the latter. I regret this.

At the same time, I think, perhaps, I am somewhat more understanding or have somewhat greater sympathy, let us say, for the point of view of the Secretary General who has been one of those who has said repeatedly that he did not see that the United Nations had a useful role to play.

I would certainly agree that its failure to play a role has hurt its position in the country and in the world. But I think one has to recognize the fact that the United Nations is not to any great extent in a matter of this kind an entity with a life of its own; that it is a conglomeration of members, and when you consider the Security Council you have to consider the votes of each of the individual countries represented there at a particular time and how they are going to react.

The Security Council has no power other than that, and no likelihood of reaching a decision other than to the extent to which individual nations can combine. So I think, as often has been said, the fault lies not with the organization or with the way it is established or the mechanism, but it reflects the disagreements and the troubles in the world today. It is, as the Secretary General has said, a mirror of the world, and I am afraid it is true, as it was expected to be in 1945, that where the Soviet Union and the United States do not agree on something it is very difficult, if not impossible, to get action out of the United Nations.
U.N. CONSIDERATION COULD TURN INTO TWO-WAY DEBATE

Senator Morse. One of the points of view expressed to us almost invariably when we hold conferences with Administration spokesmen about the possibility of United Nations consideration of the war in Vietnam, is that it is bound to result in acrimonious debate; that serious charges will be made against the United States for its original intervention. You know the charges that are advanced against the U.S. position.

Some of us who have talked to the Administration have said that is true, but that debate has to be put behind us sooner or later anyway.

I remember on one occasion at the White House I pointed out that, "Well, don't forget, quite a bill of particulars can be advanced against Russia for her participation in the war in Vietnam," which, according to my sights, cannot be reconciled with the Geneva conference of which she happens to be one of the cochairmen.

You cannot reconcile her war aid in Vietnam with the prohibitions of the Geneva treaty any more—as you know, I have said and cited it time and time again—than the bill of particulars against our own country, which, in my judgment, are open violation of the tenets of international law, can be reconciled. As a result, I think we have violated every major section of the Geneva treaty.

Russia has not sent combat men, but she has certainly sent over the materiel of war that has been used to kill a lot of our men. So when they talk about the acrimonious debate, it is not going to be a one-way debate.

ACRIMONIOUS DEBATE SHOULD TAKE PLACE

I have also observed over the years that if you have those pent-up feelings it is better that the participants in such a situation get the feelings out of their system so that the cortex can finally sit on the throne of reason again. I think we have to get that debate behind us.

So I am not dissuaded from urging this approach, and I do not ask you to comment on it, but I simply ask you to keep in mind that in my mind the acrimonious debate argument does not disturb me. I want to get it behind us, and then have them settle down to see if they can work out a procedure for decreeing a cease-fire, setting up the lines of defense, proceeding with the pacification program, working out a form of government which I think will have to be a coalition government for a time which is abhorrent to us.

But if we think we are ever going to see Vietnam controlled by military junta, why, we are just sticking our heads in the sand of international reality.

I am sorry to advise you, Congressman, that you have to depart forthwith because there is a rollcall vote in the House. If you want to make the rollcall you need to go. I am going to say you have made a contribution that I think is very helpful to us. I reserve to you the right to file any supplemental statement to your statement that you wish.

Mr. Bingham. Thank you very much, Mr. Chairman. I am sorry, but I would like to make that rollcall.

Senator Morse. Our next witness will be Ambassador Charles W. Yost of New York, if he will come forward.
I want to say, Ambassador Yost, that you honor the committee by being a witness today. You bring to this record a background that I would like to have the American people know something about as I introduce you.

I would at this time mention that at the end of Mr. Yost’s testimony I would like inserted in the record a letter I received from Mr. Yost and certain other former U.N. delegates, I think they may be helpful for the record. (See pp. 62-68.)

Your academic work at Princeton and the University of Paris, your long service in various assignments in our Foreign Service, Vice Consul, Alexandria, Warsaw; Assistant Chief of the Office of Arms and Munitions Control of the Department of State; Ambassador to Syria, Ambassador to Morocco, U.S. Deputy Representative to the United Nations, presently with the Council on Foreign Relations in New York; your various publications, including “The Age of Triumph and Frustration,” and “Modern Dialogues.”

But above all, I want this record to show that those of us on the committee feel we are privileged to hear a dedicated public servant and you honor us by your presence.

You may proceed as you wish.

STATEMENT OF CHARLES W. YOST, NEW YORK, N.Y.

Mr. Yost. Thank you very much, Senator. I appreciate those kind words very much.

I might say before I read my brief statement that I personally very much wish I could be more encouraging in regard to the purpose and intent of your resolution than in all sincerity I can be, because I personally am deeply troubled by the repercussions and consequences of the war in Vietnam.

I wish, as do most people at the U.N., that the U.N. could do something decisive to bring it to an end. But the circumstances at the U.N., as I will explain, make that very difficult.

U.N. UNABLE TO GRAFTLE WITH VIETNAM PROBLEM

Mr. Chairman, certainly the United Nations, which is in principle the supreme instrument of peacemaking and peacekeeping for all its members, should be able and willing to deal with the war in Vietnam. There is no doubt that its members almost without exception are profoundly disturbed by the war, that they consider it the most serious present threat to international peace and security, that they believe it the principal obstacle to movement inside and outside the United Nations toward necessary cooperation among the great powers, and that they are keenly aware that it might at any time, against the will of all the parties, explode into much wider war. Yet, despite this almost unanimous collective judgment, despite the most earnest efforts of the Secretary General, of the United States and of many other members over the past three years, the U.N. has been unable to grapple with the problem.

In February of last year the United States was barely able to persuade the Security Council, by a margin of one vote, to inscribe Vietnam on its agenda, and was thereafter wholly unable to persuade the Council even to debate the subject, not to mention act upon it.
Vietnam was referred to in almost every speech in the Assembly's recent general debate, but there has not been the slightest evidence that the majority of the Assembly is prepared to adopt any sort of resolution on the subject, even though an Assembly resolution would only be a recommendation to the parties. The Secretary General, as you know, has repeatedly put forward suggestions which he hoped might form the basis for a negotiation between the parties, but all of these suggestions have been unacceptable to one or both of them.

Why this strange impotence on the part of the world's peacekeeping organization? I think there are three principal reasons for it.

**Reasons for U.N. Impotence**

First, we often forget that the peacekeeping authority of the United Nations laid down in the Charter was made in large part dependent on agreement among the great powers, the permanent members of the Security Council. This safeguard was insisted upon at Dumbarton Oaks and San Francisco, as strongly by the United States as by the Soviet Union. The Security Council has therefore never been able to deal effectively with East-West conflicts, except in the single case of Korea when the Soviet Union was temporarily absent. The Assembly has sometimes in the past been able to act on East-West issues, at least in the form of hortatory resolutions, but, now that a very large number of members consider themselves nonaligned between East and West and prefer to abstain on resolutions to which one or the other of those take very strong exception, it is almost impossible to secure the adoption of such a resolution, that is one to which one or the other object, if it relates to an important political issue.

The second reason for the impotence of the U.N. in regard to Vietnam is the fact that one of the major combatants and one of its major supporters, North Vietnam and Communist China, are neither members of the U.N. nor represented there. For this reason, among others, they have repeatedly stated that they do not recognize the jurisdiction of the U.N. and would not act upon any recommendation it might make. This firm rejection of the U.N.'s competence not only causes the Soviet Union, in support of its North Vietnamese ally, to state frankly that it would veto any resolution the Security Council might pass on the subject, but causes a majority of members of the U.N. to feel that it would be both "uneutral" and an empty gesture to vote for an Assembly resolution on the issue. There is a general feeling at the U.N. that the machinery set up at the Geneva conference of 1954 is better suited to deal with the Vietnam issue because all of the active parties are represented there.

The third reason for the failure of the U.N. to cope with Vietnam is that the two sides are still so far apart and so seemingly uncompromising on the essential issues that it is hard for members to see what the U.N. could propose that would be really meaningful, that would not be rejected out of hand by one or both parties. The Secretary General has put forward several formulas for negotiations, for cease-fire, for deescalation of various kinds, but all have been either rejected or accepted with reservations, expressed or unexpressed, which would make them obviously unacceptable to the other side. The majority of U.N. members, therefore, eager as practically what all of them are to see an end to the Vietnam war, are at a loss to see they could usefully propose or do.
SUBMIT VIETNAM CONFLICT TO UNITED NATIONS

CONCLUSION REACHED BY PRINCIPAL PARTIES

I hope very much myself that all concerned will soon come to the conclusion that the conflict in Vietnam has now expanded to a scale of violence, suffering, and expenditure of resources which is in nobody's interest, which is disproportionate to everyone's objectives and which more and more jeopardizes everyone's security. When that conclusion is finally assimilated by the principal parties, it may be possible to end the war by negotiation and compromise. It should certainly be possible to deescalate it in certain important respects, to deflate the transcendental importance both sides have been attaching to it, to reduce it to proportions more commensurate with its proper place in the whole spectrum of responsibility which great powers must bear and share.

If and when the principal parties reach that conclusion, the United Nations will be available to assist, if it is asked, in facilitating either a settlement or a deescalation. It may even be possible that, if the United States, for example, should take concrete, unambiguous and unconditional measures of deescalation and if Hanoi should fail to respond or to match them in any significant way, the General Assembly might then be willing to take a stand. Otherwise I doubt that it will.

MULTILATERAL PEACEKEEPING MACHINERY SHOULD BE REINFORCED

Certainly the war in Vietnam and the situation in the Middle East have all too clearly demonstrated both the risks and limitations of unilateral peacekeeping and the continued weakness of the machinery for multilateral peacekeeping. In my opinion it is absolutely necessary that the latter be substantially reinforced during coming years. Two prerequisites for this reinforcement, I am convinced, are, first, much more meaningful cooperation among the great powers now on the Security Council and, second, at least as far as peacekeeping in East Asia is concerned, the representation of Communist China in the United Nations. Unfortunately, the Vietnam war is a principal obstacle to making progress toward either of these two ends.

Thank you, sir.

Senator Morse. I am very pleased to have this analysis of yours, Mr. Ambassador. I always like to have a record that balances off points of view.

I would like to ask a few hypotheticals.

Mr. Yost. Certainly.

Senator Morse. They at least will help me in my thinking.

POSSIBILITY OF A U.S. LAND INVASION OF THE NORTH

I think it is clear from your statement that you think because basically it is an East-West controversy that the chances of getting any assumption of jurisdiction on the part of the major powers through the Security Council is rather remote and that, therefore, apparently the present procedure will have to continue for the time being unless we can get the United States to set forth what you so clearly describe here as a concrete, unambiguous, and unconditional set of measures of deescalation, and if Hanoi would then fail to re-
spend to that deescalation, maybe the General Assembly might take jurisdiction.

Let us assume the United States, the South Vietnamese and our allies might invade North Vietnam by a land invasion.

Do you think that change of condition, which is not deescalation but a great step-up in escalation, might increase the possibility of either the Security Council members or the General Assembly members of giving more favorable consideration to a United Nations attempt to enforce a peace over there?

Mr. Yost. I think it might, Senator.

