APPEARANCES:

On behalf of the Senate Select Committee on POW/MIA Affairs:

J. WILLIAM CODINHA, ESQ.
Chief Counsel

FRANCES ZWENIG
Staff Director

NEAL KRAVITZ, ESQ.
Investigative Counsel

On behalf of the Witness:

SHERWOOD D. GOLDBERG, ESQ.
Director
Worldwide Associates, Inc.
Suite 800
1155 15th Street, N.W.
Washington, D. C. 20005
(202) 429-9788

Also Present:

WILLIE T. LAWSON
Acting Assistant Director, Records Management

JOHN LANGLEY
Staff Information Assistant

National Security Council
# CONTENTS

## WITNESS EXAMINATION

Alexander M. Haig, Jr.

By Mr. Kravitz

### AFTERNOON SESSION P. 100

## EXHIBITS

<table>
<thead>
<tr>
<th>HAIG EXHIBIT NUMBER</th>
<th>FOR IDENTIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>6</td>
<td>42</td>
</tr>
<tr>
<td>7</td>
<td>50</td>
</tr>
<tr>
<td>8</td>
<td>55</td>
</tr>
<tr>
<td>9</td>
<td>65</td>
</tr>
<tr>
<td>10</td>
<td>74</td>
</tr>
<tr>
<td>11</td>
<td>82</td>
</tr>
<tr>
<td>12</td>
<td>92</td>
</tr>
<tr>
<td>13</td>
<td>96</td>
</tr>
<tr>
<td>14</td>
<td>104</td>
</tr>
<tr>
<td>15</td>
<td>116</td>
</tr>
<tr>
<td>16</td>
<td>142</td>
</tr>
<tr>
<td>17</td>
<td>146</td>
</tr>
<tr>
<td>18</td>
<td>162</td>
</tr>
<tr>
<td>HAIG EXHIBIT NUMBER</td>
<td>FOR IDENTIFICATION</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>19</td>
<td>162</td>
</tr>
<tr>
<td>20</td>
<td>163</td>
</tr>
<tr>
<td>21</td>
<td>169</td>
</tr>
<tr>
<td>22</td>
<td>172</td>
</tr>
</tbody>
</table>

NOTE: Exhibits 6 through 11 and 13 through 22 are being held by the National Security Council
Whereupon,

ALEXANDER M. HAIG, JR.,

the witness herein, called for examination by counsel on behalf of the Senate Select Committee on POW/MIA Affairs and having been duly sworn by the Notary Public, was examined and testified as follows:

EXAMINATION BY COUNSEL ON BEHALF OF THE SELECT COMMITTEE

BY MR. KRAVITZ:

Q. General Haig, as I told you before, my name is Neal Kravitz. I’m a lawyer working with the Senate Select Committee on POW/MIA Affairs.

A. You have my sympathy.

Q. I don’t see it that way. But, in any event, we appreciate the fact that you’re here today voluntarily for the deposition.

I want to start by giving you just a few brief instructions as to how the deposition will proceed. As you know, you’ve just been sworn, and the deposition will proceed with questions and answers under oath.

If at any time you have any questions about what one of my questions means, please ask me for clarification before answering it. At any point during the deposition, if you think back to a previous answer and decide you’d like to add something or change anything in your previous
answer, just let me know at any point during the deposition and we can go back to any earlier answer.

Just one other thing is, since this is being transcribed, you have to say yes or no to indicate.

A. Yes.

Q. All of the testimony during the deposition will be on the record, both my questions and your answers, unless for some reason I say that we’re going off the record. But you should assume that, unless I’ve said that we’re going off the record, everything you say will be on the record.

A. My counsel can call for off the record as well.

Q. He can ask me to go off the record, and I can’t think of any reason why I would not agree to his request. But unless you hear me say that we’re going off the record you should assume that everything is on the record.

One word. Obviously you are here with counsel and if at any point you would like to confer privately with your lawyer you have that right, and either I’ll leave the room or we can arrange for a private conference room for you and your lawyer to meet in.

While on that subject, if Mr. Goldberg could perhaps state his name for the record.

MR. GOLDBERG: Sherwood Goldberg.

BY MR. KRAVITZ:
Q. After the deposition is completed a transcript will be prepared, and under the rules of the Senate Select Committee you have a right to review the transcript and to prepare an errata sheet if you deem it appropriate.

What you should do if you decide you would like to review the transcript is contact me or anyone else at the Senate Select Committee, and we will make appropriate arrangements.