As you say, that would be a very substantial step in escalation. I personally am inclined to believe it would bring the Communist Chinese into the war, and that great broadening of the war would certainly redouble the apprehensions that already exist in the U.N., and certainly it would make every effort to do something about it. Whether successful or not, I do not know.

Senator Morse. Your answer covers really the second hypothetical I was going to put, but I will put it anyway so that we can separate them.

POSSIBILITY OF CHINA'S ENTERING THE WAR

Suppose that the escalation goes beyond an invasion of North Vietnam and the United States and its allies start dropping bombs on China, which would bring China into the war.

Do you think that would cause enough concern among the members of the Security Council and the General Assembly to cause them to believe that now their stakes had become so high because that kind of war they could escape the consequences that go along with it, that that might cause the United Nations to intervene and try to take jurisdiction?

Mr. Yost. I think so, Senator. I think a good many members of the U.N. who are good friends of ours and who hitherto have been restrained in their criticism, if they felt we were responsible for such a substantial broadening of the war, would move in the United Nations over to the other side, and there would be almost certainly action in the Assembly, probably in the Council as well.

WHEN THE ISSUE IS BETWEEN EAST AND WEST

Senator Morse. You comment about the doubtful possibility of United Nations intervention when the issue is an issue between East and West this means that when they are not issues between the East and West directly, such as the Congo, Cyprus, the earlier Middle East conflict, and the Pakistan-India conflict, some record was made, with varying degrees of success, for United Nations intervention. Isn't there a danger if that pattern continues that you would find growing opposition to the United Nations on the part of the so-called nonaligned nations. Wouldn't they feel that apparently its peacekeeping procedures apply only to them but not to the big boys and maybe they had better offer some amendments to the charter itself that would deplete somewhat or reduce somewhat the powers of the big countries within the United Nations?

Mr. Yost. Well, happily, there has not been any such trend of thought so far. Actually most of the smaller countries, and middle-sized countries, feel that the U.N. peacekeeping capacity is very much
in their interest because they may at some point be under threat by one of their neighbors or by a great power, and they are only too happy to see the U.N. retain and develop a greater peacekeeping capacity.

They are very pleased, on the whole, when the great powers can agree in the cases when they do, as in Cyprus, for example, to permit a U.N. peacekeeping operation take place; and while they resent its not being able to do so in other cases, I do not think that that would lead them to the conclusion that the whole business should be thrown into the melting pot and changed.

**POSSIBLE AMENDMENTS TO U.N. CHARTER**

Senator Morse. Assuming it would be desirable to have the ideal, if it is considered an ideal, of the United Nations as an effective force in bringing to an end, through its procedures, threats to the peace, whether the threat is between small powers or large powers, do you think a case can now be made, in light of the nonintervention to date on the part of the United Nations in South Vietnam or the threat of peace of the world in South Vietnam, for floor amendments to the charter? If you think so, would you make some suggestions to the committee as to what amendments maybe we ought to be urging upon the United Nations.

Mr. Yost. Senator, I am inclined to agree with the remark that Congressman Bingham made in reply to one of your questions. I do not think the fault really lies primarily in the charter. I think it lies in the policies of the various governments which are members of the United Nations. They have not found sufficient common ground of agreement to carry out, to exercise through the United Nations, the authority that the charter lays upon it.

There are in chapter 7 of the charter enforcement procedures which would enable the U.N. to deal with Vietnam or any other similar situation if the Security Council, the members of the Security Council, would agree to use that authority.

But they simply have not been willing to do so in critical cases of this kind.

As you say, they have done so in a number of cases with some success, and they have performed a very valuable service, I think, in those cases like the Congo and Cyprus and Kashmir.

But in these East-West issues they have not been willing to do so. I think the answer is not an amendment to the charter but a gradual development of more cooperative arrangements, more accommodation inside and outside the United Nations between the United States and the Soviet Union, for example.

Now, one element which I would hope for eventually would be an agreement among them to use the multilateral peacekeeping authority and facilities of the U.N. rather than attempting themselves in the absence of such facilities to use unilateral means.

**DANGER OF GROWING OPPOSITION TO THE U.N.**

Senator Morse. One of the concerns of some of us is that if repeated nonaction on the part of the United Nations is built up whereby it is
not effective in bringing peace to areas of the world where peace is threatened, that there will be growing opposition to the United Nations among the peoples of various countries of the world, including our own country. If it does not produce the results which the people were promised when the charter was agreed to, then it might go the way of the League of Nations.

Do you think there is any danger of that kind of public opinion developing?

Mr. Yost. I am sure there is. One sees signs of it here and abroad at the present time.

On the other hand, one does see some countervailing trends of opinion there, at the U.N., and in many countries, a feeling of deep disappointment that the U.N. has not done more in the case of Vietnam and in other cases.

I have a feeling that it should be doing more and that means must be developed for assuring in the future that it does do more.

It, of course, is in a sense a race between discouragement and determination, and I do not know which will prevail in the long run. But, perhaps, the more risky and the more difficult unilateral peacekeeping turns out to be, the more we and others will be prepared to put our faith and reliance on multilateral peacekeeping.

BOMBING PAUSE DURING RECONVENED GENEVA CONFERENCE

Senator Morse. Some of us have had faith in United Nations procedures, have been so dedicated to the ideal of ending war by countries unilaterally acting out of their own proclaimed self-interest, following intervention policies which lead to threats to the peace, have been hopeful that something could be salvaged out of this charter in connection with the instant dispute. Do you think that there might be any hope of trying to get the United Nations to pass a resolution calling upon the United Kingdom and the Soviet Union to reconvene the Geneva conference and having in that same resolution a provision that a bombing pause should prevail during the course of such a conference?

Do you think there would be any hope of getting consideration of that kind of a resolution and, if so, do you think it would be constructive in helping pave the way to multilateral negotiations?

Mr. Yost. I think it might be constructive if it could be done, Senator. I would doubt that it could be accomplished at present or until there is some change in the policy and attitudes of the principal governments involved.

If that proposal were submitted under present circumstances it would be opposed by the Soviet Union because Hanoi has made it quite clear that it does not wish the United Nations to take any action, and that it is not prepared to negotiate in any case until certain prerequisites are met.

On the other hand, the United States, under present circumstances, as long as it objects to a cessation of bombing, would not favor it.

With the two principal powers opposed to it, I am sure a great number of members would feel it was useless to adopt any such resolution and would hesitate to work for it. It is unlikely under those circumstances that it would get the necessary majority.
ATTITUDE OF THE SOVIET UNION TOWARD A CONFERENCE

Senator Morse. The refusal to date on the part of the Soviet Union to even participate in the convening of the Geneva conference raises a suspicion that apparently she is waiting for us to become even more involved in Asia, and that she welcomes our escalation in spite of other public pronouncements that she makes, because perhaps the more we escalate the more world support we lose, and the sooner she may find us in a position where she would have us at a world disadvantage. I do not know whether that is her objective or not, but many people are developing that suspicion. And that is why I think it is so important, as I said when Congressman Bingham was on the stand, that it would be a very good thing to have this debate out with her in the Security Council even if she is going to use her veto. She would have to debate before the veto, and maybe it would give us an opportunity to present what facts we have as to what I consider to be a great deal of bad faith on the part of the Soviet Union in connection with this whole matter. I also happen to think my country is guilty of a great deal of bad faith, but that is another issue.

A DEBATE IN THE U.N.

Do you think any great harm would be done. Do you think it would not be in the interest of our country and of the United Nations itself, for us to follow a course of action before the United Nations in submitting a resolution that would give pretty reasonable certainty that this debate that the Administration forces keep talking about occurring, but seem not to be anxious to get into, would in fact be held?

Mr. Yost. No, Senator, I must say I am not worried about that aspect of it.

Senator Morse. I am not either.

Mr. Yost. There has been a good deal of sharp debate in the U.N. on the subject anyway, and if there should be more I cannot see that it would do any serious damage.

ATTITUDE OF THE SOVIET UNION IN REGARD TO WAR

I might, if you do not mind, comment on the point you mentioned in regard to the Soviet Union. I was in Eastern Europe this summer and I had the impression there, including the Soviet Union, that they are genuinely desirous of seeing this war come to an end, first because as long as it goes on it always has the possibility of erupting into something more serious that would involve them; and, second, because I think they genuinely do want to make some progress with us along some lines, at least limited progress, which is inhibited by this business. But I would also feel as you do that, if the war goes on and on and escalates more and more, and the United States suffers in world opinion and world position very widely as a consequence, that will rebound to the advantage of the Soviet Union and they might come eventually to feeling that the war was in their interest rather than against it.

Senator Morse. Only one more comment to make and then I will have Senator Pell take over the chairmanship because I am called away.
Whenever I can find myself in agreement with the Secretary of State I grab the opportunity. It is very rare these days, but in his press conference of September 9 he was pointing out that in one of the last debates of the Security Council the Soviet representative and Ambassador Goldberg were speaking about the Geneva conference machinery, and quoted Ambassador Goldberg as saying “All right, if that’s your view, then let us invoke the Geneva machinery.” And the Secretary said, “But when he turned to the Geneva machinery, the other side would not play on that.”

The Secretary continued:

Now, we believe there is a proper concern of the United Nations. The fact that one party, or one or two parties, refused to accept the jurisdiction of the United Nations has nothing to do with the world responsibilities of the United Nations under its charter. So we’d be glad to have this matter considered in the United Nations.

I do not make a broad application of the Secretary’s comment. I do share his view that because the North Vietnamese and Vietcong, China, even, are not parties to the United Nations does not in any way eliminate the responsibility of the signers of the charter to exhaust every approach that possibly can be turned to, to try to get some multilateral agreed upon procedure to lead the combatants to a negotiated settlement of this war.

That is one reason why this debate would be a good thing. We could just put it right on the Soviet Union’s back as far as her refusal to seek to invoke the Geneva machinery.

CHANCES FOR BILATERAL NEGOTIATIONS WITH THE VIETCONG

But what troubles me, Mr. Ambassador, is that—and I would like to have your corrective response if you think there is no basis for my fears—I have heard nothing in this committee, I have heard nothing in the briefings that have taken place in the White House, that leads me to believe that in the foreseeable future there is the slightest chance of getting bilateral negotiations with Hanoi and the Vietcong. We are just going to have multilateral negotiations because basic to our proposals for bilateral negotiations is the implied condition that they accede to our wishes, which to them is a form of surrender.

They are never going to surrender. Their whole record for 25 years has been one of suffering great casualties and fatalities but not surrendering.

At one of the briefings recently it was pointed out to us the French during the Indochina War destroyed a dam as a result of which it was reported they killed over a million people. That did not cause them to dig in with deeper hatred for the French.

My concern is that that is what is happening over there now as their hatred for the United States intensifies.

I have taken these few moments to tell you how I feel about these briefings based upon an apparent attitude of our Pentagon and State Department people that if we just escalate enough and destroy enough they have to capitulate.
I do not think—that could happen, but if it does happen I do not think—it is going to give us a negotiated peace. It will give us another imposed truce, which only means, I think, a postponement of the ultimate war.

I thought you ought to have a chance to at least comment on these views of mine no matter how wrong you may think they are. That is the conclusion I have reached.

I am not alone on it. I know quite a few colleagues who have attended the same briefings and who have developed the same concerns. I would like to have your value judgment on my comments.