That reminds me of another issue we have to talk about, which is the fact that the transcript, at least in the near future, once it's prepared, will be stored over at the National Security Council. Mr. Lawson is here with a whole set of documents that are in the custody of the National Security Council, and those documents and the deposition transcript will be retained in their custody.

So when it comes time for you to review the transcript, if you so choose, that's where you'll be doing it.

A. Okay.

Q. As I mentioned off the record, everyone except Mr. Goldberg has a security clearance. In the event that there's a document that is at the that I wish to show you, I'll ask Mr. Goldberg if it's okay for him to step outside briefly, and you and Mr. Goldberg can decide that.
Let me just mark a few documents before we start. Exhibit Number 1 is the Authority and Rules of the Select Committee on POW/MIA Affairs. I assume you received a copy of that.

[The document referred to was marked Haig Exhibit No. 1 for identification.]

Mr. Goldberg is nodding yes.

A. We had a copy of this, yes. Right.

Q. Did you have any questions about it?

A. No. I noticed there was some public controversy from my old mentor, Henry Kissinger, to the effect that you're departing from this, at least in the context of the news coverage. You know, he was quite upset when Senator Kerry and he were on Nightline together. He said that this was a factfinding thing, but he found it to be a political thing.

I just note that in the context of the purposes of the Committee.

Q. But did you have any questions about Exhibit Number 1?

A. No.

Q. Exhibit Number 2 is the authorization form for the deposition, signed by Senators Kerry and Smith, and that also should have been sent to you.
Exhibit Number 3 is the notice of today's Senate deposition.

A. Yes. I note that.

MR. GOLDBERG: We did receive Exhibit 3. We did not receive Exhibit 2 in advance.

MR. KRAVITZ: Okay. Would you like a minute to look at it?

MR. GOLDBERG: No. We'll maybe just have a copy of it. That's all.

BY MR. KRAVITZ:

Q. That's fine. General Haig, Exhibit Number 4 is a letter from the Central Intelligence Agency granting you a temporary clearance for the period I think beginning today and ending at the end of September.

A. We sure keep millions of people busy, don't we?

Q. Exhibit Number 5 is a memorandum from the State
1 Department indicating that Mr. Goldberg has a
2 clearance.

[The document referred to was
3 marked Haig Exhibit No. 5 for
4 identification.]

5 A. They couldn't get Jim Baker to sign this one?
6 Q. Before we start, do you have any questions about
7 how the deposition will proceed?
8 A. No.

9 Q. Let me just say one more thing about procedures,
10 and that is generally we go for about an hour and a half at
11 a time and then take a five or ten-minute break. If at any
12 point you want to break sooner than that, please just let
13 me know. We can break at any time.
14 A. I may have to go to Palm Beach to put a buoy on
15 my house.

16 [Laughter.]  

17 Q. I want to start by bringing you back to the
18 period in the early 1970s. When did you first become
19 employed by the Nixon Administration?
20 A. I was transferred from the United States Military
21 Academy, where I was Deputy Commandant of Cadets, and the
22 appointment was made in December of 1968. I reported in
23 January during the transition period in 1969, where I
24 prepared for the intelligence briefings of the President on
a daily basis and did a comprehensive study on how to keep
the President informed.

So, therefore, I started in early January of '69.

Q. And your title at the time was what?
A. Military assistant to the Assistant to the
President for National Security Affairs.

Q. What were your duties and responsibilities once
President Nixon actually assumed office?

A. Well, they varied. Initially I was supposed to
be a model of the Goodpaster/Eisenhower relationship, which
was to serve as the eyes and ears of the President of the
United States in collation of all intelligence sources on a
daily basis, and that was to involve briefings of the
President.

As it turned out, in practice Dr. Kissinger
preferred to do those briefings himself. Therefore, I
prepared a daily written briefing. But that quickly
changed as Dr. Kissinger started to use me more and more as
his de facto deputy, which involved the reorganization of
the National Security Council staff as a result of some
less than satisfactory experiences that were had just prior
to the President's first overseas trip to Europe in
February of 1969.

And for the next year and a half or so I really
was a de facto deputy, but the formalization of that role
did not occur until, I think it was, probably early or late 1970.

Q. So at that point you officially became Deputy to the National Security Advisor?

A. Deputy to the Assistant to the President for National Security Affairs.

Q. Was that when General Hughes took over your position as military assistant?

A. No. General Hughes, we never had -- there's no interconnection between General Hughes and the National Security Council staff. General Hughes was a military aide to the President.

Q. So that was a totally different position?

A. Totally different. It handled administrative functions for the Office of the President. And that's where Brent Scowcroft cut his teeth as well. We were on the National Security Council staff.

Q. Where was Mr. Scowcroft in the early years of the Nixon Administration?

A. He was in the military aide's office, and I don't know when he exactly arrived, but we were classmates and old friends, so I thought of him as being there during most of the first four years of the Nixon Administration, up until the time that Kissinger became Secretary of State, and I was White House Chief of Staff, and then Scowcroft
moved over to the National Security Council.

Q. When did you leave your position as Deputy National Security Advisor?

A. I was scheduled to leave in October of '72, but because of the Vietnam crisis, the events associated with the conclusion of the peace agreement, the bombing of Hanoi, the Christmas bombing, and the mining of Haiphong, which I was the strongest advocate of in the Administration, and which was the instrumental factor that realized the release of our prisoners.

Q. So, for those reasons, you stayed on?

A. I stayed on. Now I had requested to leave. I felt it was time to go.

Q. Where were you hoping to go?

A. Go back to the Army, from which I came. As it turned out, I did. I went back to be Vice Chief of Staff of the Army, but I did not report to that job until January of 1973 because of the events associated with Southeast Asia.

Q. So you reported to that job back with the Army at the end of January '73?

A. No. Early January, as soon as the Christmas bombing, so-called Christmas bombing, was over, and as a result of that bombing the North Vietnamese collapsed and agreed to sign a peace treaty. Had we known that some
years earlier, we would have saved many, many lives.

Q. So by the time the peace treaty was actually signed on January 27, 1973, you were no longer Deputy National Security Advisor?

A. No.

Q. You were involved in the negotiating process in January of '73, weren't you?

A. Sporadically over the period of the negotiations. But generally I was acting as the National Security Advisor, as Dr. Kissinger got intensely involved in the negotiations. And I was not one of his key staff specialists on the conduct of the negotiation.

There were a number of people involved in that from the staff.

Q. But if you were involved in negotiations, say with President Thieu in January of '73, were you doing that then from your position as Vice Chief of Staff of the Army or from your position as --

A. No. Well, a little of both. I was called over by the President with the full understanding of the Secretary of Defense and the Secretary of the Army and Chief of Staff of the Army. But basically most of my negotiations with President Thieu were during my time as a member of the National Security Council staff.

Q. And then they continued a little bit after you
1. Left?
   A. Very briefly, yes. I made, I think, one other trip.
2. Q. Did you have any other relationship with Dr. Kissinger before the beginning of the Nixon Administration?
   A. No. I had participated or attended several lectures that he gave at the War Colleges, so I knew of him and I read his book on nuclear strategy.
3. Q. How about with President Nixon? Did you have any previous relationship with him?
   A. No.
4. Q. You mentioned that while Dr. Kissinger was off negotiating that you really were de facto National Security Advisor. Can you give us a sense of what you did during that time period, 1970 to 1973?
   A. Well, the rest of the world. By that I mean Kissinger was an intense activist and a micromanager in the sense that if there was a crisis he generally became heavily engaged in it. Vietnam was a crisis throughout the Nixon presidency, and when the Middle East blew up he became very active. He was then Secretary of State.
   But opening up relations with China, he became very active in the tactics of implementing the President's policy. As a result of that, the ebb and flow of all other matters frequently would fall on my shoulders.
Q. And when Dr. Kissinger was in Paris were you left in control of the National Security Council staff?

A. In general, yes. But I don't want to convey by that that I felt my authority was separate and distinct from Kissinger's. I always checked with him on matters that I felt required his understanding, knowledge and approval.

Q. As Deputy National Security Advisor, who did you report to?

A. The President.

Q. Did you report directly to the President?

A. Yes.

Q. And also to Dr. Kissinger?

A. Of course. I just made that comment.

Q. Who reported to you when you were Deputy National Security Advisor?

A. Well, the entire National Security Council staff, which at that time probably ranged from 50 to 60 substantive officers, and then another 50 to 60 administrative people, administrators.

Q. How closely did you work with Dr. Kissinger and the staff members who were intimately involved in the secret Paris peace talks?

A. It varied. At time very close, at times -- there were times when I disagreed with tracks or courses we were
pursuing. And on such occasions you are frequently cut out. That generally applied to negotiating positions that were being taken. But I don’t want to overdramatize that. That’s very normal, in my bureaucratic experience, and in general I had the ability to register concerns or have my views expressed, and in general I think they were generously and patiently listened to and received.