CHANCES OF A POLITICAL SETTLEMENT

Mr. Yost. Well, of course, I have not attended those briefings, but I certainly feel strongly myself that we are not likely to produce a capitulation; that the only kind of settlement we can have is a compromise settlement, and primarily a political settlement, and a political settlement is going to be something that will have to be principally accomplished by the Vietnamese themselves, the South Vietnamese.

I think that we are in a vicious circle as far as the United Nations is concerned. You point out how far apart we are in regard to private negotiations. That is what discourages most members of the United Nations from undertaking responsibility, because they do not see how the two sides could be brought together in their present state of mind.

If there was a feeling at the U.N. that by appointing some sort of an intermediary or mediator or charging the Secretary General with that function, that they could help to bring the two parties closer together, they would do that tomorrow. They would be delighted to do that.

But there have been no indications that either side would welcome or accept anything of that sort. Therefore, most people in New York have concluded that the first steps have to be some change of heart on the two sides, the two combatants, before the U.N. can do anything very effective.

They can, of course, debate and ventilate the problem, as you say, and point out the sins of both sides. But they hesitate to do any more of that than they are doing if they cannot see any practical benefit resulting from it.

Senator Morse. Mr. Ambassador, thank you very much.

Senator Pell, I am going to ask you to take over the chairmanship. When you finish the hearings the committee should recess until 10 o'clock tomorrow morning.

Thank you very much.

Senator Pell (presiding). Thank you, Mr. Chairman.

Mr. Ambassador, I feel a little strange here when you are such a close friend and an old boss, to be at this end of the table and you at that end.

REASONS FOR CESSATION OF BOMBING

I have read your statement with great interest, and I also read Congressman Bingham's. I noticed a very interesting idea in both of them which has not yet been fully ventilated, I think, in the
Congress; namely, that there is a third reason why we should cease
the bombing in the north. Let me review the two reasons with which
we are already familiar.

First, it is counterproductive. As Secretary McNamara himself has
pointed out, the bombing has not significantly reduced, nor would
any bombing contemplated in the future significantly reduce, the flow
of men and material into the south. From the point of view of morale,
it has had just the opposite effect of what we thought it would have.
It has solidified the morale in the north. Moreover, the most successful
presidential candidate in the recent election in the south, next to
the government Thieu-Ky slate, was the one who believed in peace
and cessation of bombing in the north.

So those of us who think it is counterproductive continue in that
point of view.

The second reason to stop the bombing is that it would lead to
negotiations. This, to my mind, is somewhat fallacious because
there can be danger in going into negotiations unless you can come
out with something at the other end. Unfortunately, there seems no
possibility of compromise at present.

But you and Congressman Bingham have put into the hopper today
a third reason for ceasing the bombing; namely, that is might spur
the United Nations into some sort of action, or it might help change
the atmosphere there so that they would be willing to become seized
of this problem. Would that be correct?

CONSEQUENCES OF BOMBING CESSATION DIFFICULT TO PREDICT

Mr. Yost. It is impossible to predict definitely what would be the
consequence, but I think there would be a fairer prospect of that.

Certainly, as you very well know, bombing of the north has become
a symbol all over the world of intransigence and, in the opinion of
many, an overutilization of power.

If we should choose to stop the bombing, this would have a pro­
found effect in the United Nations and over the world. There would
be, I am convinced, a very strong feeling generally that we had made
a substantial step to meet a condition that Hanoi had laid down,
to meet the requests of our friends, to meet what a very large number
of speakers in the recent general debate in the General Assembly asked
for, and that this warranted, this deserved, a substantial response
on the other side.

If our action did not, within what people felt to be a reasonable
length of time, produce any significant response, then I think a good
many members would be inclined to pursue the question in the
U.N. I do not know whether there would be a sufficient majority
to obtain an Assembly resolution, but there might well be. In any
case it would almost certainly reopen the debate in a significant way.

Senator Pell. I thank you for that contribution, too, because I
think that the press and the public opinion are all aware of the im­
portance of the arguments concerning the relationship between the
cessation of bombing and the possible start of negotiations, and the
reasons suggesting counterproductivity, but the most important are
those you are suggesting now.
Sacrifices Disproportionate to Objectives

I notice in your statement you say that the sacrifices, the suffering and expenditures of resources which are in nobody's interest, are disproportionate to everyone's objectives and more and more jeopardize everyone's security.

When this disproportionate sacrifice amounts to a breaking point then we may get into a different stance. Meanwhile I wonder if the only place—not counting, of course, South Vietnam—where the sacrifices are disproportionate to the objectives, is in our own country. After all, the Chinese sacrifices in men have been zero, and material, a small percentage of what we have put in; the Soviet Union men zero, material again, a small percentage of what we have put in; and the North Vietnamese have lost much in men and material. I understand, also that our airplane losses amount to about three times the value of the targets destroyed. But North Vietnam's objective is the reunification of their country, which meant a great deal, as we know, in our own Civil War.

Therefore, we are left with a question I want to put to you: Is not the only country that is paying a disproportionate cost for whatever it is attaining the United States?

Mr. Yost. Well, I would feel that those who are suffering most and paying most are the Vietnamese, north and south. But certainly of all those not directly constituting the battlefield, the United States is the one which, in my opinion, is expending a disproportionate amount of resources and political energy and attention.

As you know, I spent some time in that part of the world in Southeast Asia, and I do feel we have important obligations and responsibilities there. But I am equally persuaded that we have important obligations and responsibilities in many other parts of the world, in the Middle East, in Latin America, and in Europe, in assisting in the development and modernization of the new and developing countries generally, not to mention our most vital responsibilities and obligations in our own large cities which are in such a difficult state.

So I think it is of the greatest importance that we do allot to each of these problems, each of these obligations and responsibilities, what seems a due proportion not only of the resources that we theoretically have but the resources that the American taxpayers are willing to have devoted to governmental objectives.

Looking at it in that regard I feel at present our effort in Vietnam is disproportionate.

I think it is very important. I certainly would be the last to say that it should not be pursued, but I would say that it is definitely disproportionate.

Objectives of the United States and North Vietnam

Senator Pell. You are quite correct in emphasizing that the South Vietnam sacrifice, on the battlefield, and in hand-to-hand combat, is the greatest of them all.

I notice where you suggest, too, that the two sides are still far apart. I completely agree with you. I think one of the fallacies when we talk about negotiations is our failure to recognize that the two national objectives and two goals do not yet really seem to be within the same ballpark.
I wonder if you could clarify in simple language your view as to what are the present actual objectives of the United States, and those of the North Vietnamese and Vietcong.

Mr. Yost. It is very difficult to go behind the stated objectives and say what each side would really settle for in the last analysis. Obviously, the North Vietnamese would like to achieve the unity of their country under their control.

During this visit to Eastern Europe that I mentioned earlier I was repeatedly assured, whether or not correctly, that they would in the last analysis settle for an indefinite division of the country as long as the south was under a government in which their supporters, the Vietcong, would play a substantial but not a dominant role.

If that role is their objective and is really what they would settle for—and there is no way of knowing except by testing them out—then it seems to me something that we could live with.

ALLOWING POLITICAL FORCES FREE PLAY

Senator Pell. Excuse me, just pressing on that point, am I not correct in saying that they would not settle for any situation which did not allow the political forces in being to play a role, that would reflect the actual strength? As it is now, the most active, aggressive force seems to be the Vietcong. They seem to have more cohesion, drive and aggression.

Therefore, they presumably would come out on top, and this would really mean that North Vietnam would not settle for a government where the VC could not play eventually a dominant role. What do you think?

Mr. Yost. That is the great question. I do not think anybody knows whether they would insist in fact, if there were a coalition government, that it be dominated by the VC or whether they would be satisfied with the VC playing a subordinate role or a role on a parity with other parties but not the dominant role.

Senator Pell. But might it not be to the best interest of the Vietnamese and us, if we simply let a government emerge reflecting the political forces that are present. In short, if we just allowed the free play of political forces wouldn't it be probable, that the VC would soon exercise a dominant force because they have more cohesion and drive than any of the other groups in the country?

Mr. Yost. Well, I am not really sure of that. One might have said the same of the Communists in France in 1944, and it did not turn out to be that way. They participated in a coalition government for three years and then were edged out.

Now, the situation obviously is not the same in South Vietnam. But I am not prepared to say that they would surely play the dominant role.

Senator Pell. It might be a sensible risk for us to take. Would you say so?

Mr. Yost. Of course, our stated position and our honest position is that we are fighting to insure self-determination in South Vietnam. In other words, that the Vietcong or anyone else should not impose their domination by force. We have never carried our argument all the way down the line as to just what we would do in what particular contingencies. Governments rarely do. But reverting to something
you said a little earlier about the unlikelihood of negotiations succeeding in view of the wide divergence between the parties, I personally am always in favor of starting negotiations, if you can.

I think negotiations, like war, have their own momentum, and once they are begun, all sorts of pressures are built up on the parties, both domestic pressures and external pressures, to succeed, to come out with something. It may take a long, long time, as it did in Korea, or it may move fairly rapidly as it did in the case of the Geneva conference in 1954 and the Geneva conference in 1962.

But even if the parties are very, very far apart, if they will agree to sit down at a table I am always in favor of urging them to do so.

EFFECT OF TWO RESOLUTIONS

Senator Pell. With specific regard to these two resolutions, the one of Senator Mansfield with its more than 50 cosponsors, and that of Senator Morse, am I right that your position is that their passage would probably not produce any results, but still would produce no harm?

Mr. Yost. I think insofar as they indicate a deep concern with the trend of events, and also indicate a conviction which cannot be denied that the U.N. should be doing something about this, that they would have some positive value.

I cannot in all honesty say that they would be likely, even if we followed the stipulations that either one of them makes, that they would be likely to produce any result at the United Nations unless one or more of the parties changed their position.

Senator Pell. Under the present circumstances do you have any preference with regard to one resolution over the other? Would you prefer the stronger one, the Morse one, or the less strong one, the Mansfield one?

Mr. Yost. I would prefer the less strong one because I think it does permit more adaptation to events, more flexibility. I regret to have to be pessimistic about the outcome at the United Nations at this point.

RECOMMENDED COURSE OF ACTION FOR ADMINISTRATION

Senator Pell. Now, apart from these resolutions, in light of the regard and respect we have for your own judgment, and the fact that you were at San Francisco at the start of the U.N. and followed it so closely down through the years since, would you state what would be your recommended course of action? What course should our Administration take, even if they can't liquidate this problem in Vietnam, at least to bring it within bearable limits? I realize it is a very general question, but I would be interested in your thoughts.

Mr. Yost. Well, just to reply briefly, as I have said, I do think we have important obligations and responsibilities in Southeast Asia in general and in Vietnam in particular, and I certainly would not welch on those obligations.

On the other hand, I do think, as I said, we are devoting a disproportionate amount of our political energy, attention and our resources to this in relation to all the other heavy responsibilities we have.
Therefore, in general, I would tend to deescalate in various ways. Obviously, the most important one, because it has become such a symbol, is the cessation of the bombing, which I should definitely favor.

I am not at all sure that it would produce a negotiation. It might or it might not. There is some prospect that it might, not right away but after a period of time.

Certainly if it did so the casualties that would be saved by bringing this war to a conclusion, perhaps in a few months rather than in a few years, would be enormously greater than any casualties which are alleged to be the consequence of stopping the bombing.

In any case, even if it did not produce negotiation, it would greatly improve the political climate in this country and abroad by demonstrating that we are willing to go this extra mile even at some military cost in order to try to achieve a solution, and this would change the atmosphere in the U.N.

Not only that, but it would in my opinion, improve our posture, our position, our prestige throughout the world, and in so doing, and this is not just a sentimental consideration, in so doing, would assist in achieving all sorts of political objectives in other parts of the world which are in some degree inhibited by our present stand.

I may say also on the general subject of deescalation that just because I do think we have obligations in Southeast Asia, because there are a number of weak and backward countries in a difficult position, because we are going to have to maintain a limited presence for a long time, I fear that, if we expend too much too quickly, there will be a reaction. The American people over a period of time will not tolerate such an expenditure because it interferes with too many other goals, they would react and pull away, and we might go to the other extreme. For the long, hard pull I think you need a more measured pace.

LARGE NATIONS MUST MAKE SACRIFICES

Senator Pell, I would wholeheartedly agree with you from a political viewpoint. Perhaps we may see the pendulum start swinging in that direction now.

I believe the leaders of the world should keep areas of aggression and of war as restrained and as cooled down as possible. Yet as long as any nation is a leader of the world, like we who derive all the benefits we do, half the world’s resources with only 6 percent of the world’s people, we would probably have to be prepared to make sacrifices. Our objective should be to keep those sacrifices within the threshold of bearability. In Vietnam it would seem to me we have exceeded that threshold, and this is the danger today.

This is a policy that a mature nation like Britain maintained for many years before we assumed the leadership of the world; and for us to successfully carry this mantle, we will have to assume it, too.

I would gather our views are in common in this regard.

Mr. Yost. They are. I agree with that absolutely.

I think we should come to understand that, on the one hand, even if we succeed relatively well in Vietnam, that is not going to prevent similar situations from occurring elsewhere over a good many years which we will have to deal with. Victory there is not going to be victory for all time or everywhere.
On the other hand, even if we fail, I do not think we are going to fail, but even if we have a setback there, that would not lead to a series of other setbacks unless we choose to allow it to do so.

Senator Pell. Thank you very much for the excellence of your statement, the responses to our questions which is exactly what I, for one, knew would be the case.

At this point I have just been informed that Senator Wiley, former chairman of this committee, and beloved by many of us, who served with him and knew him, has just died. I thought this announcement should be made to the committee at this time so that his friends would be aware of it and it would be in the committee’s records, the committee that he served so diligently and led so well.

At this point this meeting is recessed until 10 o’clock Friday morning, when our witness will be Ernest Gross, former delegate to the United Nations, and certain other witnesses.

(A statement by Hon. Herbert Tenzer, U.S. Congressman from New York, follows:)

STATEMENT OF HON. HERBERT TENZER, MEMBER OF CONGRESS

Mr. Chairman and Members of the Committee on Foreign Relations, I am pleased to have this opportunity to present my views on S. Con. Res. 44, sponsored by the distinguished Senator from the State of Oregon, The Honorable Wayne Morse.

On October 18, 1967 I introduced in the House H. Con. Res. 536, worded differently in some respects but with the same objective as S. Con. Res. 44. I am pleased to advise the Committee that as of this morning, 23 Members of the House of Representatives have joined in sponsoring Resolutions identical to H. Con. Res. 536.

During the brief period since October 18th a considerable amount of interest has been expressed on the House side in favor of H. Con. Res. 536. This interest demonstrates that we must more vigorously pursue peace by urging the United Nations—the only international forum for world peace—to use its influence in an effort to bring about a reconvened Geneva Conference to the end that a cessation of hostilities in Viet-Nam may be achieved and peace restored to South East Asia.

H. Con. Res. 536 expresses the Sense of Congress that the President should take appropriate steps to bring a resolution calling for a reconvened Geneva Conference to the U.N. General Assembly. It does not call for a full scale debate in the UN on the Viet-Nam issue since neither North or South Viet-Nam is represented in the world body—nor is Communist China. It does call on the President to request the UN to appeal for peace negotiations among the parties directly involved in Viet-Nam.

Mr. Chairman, The President, the Secretary of State and our Ambassador to the United Nations at different times have spoken about the United States’ efforts to have the UN place the Viet-Nam conflict on its agenda. They have urged at different times that the Security Council take up the matter of the Viet-Nam conflict. We were told that the member nations have been canvassed and that they have indicated an unwillingness to take jurisdiction and accept the responsibility outlined in the Charter.

There are those who have questioned the credibility of our leaders and the sincerity of our desire for peace. I do not underestimate the desire for peace in the hearts and minds of the overwhelming majority of Americans. I do not question the right to dissent. The basic differences lie in the manner in which peace is to be achieved.

The objective of the Resolution now being considered by this Committee and the objective of H. Con. Res. 536, is to pursue peace—the search for which is in the proudest tradition of our American democracy.

I first proposed use of the special U.N. “uniting for peace” procedure on June 14, 1967 in a House statement (Congressional Record A3015) one day after the use of the same procedure by the Soviet Union in connection with the Middle East crisis. It was the first time the Soviet Union had recognized the validity of the “uniting for peace” procedure to bring a war or peace issue to the General Assembly where the Security Council is unable to act. The United States should follow this same course.
Every idea has its time.
The time for the U.S. to request an emergency meeting of the UN Security Council to consider all aspects of the conflict in Viet-Nam—is now.
If the Security Council is unable to act, then the United States should take all the steps necessary to assure action by the General Assembly.
Only by the collective action—the coordinate efforts of the President, the Secretary of State, our Ambassador to the United Nations, with the support of the Senate and the House of Representatives—can we demonstrate to the world the sincerity of our purpose to achieve a cessation of hostilities—an honorable peace—in Viet-Nam.
Mr. Chairman, the Viet-Nam war has had its impact in every nation of the world and the refusal of Hanoi to come to the peace table threaten to prolong this struggle. Bilateral and unilateral efforts have been unsuccessful and while we continue to pursue every avenue toward peace, we must not overlook the United Nations—the only multilateral force which can bring world opinion to bear upon the parties involved in the Viet-Nam war.
A UN resolution calling for a reconvened Geneva Conference would place world opinion officially on record and would be a formal and direct request to the co-chairmen of the Geneva Conference—Great Britain and the Soviet Union—and the parties directly involved in Viet-Nam—to comply with the United Nations request for peace negotiations.
Let the nations of the world have the opportunity to use their influence—not merely to one side or the other—but to take constructive action to bring the parties to the peace table.
The Members of the House who have joined in sponsoring this legislation are the following:

Hon. Joseph P. Addabbo
Hon. William A. Barrett
Hon. George E. Brown, Jr.
Hon. Phillip Burton
Hon. Jeffery Cohelan
Hon. John Conyers, Jr.
Hon. Don Edwards
Hon. Joshua Ellberg
Hon. Donald M. Fraser
Hon. Samuel N. Friedel
Hon. Jacob H. Gilbert
Hon. Seymour Halpern

Hon. Julia Butler Hansen
Hon. Ken Hechler
Hon. Henry Helstoski
Hon. Robert W. Kastenmeier
Hon. Robert Leggett
Hon. Patsy T. Mink
Hon. Wm. S. Moorhead
Hon. Abraham Muter
Hon. Edward Roybal
Hon. James Scheuer
Hon. Herbert Tenzer

H. CON. RES. 536
IN THE HOUSE OF REPRESENTATIVES
OCTOBER 18, 1967
Mr. Tenzer submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Whereas the primary purpose of the United Nations is to maintain international peace and security and to take collective measures to remove threats to world peace; and
Whereas in ratifying the charter of the United Nations the United States undertook a solemn treaty commitment to settle international disputes by peaceful means; and
Whereas under the charter the Security Council has primary responsibility for the maintenance of peace, which devolves to the General Assembly when the Council is unable to act: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that:
1. The President should request an emergency meeting of the United Nations Security Council to consider all aspects of the conflict in Vietnam and to act to end the conflict in accordance with article 25 of the charter.
2. If the Security Council is unable to act, the United States should take all steps necessary to assure action on the issue by the General Assembly.
3. The United States objectives in the United Nations should be to obtain—
(a) support for an immediate cessation of hostilities by all parties, and
(b) recommendations for appropriate measures, such as the convening of
an international conference, for reaching a permanent settlement which will
assure a lasting peace for Southeast Asia.

(The letters from U.N. delegates previously referred to follow:)

Hon. WAYNE MORSE,
U.S. Senate, Committee on Foreign Relations,
Washington, D.C.

MY DEAR SENATOR: I appreciate your sending me a copy of the resolution
which you have introduced concerning the role which the United Nations might
play in bringing about a settlement of the war in Vietnam. This is of course a
subject which concerns me very much and I shall be happy to testify on the
matter on October 26 if the Committee on Foreign Relations so desires. I am
informing Mr. Kuhl of my availability on this day.

I am sure you are very much aware how difficult it has proved, despite the deep
concern of most of its members, to involve the United Nations directly and
effectively in the Vietnam problem. I was a member of the US delegation on
several occasions when very serious but abortive efforts were made to do so.
The difficulty is of course that both North Vietnam and Communist China,
who are not UN members, take the position that the United Nations has absolutely
no jurisdiction over the Vietnam conflict and that the Soviet Union and a majority
of other UN members therefore, while constantly speaking to the issue, refuse
to agree that the Security Council should take, or the General Assembly rec­
ommend, any concrete action. Yet the vast majority of UN members, including
the United States, are intensely unhappy and frustrated by the inability of the
world peacekeeping organization to do anything effective about this tragic and
dangerous war.

I am personally inclined to believe that it will be necessary for the United
States to take the initiative in deescalating the war, particularly by suspending
the bombing of the North, before it will be possible to move toward a settlement,
either in or out of the United Nations. Should the United States take these pre­
liminary steps, it might be easier, because of the absence of North Vietnam
and China from the United Nations, to get to negotiations outside rather than
inside the organization. Should Hanoi, however, fail to respond within a reason­
able time to significant measures of deescalation by the United States, it might
then be possible and advantageous to raise the question again in the United
Nations with more hope at least of a recommendation being made by the General
Assembly.

In summary I am in full agreement with the objective of your resolution but
am doubtful that any effective action on this issue can be expected from the
United Nations unless and until one or both of the parties to the conflict alters
its present posture.

Sincerely yours,

PHILIP U. KLUTZNICK,
Chicago, Ill., October 2, 1967.

Hon. WAYNE MORSE,
U.S. Senate, Committee on Foreign Relations,
Washington, D.C.

MY DEAR WAYNE: Your letter of September 26 was sent to my old address
in Park Forest, Illinois. Consequently, I have just received it and the enclosures.
I appreciate the fact that you are circulating this material among those who
have served in recent sessions of the General Assembly. The procedure implicit
in the concurrent resolution is extraordinary. In this sense, it meets head on a situation which is itself extraordinary. However, I have grave doubts about the efficacy of this approach unless the administration is in sympathy with it and will do what the concurrent resolution calls for, both explicitly and implicitly.