Q. How well informed do you think you were as to the secret negotiations as they unfolded?

A. Well, I can’t answer that because it would vary. But I think pretty generally knowledgeable of it. Certainly as knowledgeable as the flow of paper to the President would indicate. There are always times, of course, where there are private meetings held that you might not know about.

Q. Did you see every piece of paper on national security issues that went to the President?

A. I can’t say that for sure because at times I was traveling, but basically I managed the flow of paper to the President during that period.

Q. Okay. So if you were in Washington any national security-related document that was going to the President would go past your desk?

A. I can’t say categorically, because of periods where I may have been making a trip to Southeast Asia for
an extended period. And then, of course, I'd be totally out of the loop during that period.

Q. But the question was, when you were in Washington, any document related to national security issues that went to the President --

A. I would say after the first year generally that was true.

Q. What about documents routed to Dr. Kissinger? Would those go past you first?

A. In general, yes.

Q. And what would be the exceptions?

A. Again trips or something that may have been handed to him personally by a staff member that circumvented the system.

MR. GOLDBERG: If I might, sir, clearly there are papers that are going to be shown, and the point I think being made is that even though he might have been in Washington he might not have seen all those papers. So there's going to be a point at some time in an hour or so -

MR. KRAVITZ: I understand. I'm just asking him.

MR. GOLDBERG: But he's not going to be boxed into what you said -- all the papers he saw.

MR. KRAVITZ: Okay.

BY MR. KRAVITZ:
Q. I understand that just as a general matter when you were in Washington you would have seen all of the papers going either to Dr. Kissinger or President Nixon related to national security issues, but there may have been some exceptions. Is that a fair statement of what you were saying?

A. Well, there probably were some.

Q. You mentioned a couple moments ago that you had some disagreements with negotiating positions that were taken. What were the primary disagreements that you had?

A. Well, you know, I can't be specific at this date, but basically I was a hawk. I believed that two Administrations, through misjudgment and bad policies -- really three, starting with the Kennedy Administration -- just simply were not managing the conflict properly, and I think history has confirmed that I was right.

Be that as it may, there will be those arguing until they turn gray about that issue. But I am absolutely, categorically convinced that, had we done in 1969 what we did in the end of 1972, that conflict would have been over and we would have gotten our prisoners out and our objectives would have been met.

But those basic policy errors were made during the Johnson Administration, when I had very close access to policymaking as well because I worked as deputy special
assistant to the Secretary of Defense and the Deputy Secretary of Defense, and worked in-between them and handled McNamara’s project list, saw the Gulf of Tonkin.

I’ve just written a book about it, and it’s a rather explosive and revealing description of how not to do things in the conduct of national affairs.

So from the very beginning -- and I also fought in that war, which many people involved now in these things never did and know very little about. I saw men die, too many fine young men die, for what I call mismanagement at the national level. So I have very strong feelings about it, as I do about our prisoners of war and the obligation that our nation has for them.

But you just can’t take excerpts in time when you ask the question you asked of me, and that is I had a feeling that we should have moved much more decisively in applying our power to the source of the problem. I’m known as a source man; that’s Hanoi and Moscow. That war was run by Moscow, and it wasn’t just another one of those proxy conflicts that we thought we could manage comfortably without disrupting our relationships with the Soviet Union in a nuclear era.

Of course, we were wrong. I just thank God we were not so wrong, that the ultimate tides of history brought about a satisfactory outcome, which was inevitable anyway
with a flawed system.

Q. I thought what you said before, though, was that you had disagreements with actual negotiating positions that were taken.

A. It would be that general flavor, if we were making concessions, and I would say we did make concessions that I would not have made. But I wasn't being paid for making those judgments. I think Dr. Kissinger felt, and probably the President felt, that at that point in time in our nation's history, with the climate as soured as it was against anyone in authority, any government, whether it would have been Democrat or Republican, there was a massive legislative upheaval, the results of which we are still suffering from.

But, be that as it may, everything had to be tried, with the kind of skepticism that we were confronting not only in the Congress but in the press and within the Executive branch as well. So I think the philosophy might have been, in the case of Dr. Kissinger, we'll try it.

They'll reject it. And then we're going to generate justification for the positions we continue to take, which was to insist that agreements be lived by and that we have an honorable basis for withdrawing from Southeast Asia.