By coincidence, I read the proposed resolution and your statement shortly after the President delivered his speech in Texas. If that continues to reflect the policy of the administration, then the resolution will have little, but public opinion, effect. In this sense, it may be helpful in swaying the administration to a more positive posture. However, beyond that purpose, I see little of value and the possibility of a precedent which may hobble our foreign relation capacities in the future. In other words, if the President were to be swayed by a Congressional resolution, it seems that he should be swayed by his friends in the Senate and in the House who have been telling him many of these things for a long while.

Both of us share a profound respect for what the President has done domestically and a growing concern about where he is heading us internationally. Since you are closer to the scene, if you feel that this resolution is one way of turning the tide, then naturally I would be prepared to support it with some amendment. First and foremost, I doubt whether I would address this matter to the Security Council. In paragraph 1 of the proposed resolution, the President is requested to call an emergency meeting of the Security Council for the purposes set forth therein. In this paragraph, it is intended to pledge the United States, in effect, to waive its veto. I believe this to be a dangerous precedent which may come back to haunt us until the United Nations has been made more perfect as an instrument in the international field.

It seems to me that it is an unnecessary risk to take. While I recognize that we have never used our veto, the threat of its being there is helpful so long as others have the right of veto. The institution of a precedent of waiving in advance opens a Pandora's Box which may lead us goodness knows where.

I have said that I feel this approach is unnecessary. I believe the objective of the resolution can be achieved in even more effective form and with more dramatic purpose if the Security Council was not the point of first appeal. The resolution would be wiser in my judgment if it called upon the President to request a special emergency meeting of the General Assembly where the problem of veto would not be immediately involved. Since an act by the Security Council calling for a cease-fire and whatever else it may call for is no more effective than a similar act on the part of the General Assembly, I would think it more appropriate for the resolution to limit itself to an approach to the General Assembly.

I would also include in that call a provision for an invitation to the non-members such as North Viet Nam, South Viet Nam, and Red China. While they probably would not attend, it should be indicated that they are invited to be present.

I agree with you completely that it would be well if we would use the facilities of the United Nations. But, I reiterate that unless the President is prepared to do so graciously and meaningfully, it might be better not to go back again.

With best wishes, I am,

Cordially,

Hon. WAYNE MORSE,
U.S. Senator,
Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

PHILIP M. KLUTZNICK.

5504 CHEVY CHASE PARKWAY, NW.

DEAR SENATOR MORSE: Your letter of September 26, 1967, with a copy of Concurrent Resolution (S. Con. Res. 44) interests me very much, and I apologize for the delay in responding.

I entirely agree that the war in Vietnam is definitely a threat to the peace which should enlist the active efforts of the United Nations towards a settlement. I also agree that primary responsibility under the Charter is with the Security Council, but that inaction there opens the way to seek consideration and recommendations by the General Assembly.

As to the exact text of the Resolution it might not be wise at this time for the Congress to call specifically upon the President to request an emergency meeting of the Security Council; that is to say, it might be better to express the sense of Congress that the United Nations, through the Security Council or, failing there
through the General Assembly, should seek a settlement. I would not wish to be more precise without consultations with the Executive Department, including Ambassador Goldberg. These comments could be applied to paragraph 2 as well as to paragraph 1.

I fully agree with paragraph 3.

Going back now to the fifth Whereas clause, I doubt the wisdom of this, which seems to place the blame on the United States. It is probable that we had sound reason for believing effective steps could not be taken before due to the Soviet and French positions in the Council, but I do not think it follows that the Congress should not seek effective steps at the hands of the United Nations. There is some difference it seems to me in the Congress calling upon the President to take a definitive action in this matter now and in expressing the views of the Congress as to the responsibility of the United Nations.

It appears from press accounts that informal meetings are being held by representatives of the members of the Security Council. This I think at present is good means of exploring possibilities of later effective and formal Security Council action.

As you know the United States is ready at any time to enter into negotiations for a peaceful and honorable settlement. Every effort should be made to influence Hanoi to agree to begin such negotiations.

I prefer not to be a witness at the hearings; but I do wish to express my deep respect for your efforts in this as in many other problems over the years.

Sincerely, and with personal regards,

Hon. WAYNE MORSE,
U.S. Senator, Committee on Foreign Relations, U.S. Senate,
Washington, D.C.

Dear Senator Morse: My letter of yesterday regarding the Concurrent Resolution (S. Con. Res. 44) might be read as suggesting a direct approach by the Congress to the United Nations. My thought is expressed more accurately by suggesting that the Congress endorse the efforts the President has made to enlist the help of the United Nations in the matter.

Sincerely,

Hon. WAYNE MORSE,
U.S. Senator, Committee on Foreign Relations, U.S. Senate,
Washington, D.C.

Dear Senator: I am sorry to have been slow in answering your letter of September 26, 1967, relating to your S. Con. Res. 44 as to the referring of the Vietnam conflict to the United Nations.

You ask my candid views, and I shall give them.

Ideally, the U.S. should bring the conflict to the Security Council, and the Security Council should order an immediate complete cease-fire by all sides, should send observers (if not an armed force) to implement the cease-fire, and should order an immediate peace conference with all parties represented or the immediate reconvening of the Geneva Conference. If I had any confidence that the Security Council (or the General Assembly) would do what it should do, I would strongly favor our bringing the matter to it at once. (I would favor this even though I think that the U. S. would be the only one to observe the cease-fire and that the Communists would reject it and any conference—in that case, the world would at least know whom to blame when fighting resumed.) But I do not think that either the Security Council or the General Assembly would do what it should, and I think that the result of bringing the matter formally before the U. N. would be frustration.

First, as to the background. Both Peking and Hanoi have many times announced that Vietnam is no business of the U. N. and that the U. N. has no business there. Indeed, both Peking and Hanoi in 1965 firmly (although politely) refused to let U Thant visit them for the purpose of exploring peace possibilities. And, needless
to say, neither Peking nor Hanoi is a member of the U. N. or obligated to do what the U. N. orders or recommends. The result of the Hanoi position (if not Peking's) is that the Soviet Union, anxious to preserve its supposed position as the leader of the Communist world, particularly as against Peking, resolutely (a familiar Soviet word) rejects any U. N. involvement in Vietnam.

The U. S. has brought the Vietnam issue to the Security Council twice.

The first time was just after the Tonkin Gulf incident in August 1964. The Soviet Union strenuously resisted any discussion at all, and Hanoi refused to accept the Council's invitation to attend and present its case, with the result that the meetings ended in frustration.

The U.S. again brought the issue to the Security Council in February 1965. Again, the Soviets fought against the Council's considering the matter at all, and, in fact, no debate ever was held—the Japanese President of the Council, after certain private consultations, simply wrote a public letter stating that his consultations indicated a general feeling not to hold any debate and a strong desire for an early cease-fire and early negotiations to implement the Geneva accords.

He was promptly denounced by the Soviet and French representatives (who had not been consulted) for acting without authority. Again, frustration.

I see no reason to believe that a further reference to the Security Council would produce any different result. The attitude of the Soviet Union has not changed; it still opposes U.N. involvement because Hanoi (and Peking) oppose it. Indeed, I question whether Moscow may not regard a peaceful settlement as against its national interest, for surely that interest is served by continued U.S. entanglement on the Asian mainland (so long as it does not overwhelm North Vietnam, and there are no signs of that happening or being intended), with its wastage of the U.S.'s resources and its darkening of the U.S.'s international reputation—and, perhaps, its restraining effect, if any, on possible Peking penetration of Southeast Asia.

But, you may say, why not bring the matter up again in the Security Council, and if the Soviet Union frustrates again, let it, and let it be held publicly responsible. The difficulty is that even if the U.S. introduced a simple resolution which merely called for a cease-fire and the reconvening of the Geneva Conference, it would not, I am afraid, be able to get the necessary 9 votes against Soviet and French opposition—with resulting further frustration, and denigration of the U.N.

I am equally afraid that the same sort of thing would happen if the issue were taken to the General Assembly.

One of the fundamental difficulties about the U.N. is the deep-seated reluctance of members to take a stand on any issue which involves a confrontation between the U.S. and the U.S.S.R. The result is, of course, that the U.N. is not an effective institution for dealing with such issues—brining them before the U.S. simply exposes its weakness.

You may well say, why not expose its weakness? I do not agree—I believe it should be used for things that are within its capabilities, and that, as the only international organization for peace we have, it is better served by slow strengthening than by sudden strains leading only to frustration.

Accordingly, I hope you will not press your resolution.

I am taking the liberty of sending copies of this letter as indicated below.

Respectfully yours,

FRANCIS T. P. PLIMPTON.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES

DEAR SENATOR MORSE: Please forgive me for not having previously acknowledged your thoughtful letter of September 26 respecting your resolution, S. Con. Res. 44, providing for submission of the Vietnam issue to the United Nations. I would very much like to see the United Nations take jurisdiction over the issue, but I am afraid that under present conditions there is little hope for obtaining approval for a meaningful resolution in either the Security Council or the General Assembly. My own views on the subject are set forth in a speech I made on the Floor recently and I am enclosing a copy.

I would have preferred that the President should make his announcement that he had ordered that the bombing of North Vietnam be stopped at the time he
makes his appearance at the General Assembly. However, in order to meet the argument that there is no assurance of cooperation from the other side in attending negotiations even if the bombing were stopped, I thought the administration might prefer to delay in making such an announcement pending receipt of word that the proposed conference had been organized and the parties invited.

The proposal could meet the objections of the French, the Soviets, and our adversaries to consideration by the United Nations in that it offers the possibility of an outside meeting at Geneva or some other world capital.

With best wishes,

Sincerely,

SIDNEY R. YATES, 
Member of Congress.

[From the Congressional Record, Wednesday, October 4, 1967]
Mr. Speaker, presumably the sponsoring nations would invite both the National Liberation Front and the Government of South Vietnam. Thus the meeting would offer the opportunity for the direct belligerents to meet and negotiate with each other, as well as the governments of the United States and North Vietnam.

Mr. Speaker, the appearance of the President of the United States in the cause of peace would be a dramatic and powerful event. I recall the tremendous impression upon the assembled delegates made by President John F. Kennedy in 1963 and shortly after Mr. Kennedy’s death, by President Johnson. But 4 years have gone by since his last appearance, years in which the United States has become embroiled to an ever-increasing degree in the Vietnam war.

The President’s initiative for a peaceful solution in Vietnam by offering to halt the bombing would have an enormous impact for good throughout the world. It is conceivable that it might be the first step in bringing the war to an end. We would furnish solid support for the Charter of the United Nations and for the principle that international disputes should be settled peacefully. His proposal at the United Nations would help restore the flagging prestige of the United Nations and the cause of international cooperation. The burden of seeking settlement of the Vietnam dispute by peaceful means would be shifted to Hanoi, for we will have taken the first affirmative and tangible step for peace.

School of Advanced International Studies,
JOHNS HOPKINS UNIVERSITY,

Dear Wayne:

Thank you so much for writing me about the concurrent resolution which you have introduced relating to the submission of the Vietnam issue to the United Nations. I appreciate your thoughtfulness in inviting my comments on this important matter.

Let me say at the outset that I very much share your major objective. Certainly the United Nations, which has responsibility for the maintenance of peace and security in the world, should be persistent in its attempts to bring to an end such conflicts as that which exists now in Vietnam. On our part we should do everything we can to encourage the U.N. to assume its responsibility in this particular instance and to help develop the kinds of procedures and attitudes that will enable the U.N. to cope with conflicts of the Vietnam type in the future. I do not believe in avoiding the United Nations merely because some people feel it will be unable to bring about a settlement.

On the other hand, if consultations which we should carry on in New York suggest that there is no support for our position in calling for a meeting of the Security Council, then of course we would have to abide by the decision of our friends and allies. At the moment, U Thant seems to feel that nothing constructive can come from a meeting on Vietnam. So do a good many other delegates including those from the Communist Bloc. Certainly we can achieve no useful purpose by asking the U.N. to deal with the problem if the other members of the Organization do not want such a meeting and believe no useful purpose can be served by holding one.

With respect to the wording of the resolution, I do not like your first “Whereas.” It may be accurate but I think it should be softened a bit in order to attract people who might be willing to support your general position but who would look upon this language as an unnecessary indictment of the United States and its policy.

I would take a somewhat similar approach towards your last “Whereas.” You suggest that the United States “has failed to take effective steps” to bring about the United Nations involvement. Would it not be better to say “we have been unable” to bring about U.N. involvement? As you know, we have tried but other states have been unresponsive. Certainly, I don’t object to trying again. Obviously we should keep on trying if there is any chance at all.

I have some reservations about your paragraph 1 which suggests that we would agree in advance to accept and carry out any decision the Council might take. Isn’t that going a little far? Would we agree to remove our troops, for example, or to stop shooting even if the other side should be unwilling to do so? I would prefer to make the language somewhat more general, suggesting our willingness to cooperate with the Council in every possible way in reaching a decision. I would even be willing to waive the veto if there were any indication the other side would cooperate.
May I say in conclusion that anything we can do to encourage the United Nations to assume its responsibility in this important matter would be appreciated by millions of people all over the world. If something constructive could be done through U.N. channels, it would not only enhance greatly the reputation of that Organization, but it might help bring an end to the conflict that we all deplore.

Having said that, the big question, it seems to me, is how we can get the other side—that is, Communist China, Ho Chi Minh, the Viet Cong and the Soviet Union—to agree to cooperate with the United Nations. In any event, we must leave no stone unturned in our efforts to bring about peace in Vietnam. A resolution of this kind which expresses the sense of the Senate that the United Nations should take appropriate action, ought to receive the overwhelming endorsement of the United States Senate. We must never give up. We've got to keep on trying.

I appreciate very much your invitation to appear as a witness on October 26 or 27. Unfortunately other commitments for that week, including a trip out of the city, will make that impossible.

With warm good wishes.

FRANCIS O. WILCOX.

REDLANDS, CALIF., NOVEMBER 6, 1967.

Hon. WAYNE MORSE,
U.S. Senate, Washington, D.C.

My DEAR SENATOR MORSE: It is a source of sincere regret that your letter of September 26, 1967, has remained unanswered so long. My prolonged absence from my home in Redlands accounts for what must have appeared as great rudeness. Now that I have retired I use a "public stenographer" and during my absence my mail is not forwarded to me. When I returned to Redlands two days ago, Saturday, November 4, 1967, there was a large accumulation awaiting me.

Because of my conviction that there must be a strong and effective world organization and because of my desire to have our country play a leading role in the strengthening of the United Nations, your resolution (S. Con. Res. 44) could not fail to interest me.

Since I left the UN in December 1965 my contacts with it and with our government have been minimal. It would, therefore, be difficult for me at this juncture to suggest a procedure which might succeed in bringing about the UN intervention in the quest for a peaceful solution in Vietnam. Although the proposal contained in your resolution is designed for this purpose I do not believe it would produce the desired result. On the other hand, the passage by the Congress of the United States of a Joint Resolution urging the intervention of the United Nations in seeking an end of hostilities and the negotiation of a peaceful settlement might help to create a climate in which the United Nations could be encouraged to become actively engaged.

The above is too vague to be helpful, I fear. In any event, I wanted to reply as soon as possible after my return to Redlands.

Sincerely yours,

FRANCES E. WILLIS.

Senator Pell. The meeting is adjourned.

(Whereupon, at 4 p.m., the committee adjourned to reconvene at 10 a.m., on Friday, October 27, 1967.)
SUBMISSION OF THE VIETNAM CONFLICT TO THE
UNITED NATIONS

FRIDAY, OCTOBER 27, 1967

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to recess, at 10 a.m., in room 4221,
New Senate Office Building, Senator John J. Sparkman presiding.

Present: Senators Sparkman, Morse, Clark, Pell, and Hickenlooper.

Senator Sparkman. Let the committee come to order, please.

We continue hearings this morning on Senate Concurrent Resolution 44, submitted by the distinguished Senator from Oregon, Mr. Morse, and Senate Resolution 180, introduced by our distinguished majority leader, Senator Mansfield. I regret I was unable to be here yesterday. I understand the testimony was most interesting and enlightening. I read the newspaper accounts of it and look forward to reading it in the record.

This morning we are very glad to have as our first witness Mr. Ernest A. Gross, former delegate to the United Nations General Assembly in New York.

Will you come forward please, Mr. Gross?

Mr. Gross. Mr. Chairman.

Senator Sparkman. It is good to see you again and good to have you before our committee.

Mr. Gross. Thank you, Mr. Chairman. I am delighted to be here, sir.

Senator Sparkman. I have a biographic sketch of Mr. Gross that will be printed in the record.

(The biographic sketch of Mr. Gross follows:)

BIOGRAPHIC SKETCH OF MR. ERNEST A. GROSS OF NEW YORK CITY

Born: September 23, 1906, New York City.


Experience:
1931-33—Assistant Legal Adviser, Department of State
1933-34—Division Counselor, N.R.A.
1934-36—General Counsel, graphic arts coordinating committee, Printing & Publishing Industries
1936-38—Associate General Counsel, National Association of Manufacturers
1938-43—Associate General Counsel for enforcement, National Labor Relations Board
1946-47—Deputy Assistant Secretary of State for Occupied Areas
1947—Legal Adviser, Department of State
1948—Assistant Secretary of State
1954—Partner, Curtis, Mallet-Prevost, Colt & Mosle

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CONFERENCES ATTENDED AND OTHER ACTIVITIES


Memberships and Clubs:
- American Bar Association
- American Society International Law
- New York City Bar Association
- Federal Bar Association

Publications: Legal articles in Department of State Bulletins.

STATEMENT OF ERNEST A. GROSS, PARTNER, CURTIS, MALLET-PREVOST, COLT & MOSLE

Mr. Gross. Mr. Chairman, it is a privilege to respond to the invitation of the Chairman of the Foreign Relations Committee to testify in regard to the role which the United Nations might play in bringing about an honorable settlement of the Vietnam conflict. The question obviously is of great consequence to our national interest, to world peace, and, very possibly, to the future of the United Nations itself.

In my respectful view, the committee is performing a high public service in providing an opportunity for discussion of this subject.

Mr. Chairman, in contrast to virtually all other conflicts—

Senator Morse. May I interrupt for just a moment?

Mr. Gross. Yes, Senator Morse.

BACKGROUND OF WITNESS

Senator Morse. The Chair has very advisedly put your biographical sketch into the record of the hearings, but I think for those attending the hearings and for those who take note of the hearings through the media that this much should be said about your background: This very distinguished witness was a member of the U.S. delegation to the Far Eastern Commission; U.S. representative on the United Nations Peace Commission in 1953, alternate delegate to the third, fifth, and sixth United Nations General Assembly sessions; president of Freedom House; trustee of the Carnegie Endowment for International Peace; president of the Woodrow Wilson Foundation. I could go on to cite his other qualifications in the field of international relations and international law.

I want to say, Mr. Gross, that I think the committee is highly honored to have a person of your expertise in this field and scholarly background, with your knowledge of the United Nations Charter, appear before us this morning as a witness in these hearings. I want to thank you very much for honoring us and for being willing to make your testimony available to this committee.

Mr. Gross. Thank you, Senator Morse. Your comments are very kind and overgenerous.

U.S. POSITION IN VIETNAM

I was on the point of commenting that, in contrast to virtually all other conflicts which followed in the wake of World War II, involving the disintegration of colonial empires, the Indochina wars, of which the Vietnam conflict is the current phase, have remained as essentially
a unilateral enterprise, first French and now American. It seems to me a good starting point, at least from my perspective, to take account of the fact that the United States suffers from naked and lonely exposure in Vietnam to a conflict whose course we cannot control and whose outcome cannot be predicted.

Perhaps the most striking aspect of our position there today is its contrast to the policy which was envisaged and indeed insisted upon in 1953 and 1954. That, of course, was the period of the disintegration of French colonial policy in the area, of the signing of the Geneva accords, and the discussion of the Southeast Asia Defense Treaty.

U.S. ATTITUDE TOWARD U.N. RESPONSIBILITIES IN SOUTHEAST ASIA

Before turning to a consideration of the substance of Senator Morse's resolution, Senate Concurrent Resolution 44, I should like, with the chairman's permission, to review briefly the attitude of the U.S. Government in that crucial period concerning United Nations responsibilities in regard to Southeast Asia. I think this is particularly relevant and important in the light of the emphasis which is now placed on the Southeast Asia treaty in the determination of our policies and commitments in that area.

At that time in 1953 and 1954, President Eisenhower and the late Secretary of State, Mr. Dulles, firmly and explicitly ruled out any U.S. military intervention in the area, particularly in the absence of United Nations sanction.

As early as 1953, which already was the seventh year of the Indochina wars, President Eisenhower declared, and I quote:

Aggression in Korea and Southeast Asia are threats to the whole free community, to be met by united action.

The significance of the phrase "united action" was never in doubt. It referred to United Nations action or, at least, United Nations sanction.

In May of 1954, shortly before the Geneva accords, and only a few months prior to the negotiation of the Southeast Asia Defense Treaty, Secretary Dulles defined the essential conditions for U.S. intervention in the area in the following terms, and I may say that the late Secretary of State's comments followed consultation with congressional leaders and with numerous of our principal allies. Mr. Dulles said, as follows:

We are willing to participate in collective defense basically upon the terms laid down by the Vandenberg Resolution of June 1948 which laid down basic conditions under which the United States would be prepared to participate on the basis of mutuality and in accordance with the principles of the United Nations. We don't go in alone—

Said Mr. Dulles—

we go in where the other nations which have an important stake in the area recognize the peril as we do.

Then I emphasize the following sentence from Mr. Dulles' statement:

We go in where the United Nations gives moral sanction to our action.
The late Secretary of State made clear also that the United States was at that time strenuously attempting to persuade the French Government in their own as well as in the general interest to escape, by recourse to the United Nations, from the hopelessly unilateral exposure in which they found themselves.

Secretary Dulles declared in May of 1954, and I quote:

There have been discussions off and on—

With the French—

I am sorry to say more off than on, over the past year with reference to bringing the United Nations into this situation. At the moment, the prospects look somewhat better than they have recently been in the past. In the past we have been very close to the United Nations action without its being actually taken.