Q. In your opinion, did we get anything more in
January 1973 than we could have gotten in 1969?

A. I think in 1969, when a new President came in, that, had he immediately started to bomb Hanoi, mobilize our forces here at home, put the Soviet Union on notice that this was a causes belli, and done all the things that should have been done in the Johnson Administration, that there never would have been those additional three years of conflict and that there would have been a negotiated settlement and a withdrawal of North Vietnamese forces from South Vietnam, where they were the invader.

Q. You mentioned a minute ago that we probably did make concessions in the negotiations. Which are the primary concessions you are referring to?

A. I think if you look and Kissinger says himself in his own writings, that we gave more in those negotiations, at least as a negotiating position, than the Johnson Administration or even the worst critics had been asking for.

We talked about not a coalition government as such, but something that was, for all intents and purposes pretty close to that. That doesn’t mean it was wrong. Don’t misunderstand me. There’s a great tendency to try to paint everything in black and white terms.

The facts are that Presidents and Administrations, Executive branches, have to do, have to
deal with the art of the possible. And then you're dealing
with a madness in the American legislature which continues
to this day, which I think has been forgotten in many of
the aspects of the contemporary dealing with this subject.

I'll say more about that later, if it's
necessary.

MR. GOLDBERG: Neal, may we, since General Haig
has given a rough overview, be sure that at some later time
an excerpt doesn't get misrepresented? He made the
statement a few minutes ago about if we had done earlier,
we would have gotten the prisoners out.

THE WITNESS: That would be a convenient leak as
an attack on President Nixon, who I support and who I
believe did an outstanding job. I wish he had been a
little more vigorous when the North Koreans shot down our
C-131, and I write about that at length in my new book,
because I think that was an opportunity given by Moscow
that, had we seized it, we could have settled everything.

MR. GOLDBERG: Your statement, sir, that had we
done, we would have gotten our prisoners back and then went
on, I think there's an added statement there, not to
suggest that the prisoners weren't gotten out at this
point. In other words, if you take that statement out of
context --

THE WITNESS: You have to do that, because that's
happened with certain leaks from this Committee, as I understand from several of the witnesses who’ve been here. I don’t want to be confronted with that. If I am, I will do whatever I have to do to combat it.

BY MR. KRAVITZ:

Q. It’s certainly our intention that none of this will leak.

A. I know that. I know that. But it does, because there are professional people involved in doing it.

MR. GOLDBERG: What you were not saying, sir, is that, had you done a certain thing, we would have gotten our prisoners back. I mean, we might have gotten them back earlier, but you’re not suggesting that they weren’t brought back through the bombing or the negotiations?

THE WITNESS: No. I’m suggesting they were brought back. I said that earlier. That’s how they got out.

BY MR. KRAVITZ:

Q. Did you have any direct involvement in the public peace talks that were going on?

A. The public?

Q. The peace talks that were being run out of the State Department in Paris.

A. Wait a minute. You’ve got to define this.

Q. You remember there were really two tracks of
negotiations going on in Paris. There was the track that
Dr. Kissinger was running really in private.

A. That was the only meaningful track.

Q. I understand that it may have been the only
meaningful track, but there certainly was another set of
negotiations going on.

A. Pretty much of a charade.

Q. Well, that may be true. Certainly everyone we've
talked to has described it similarly. My only question
was, did you have any involvement in it?

A. No, not that I recall.

Q. When did you first -- well, let me ask you this.

With regard to Dr. Kissinger's talks in Paris, did you ever
attend any of those negotiating sessions?

A. Yes.

Q. When was that?

A. I think on two occasions. One was in the fall of
1972, which was as we were approaching what was sensed to
be the culminating talks. And then another resumption of
those talks. I think one was in either October or
November, and the other was in, I think, early December.
I'd have to check the record, and I haven't had an
opportunity to do that.

Q. My understanding is that there was a major
breakthrough in the talks in early October of '72. Do you
recall whether you were present at that time?
   A. I think I was, yes.
   Q. Were you then involved in speaking with President
Thieu about the proposed agreement in October?
   A. Yes.
   Q. And then, in January, from your position with the
   Army, you were again involved in negotiating with President
   Thieu?
   A. That's correct.
   Q. In January, were you involved in the final
   negotiations in Paris in any way?
   A. No. I was -- those negotiations I believe were
   initiated at the time I left and went to the Army. It was
   when -- it was during the bombing, of course, that the
   white flag went up from Hanoi.
   Q. Did you return to the White House before or after
   all the prisoners were home at the end of March?
   A. After.
   Q. When did you come back to the White House?
   A. I came back -- I was called on May 7, and
   reported for duty on May 8 and was officially transferred
   back to the White House in July. But I started on May 8.
   Q. And you had been stationed as Vice Chief of the
   Army where? Was that a position here in Washington?
   A. Yes. It's in effect the deputy chief of staff of
the Army. And during the transition period, of course, General Abrams, who was designated Chief of Staff, was held up on the Hill because of the Cambodian bombing, so I had feet in both areas of responsibility.