Mr. Chairman, and members of the committee, these statements were made by the Secretary of State on the eve of the Geneva conference, the disaster of Dien Bien Phu, and of the Southeast Asia Treaty. They were contemporaneous with the events, the crucial events, of that decisive period.

FRENCH OPPOSITION TO INTERNATIONALIZING OF WAR

The French, we may recall, for our own profit, and future guidance, the French insisted on playing a lone hand even though the United States had to provide the stake to the tune of something approximating $850 million a year, plus provision of substantial military assistance. In the words of Secretary Dulles at that time, and I quote:

The French were opposed to what they called internationalizing the war. They preferred to treat it as a civil war of rebellion.

It should be recalled, in concluding my references to this crucial and, I think, determinative period in which a unilateral policy became entrenched, it should be recalled that in 1953 and 1954 the Korean war was a very fresh and vivid experience. As I have said, President Eisenhower at that time bracketed Korea and Southeast Asia as both involving what he termed aggressive "threats to the whole free community, to be met by united action."

We, the U.S. Government and people, were still keenly aware of the significance of the fact that our intervention in Korea took place under the United Nations flag and in pursuance of United Nations authorizing resolutions. Sometimes it is said, Mr. Chairman, that the two situations were and are quite different; that the circumstance of Soviet absence from the Security Council in June of 1950 made United Nations action possible in Korea, whereas Soviet presence in that body today precludes United Nations intervention in Vietnam.

SOVIET ABSENCE FROM SECURITY COUNCIL IN 1950

I respectfully submit, sir, that this argument misses the point completely, and having been our representative in the Security Council on June 25, 1950, I should like, if I may, to interject a word of personal experience in this regard.

When the U.S. Government decided upon recourse to the United Nations Security Council on June 25, 1950, we had no idea whether or not the Soviet delegate would be present. The decision was in no
way influenced by the fact that he had walked out of the Council some months previously. On the basis of personal knowledge, Mr. Chairman, I can say that had the Soviet representative attended the Security Council session and vetoed the Korean resolution on that fateful day the General Assembly would have been convened at once under plans which were formulated at midnight, and undoubtedly would have adopted substantially the same resolution.

It is well known, sir, that, despite Soviet insistence to the contrary, the Security Council has primary responsibility, not exclusive responsibility, for the maintenance of peace and security, and the overriding authority of the General Assembly is not only embodied in the charter, but is decisive not only to the workings of the organization but to the future of world peace.

The point is that in 1950, as in 1954, the United States saw the wisdom of internationalizing acts of aggression and of confronting the members of the United Nations with both the opportunity and the challenge of carrying out their responsibilities under the United Nations Charter.

SEATO TREATY ENVISAGED MULTILATERAL ACTION

Mr. Chairman, as a so-called international lawyer I would say that there is nothing in the Southeast Asia Defense Treaty or in the circumstances of its negotiation which serves to justify or to explain a failure to seek more effective use of the United Nations in the Vietnam conflict. Indeed the record makes it clear that the sponsors of the Southeast Asia Treaty, notably Secretary of State Dulles himself, envisaged no commitment to deploy ground forces in the area, certainly in the absence of what he described as the moral sanction of the United Nations in the quotation which I have already put into the record.

The committee, no doubt, will recall the late Secretary of State’s testimony before this committee on the treaty in 1954 from which I should like to quote an excerpt, with the chairman’s permission:

Said Mr. Dulles—

We do not intend to dedicate any major elements of the United States military establishment to form an Army of defense in this area. It would involve, in the opinion of our military advisers, an injudicious extension of our military power if we were to try to build up that kind of an organization in Southeast Asia. We do not have adequate forces to do it, and I believe that if there should be open armed attack in that area, the most effective step would be to strike at the source of aggression rather than to try to rush American manpower into the area to try to fight a ground war.

Now, of course, the concept of massive retaliation, which is implied in Mr. Dulles’ statement which I have just quoted, never was realistic, and it has been fully buried by the realization of the necessary limitations upon the use of power in the nuclear age. But the point remains that the Southeast Asia Treaty was not based upon the premise or intention that unilateral American military force would be provided as a shield behind which free institutions and a stable social order could be established.
Mr. Chairman, I do not think there is room for reasonable doubt that the South Vietnamese people are victims of aggression and subversion which are both mounted and managed from the north, and history teaches that aggression feeds on itself.

But history also shows the grave dangers when one nation attempts to serve as a shield and guide to an alien society, particularly one torn by dissension and largely lacking a sense of identification with its own leadership.

Under these circumstances a massive military presence tends to take on the attributes of a military occupation and to become looked upon almost as a colonial establishment. It becomes a prime target for resentment over evils which it has no power to prevent or control.

A tragic dilemma arises from the fact that the very force with which we seek to protect the society from aggression and subversion imposes a crushing weight upon its institutions. The same efforts which are designed to shield the society from external dangers tend to inhibit or to thwart the social, economic, and political changes which are essential to the building of free institutions. Corruption and self-seeking are difficult to control through indirect rule, and the U.S. massive military presence there may come to be regarded as, in effect, an agent of the status quo rather than as a force for these changes.

These are some of the risks and burdens and they sum up into a tragic dilemma for our national interest and security. But these are some of the risks and burdens which attend our unilateral, essentially unilateral, assumption of responsibilities in the area.

Mr. Chairman, it should not be forgotten that other nations also are making contributions and sacrifices in South Vietnam. But I am speaking about the facts and consequences of power, and the undoubted truth, from a political, moral, and certainly public opinion point of view, is that the United States is engaged in an essentially unilateral enterprise.

WHAT ROLE CAN U.N. PLAY IN HONORABLE SETTLEMENT?

Mr. Chairman, under these circumstances what, if any, role can the United Nations play in bringing about an honorable settlement in Vietnam which we all desperately seek and hope for?

It would not be realistic—and I think this was testified to yesterday by one or two of my distinguished former colleagues in the U.S. Government—it would not be realistic to expect the organization to play a decisive role at this point in history, when our essentially unilateral responsibilities have become so deeply engaged, when the security of our forces must be an overriding and paramount consideration, and when precipitate or unconditional withdrawal from the area would create grave dangers. Moreover, as is well known, both Peking and Hanoi have made entirely clear their rejection of the United Nations as a mechanism for peacemaking in the situation.

But even though the United Nations is not now in a position to take over the war, so to speak, or to determine the conditions of its cessation, to say nothing of dictating the terms of peace, this is not at all the same as saying that the United Nations could not play a limited, though important, part in bringing the conflict to an honorable end.
It would be unwise, I believe, to look upon United Nations intervention as an all-or-nothing proposition. The challenge is to find the most effective practicable way of engaging the responsibilities of the United Nations membership and of bringing to bear their collective weight on the side of a just settlement.

It follows from what I have tried to say that the basic objective of the resolution introduced by Senator Morse, Senate Concurrent Resolution 44, is sound and in our highest national interest.

I should like to comment, respectfully, however, on certain of its pertinent details.

THREAT TO WORLD PEACE

The first paragraph of the preamble, it seems to me, could be rounded out and strengthened by making reference to the fact that world peace is threatened also by aggression to which the South Vietnamese people are being subjected from the north.

Similarly, the final preambular paragraph might, I think, attribute responsibility to all members of the United Nations as well as to ourselves for failure to take steps to bring about effective United Nations involvement. There certainly has not been a noticeable rush to the United Nations on the part of any member.

It is, of course, true that the U.S. Government has twice moved toward Security Council consideration. In particular, I refer to its initiative in persuading, with difficulty, a majority of the Security Council to inscribe the Vietnam question on its agenda at the end of January and beginning of February 1966. It is common knowledge that consultations with other governments since that time have revealed strenuous objections from several Council members including, I believe, France and the Soviet Union, to Security Council action on the item, and a negative vote by either would, of course, preclude Council decision.

EFFECT OF PRESSING FOR PRIOR SECURITY COUNCIL CONSIDERATION

Under these circumstances a real question arises whether a useful purpose would be served by pressing for prior Security Council consideration, as Senate Concurrent Resolution 44 proposes in its first operative paragraph.

There might be some value in a confrontation in the Security Council particularly with the Soviet Union. But my own apprehension is that such a move would be widely regarded as a mere propaganda maneuver, and frustration of Security Council action either by failure to obtain a majority in the Council for any acceptable course or by exercise of a veto by the Soviet Union, would tend to discredit the organization without compensating advantage and would, it seems to me, create frustration piled on top of an already widespread sense of frustration among the American people as well as world opinion in general.

ACTION BY THE GENERAL ASSEMBLY

I believe, Mr. Chairman, that the second operative paragraph of the resolution takes us right to the heart of the matter. It provides, and I
quote: “If the Security Council is unable to act, the United States should take all steps necessary to assure action on the issue by the General Assembly.”

In the light of the virtual certainty that resort to the Security Council must lead to a dead end, it seems to me there is much to be said in favor of submitting the question of Vietnam directly and promptly to the General Assembly. Of course, there are technical questions, such as taking the question of Vietnam off the agenda of the Security Council, but these are simply arranged by a majority vote which is not vetoable and has been done repeatedly throughout the history of the United Nations, particularly in connection with the Korean war itself.

Both Secretary of State Rusk and Ambassador Goldberg have made clear their view that the General Assembly would be an appropriate forum for consideration of this question.

The Secretary of State has said that the United States would be prepared, and I quote: “To seek a role for the United Nations Security Council or the General Assembly.” And our United Nations representative, Justice Goldberg, likewise declared in the Assembly itself a year ago that the United States would “welcome discussion of the question either in the Security Council or in the General Assembly.”

I take it that those references by the Secretary of State and Ambassador Goldberg did not refer merely to inconclusive debate, but that their references to “discussion” in this situation, or “role” in this situation, meant a decision which, of course, would be in the form of a recommendation by the Assembly.

QUESTION OF CESSATION OF BOMBING OF NORTH VIETNAM

I come now to perhaps the most vexing question of all, which has troubled the minds and conscience of all Americans, particularly in the light of the paramount interest and desire to protect our forces there, and it is a question with which the Senate concurrent resolution does not explicitly deal. It is the question of the cessation of bombing of North Vietnam. In my respectful judgment, it would be neither prudent nor profitable to seek General Assembly consideration of the Vietnam question, any more than Security Council consideration, unless we accompany such an initiative with simultaneous cessation of bombing of North Vietnam. Although Senate Concurrent Resolution 44 does not explicitly refer to this subject nor, of course, does Senator Mansfield’s resolution which has been handed to me this morning, Senate Resolution 180, Senator Morse himself on more than one occasion has made clear his view that the United States should stop bombing North Vietnam. His speech in the Senate on Monday, September 11, 1967, is eloquent on this, as on other vital issues arising in and from the war.

It may be, as Senator Morse said, and I quote from his statement: “That there never will be bona fide cessation in the bombing of North Vietnam until the nations of the world compel it.”

I take the liberty, however, of voicing a greater optimism than this. I should infinitely prefer to see the United States take the initiative on this matter than be the subject of an unwanted resolution on the issue of bombing of the north which would be an almost inevitable concomitant of United Nations action in any forum at this stage, if there were any action at all.
If the United States were to suspend bombing of the north, and at the same time request the inclusion of the question of Vietnam as an urgent and additional item under the Assembly's rules of procedure, it would be legitimate for the United States to expect and indeed demand, that the Assembly without delay call for a cease-fire and a reconvening of the Geneva conference or any other form of conference or negotiation acceptable to the parties for the purpose of negotiating a settlement.

What valid objections could be raised to such a resolution in the General Assembly? Why should it not command an overwhelming majority? Mr. Chairman, and members of the committee, those members and including for this purpose the Secretary General of the United Nations, those members and persons who have insisted that the bombing of North Vietnam is the obstacle or the principal obstacle to peace, would, under those circumstances, face the challenge of placing their weight behind pressures upon all parties to cease fire and to negotiate.

Those who argue that the United Nations is not an appropriate forum because of the absence of Communist China and the two Vietnams could not, it seems to me, reasonably object to a resolution which calls upon the parties to cease fire and seek a solution by negotiation through arrangements or means of their own choice, Geneva conference or other means. After all, resort to negotiations through means of the parties' own choice is a principle which is embodied in article 33 of the United Nations charter itself, and which commands the highest priority over all other forms of settlement of disputes or conflicts or situations.

Moreover, even though suspension of bombing of North Vietnam would not, under these circumstances, be accompanied by express conditions, it would be clear to all that if such an initiative on our part did not lead to clear and prompt action by the Assembly along the lines that I have suggested or if it did not lead to compliance on the part of North Vietnam with the resolution of the Assembly, it would be clear to all that unpredictably grave consequences must be expected and indeed would be inevitable.

**U.S. COULD EXPECT RECIPROCAL ACTION**

The United States, in other words, would be entitled to expect reciprocal action by the General Assembly just as the Assembly would have the duty to demand reciprocal action to a cessation of bombing on the part of North Vietnam as well as the NLF and its military arm, the Vietcong.

Even though the role envisaged for the United Nations in this suggestion may appear to be a restricted one, it would nonetheless be a move in a new and important direction. The responsibility of United Nations members, which is now almost totally absent, would inevitably become progressively more engaged, particularly if a call by the General Assembly for a cease-fire and negotiations were rejected by North Vietnam under the conditions of a cessation of bombing. The United States would at last be moving toward collective rather than unilateral judgment and responsibility, and I say at last despite the
initiative of February 1966, because Security Council action is not to be expected, and the Security Council under the circumstances seems to me to lead nowhere but to a dead end.

In sum, Mr. Chairman, the objectives envisaged in the third operative paragraph of Senate Concurrent Resolution 44 would be furthered by such a move, a three-part program, and I hope, we all hope, the objectives would be fulfilled.

We would have gone as far as reasonably could be expected to find an effective role for the United Nations in bringing about an honorable settlement to end a situation which increasingly menaces the peace of the world. Thank you, Mr. Chairman, and members of the committee.

Senator Sparkman. Thank you, Mr. Gross.

Senator Morse? Senator Morse. Mr. Gross, I think this is a powerful and brilliant and keen analysis of the problems which confront us in Southeast Asia.

Responsibility of Security Council Members

Here, in my judgment, is a statement that will withstand the analysis of any international lawyer, and I want to say that there isn't a proposal that you make in your statement by way of additions to and modifications of my resolution that wouldn't be perfectly acceptable to me. Just as the Mansfield resolution is acceptable to me as a first step, a proposal which, as I said yesterday, offers a teamwork relationship with the President, placing the responsibility on him to determine the kind of resolution that we will submit. Inherent in the Mansfield resolution is advice to the President that there has to be a modification of the kind of resolution we have previously submitted. We obviously have to have more than that if we are going to be able to force the hand of certain countries which in the Security Council have been reluctant to assume what is a clear responsibility under the charter.

Time and time again I have pointed out that in my opinion not only has the United States failed to carry out its obligations under the charter, but so has every signatory.

Mr. Gross. Yes, sir.

Senator Morse. It is implicit, as far as I am concerned, in my resolution, and I am only directing my resolution to what I think my country should do.

Mr. Gross. Yes, sir.

Senator Morse. I think these are some of the steps that it could take, not necessarily the only ones, and do we not necessarily need to take these steps if we can reach the objectives by other routes.

Legal Procedure for Putting Morse Proposal Into Action

There is a legal point that I want to defer to you on, because of my great regard for your expertise in the field of international law. It is true, my resolution suggests an approach first through the Security Council and then to the General Assembly. I have during the last four years pleaded for both approaches. To focus attention on it I have said I want to put France and the Soviet Union on the spot and take my country off the spot by showing that we are willing to go along
with the Security Council jurisdiction. Then we can see whether or not France and the Soviet Union want to veto it. I think it is probably true, as the Secretary of State keeps telling us when we talk to him about this matter, that he thinks such an approach would be vetoed. But I say we don't know until we try. You never know what surprises may await you in hours of crisis. It is possible, as you will see in a question I will put to you shortly, that there are other things that can be done in the Security Council, in the consideration of alternatives other than a straight vote on Security Council jurisdiction.

But the legal point that I want your advice on is this: it seems to me that under the charter we have to move first to the Security Council, if not through it. You made a reference in your statement that we do have this pending resolution in which we ask the Security Council to put the problem on the agenda by a majority vote. Ambassador Goldberg was able to get it put on the agenda. I want to call your attention to the fact that we had trouble getting it on the agenda, but the discussion at the time, both within the Security Council and much more in the cloakrooms of the United Nations, was that we submitted a resolution at the same time we escalated the war. That brought about a lot of negative criticisms and caused a good many people to say that we were playing a part of Dr. Jekyll and Mr. Hyde when we asked them to put it on the agenda and at the same time, and on the other hand, we escalated the bombing, which created a psychological difficulty. While you can't dismiss its effect on opinion within the United Nations delegations, we have it on the agenda. You suggested, if I understood you correctly, that we could make a request, rather than the broad request that I propose to make, of having them accept or veto a proposal of ours that they assume jurisdiction through the Security Council; that they, in effect, authorize the matter to go straight to the General Assembly; that they suspend any action on the resolution that we have on file. I am not too clear that I thoroughly understand the procedure that we would follow to bring about that accomplishment, and it would help me if you would discuss that in detail.

DEBATE IN THE SECURITY COUNCIL

I would like also to have your appraisal of this problem that concerns me: whether or not in the long run it would not be better to have the record show what the members of the Security Council want to say and do in respect to a proposal that the Security Council take jurisdiction rather than the General Assembly.

Yesterday we discussed the point of view held by some officials in the State Department and elsewhere, that if we ask the Security Council to assume jurisdiction and try to lead the combatants to a negotiated settlement the request might be preceded by acrimonious debate.

I think you are going to have a lot of acrimonious debate elsewhere anyway. I am not sure if it would not be best to get that over with in the Security Council forum.

As I said yesterday, there is a lot that can be said on both sides of that debate. Certainly France and the Soviet Union will make charges against us and allegations as to what they consider to be our policy of aggression and our violations of the charter and the Geneva treaty,
some real and some fancy. But, after all, the Soviet Union is cochairman of the Geneva conference and has been blocking the reconvening of that conference. She is also guilty of a lot of violations of international law vis-a-vis Vietnam. She has not been putting in troops but she has been putting in men-killing materiel and devices of war which cannot be reconciled with her international obligations.

So I have held, maybe mistakenly, to the point of view, and have said so in my conferences with the Administration, that we have to get the debate behind us. The sooner we get it behind us the better. With that debate behind us, then maybe we will be in a position to move on in a cooperative way with others to try to bring this war to an end through the United Nations.

One more point and I am through, which you may cover in the response to the issues I am raising.

**SUGGESTED ACTIONS FOR THE SECURITY COUNCIL**

It is my view that there are things the Security Council can do without coming necessarily 100 percent to grips with the issue of taking over jurisdiction. It is my understanding that it would be possible for the Security Council to pass a resolution transferring the whole thing to the General Assembly with recommendations, including one that the United Kingdom and the Soviet Union reconvene the Geneva conference, and in reconvening it, even invite an expansion of its membership making it possible for North Vietnam and the Vietcong and even China to participate in negotiations or consultations through the Geneva conference acting under the aegis of the General Assembly.

It could be tried to see what the response would be. It might be repudiated. If so, as you point out in your paper, if I understand it correctly, that does not relieve the General Assembly, if it is thwarted by nonmembers who are endangering world peace, from carrying out the responsibility of the charter. It was perfectly clear at San Francisco that the charter did not apply to just member nations. This agreement to enforce the peace, applied to all of the signatories, obligating themselves to enforce the peace against members and nonmembers. Submissions to the General Assembly could very well contain a suggestion that you make. I agree with you it is delicate, there is great difference among us in the Congress and in the country as to what the effect of it would be—if the General Assembly could call upon the United States to suspend its bombing while it sought to find an area of agreement among the combatants that would permit negotiation by appropriate bodies set up by that body.

**CESSATION OF BOMBING A PRECEDENT TO U.N. ACTION**

We already know that within the United Nations itself many countries have made very clear to our representatives that they consider this a condition precedent to their becoming interested at all in helping to set up a multilateral negotiating procedure.

I close with that point. You cannot understand my resolution, its motivation, or its intent, what I think ought to be done by us to
change our course of action in Asia unless you understand that I have come to the conclusion you cannot settle this bilaterally. That time is past us.

We can use enough force to force a truce, I think, in the months ahead which will never produce a peace but will only produce a truce that will keep us in a military policeman's role for years and years to come in Asia. I think future generations of Americans will take the position that the French people finally took and tell our country to get out if the Asians have not thrown us out already.

That is really the foundation on which my whole view in opposition to this war is built.

I was very much interested in the extent to which you brought out facts and legal analysis that I find not at all inconsistent with my view. It may not be your intention.

I am sorry I took this much time but, on the other hand, as the author of the resolution, I thought I owed it to the resolution and to the many, many people who support me in the point of view that I am taking in opposition to the Vietnam war, to make these observations on your testimony. I would be very glad to have your comment. I will not add further to what I have already said.

Mr. Gross. Senator Morse, with the chairman's permission, I would be glad to try to confine myself to those questions which the Senator raises, which are perhaps more within my competence than others to comment on.

OBLIGATION OF NONMEMBERS OF THE U.N.

In the first place, if I may start with one of the last points that Senator Morse raised, I would like to make clear, too, as well that it was not only San Francisco, but actually the United Nations charter itself, in the second article, paragraph 6, which provides that the organization, in the words of the charter, shall insure that states which are not members of the United Nations act in accordance with these principles so far as may be necessary for the maintenance of international peace and security. So nonmembership in the United Nations confers no license to breach the principles of the charter with regard to peace and security.

RELATIVE ROLE OF SECURITY COUNCIL AND GENERAL ASSEMBLY

With respect to the first question, the legal issue with regard to the relative role of the Security Council and the General Assembly, this, of course, has been one of the most vexing issues, particularly in the light of the strong difference of opinion that has historically existed between the Soviet Union and the United States. The Soviet Union has until quite recently insisted, as the Senator knows so well, that the Security Council does not have merely primary authority for the maintenance of peace but exclusive authority. This the United States has always taken to be inconsistent with the clear terms and principles of the charter, and too limited an approach.

Article 10 of the charter, as the Senator knows so well, authorizes the General Assembly to discuss any question or any matters within the scope of the charter.