But I let up on my National Security Council responsibilities really from October on, when it was known I was going to be Vice Chief of the Army, until I officially left in January, and my exclusive responsibilities or my overall responsibilities were narrowed to Vietnam basically.

Q. How aware of decisionmaking related to national security issues at the White House level were you during that three- or four-month period that you were Vice Chief of the Army?

A. Not at all. It's a very big job that totally consumed me. I did called over to make a trip to talk to President Thieu. That's about it.

Q. For example, would you attend either WSAG meetings or National Security Council meetings during that time period?

A. No.

Q. As you were watching and assisting to whatever extent you were in the negotiating process during President Nixon's first term, what is your sense as to what President Nixon's primary goals were in the negotiations in Paris?
Well, I think they were multi-faceted in a
general sense, to be able to withdraw honorably without
turning over the populations of the south to what they
ultimately were exposed to -- murder, incarceration, no
alternative but death at sea to escape from it.
I think that was first and foremost in his mind.
Certainly the prisoners of war, which were, as I recall,
very heavily laced with air people, Navy, Air Force,
because they were operating over the north, that was always
a key aspect of everything, every negotiations we had,
every dialogue we had with Hanoi, with Moscow, and that was
continuous and intense, or with any other nation that could
offer friendly offices.
Q. Did President Nixon's negotiating goals change at
any point during that first term, as far as you could tell?
A. No. I think what he learned and what we all
learned was the incredible lack of support for anything
that involved the application of national power to resolve
the issue. That was intensely felt up on the Hill, but it
was also strongly felt within the media, although I'm not
one that would suggest that the outcome of Vietnam was
media-driven. They had the good sense to know our policies
were bad; they just never understood why they were bad.
And for that they deserve some credit.
But the same problem existed on the Hill. They
knew our policies were bad, but they didn't understand why they were bad.

Q. Did President Nixon's goals, negotiating goals, change at all as the 1972 election approached?

A. No, I don't think so. You know, I worked for President Nixon for almost four years then, and another 18 months as his chief of staff, and it's very hard for me, when you go back in time, but having worked as his chief of staff, where I had intimate contact with him, daily contact with him, it would have been inconceivable to me that a foreign policy issue, a national security policy issue, would have in important ways influenced his dealing with that issue.

He was a consummate foreign policy President. He believed that peace, the achievement of peace, and a stable world environment was the sine qua non of the Presidency. I happen to think he's right. We forget that when we are the temporary recipients of a windfall of history like we are today.

Q. How much control did President Nixon have over the actual negotiations in Paris?

A. I'd say rather extensive. You know, there are versions that he didn't know what was going on, and, as I say, I saw him when he was politically well handle it, and I also saw him when he was politically ill deal with it.
And he had his hand on the tiller.

**Q.** In your estimate, how much discretion did Dr. Kissinger have to change negotiating positions or change details of negotiating positions without going back and getting President Nixon's approval?

**A.** I don't think you can categorize that. If it was a significant issue, he couldn't do it, and wouldn't, and wouldn't presume to. Henry Kissinger was not only a brilliant tactician, but he was also extremely proper in the European sense of that word, and it would be inconceivable to me that he would knowingly or willingly depart from what he felt was the policy of the President.

**Q.** You've talked a lot about the lack of support for aggressive military --

**A.** It was mindboggling. Only one who lived through it could understand. It was just open, blatant sabotage day after day after day on everything the Executive branch was trying to accomplish, and with a lot of internal sabotage within the Executive branch, even within the Cabinet. I leave that to my book rather than to have this as a gossip thing, but it was a dreadful period in our history.

And when a thing starts bad, it ends bad.

**Q.** How did this lack of support affect our negotiating positions in Paris?
A. It had to be devastating. When you read a now-
Senator's testimony before the Foreign Relations Committee
with respect to an immediate, unconditional withdrawal,
that he's discussed that with the negotiating teams of the
enemy in Paris, and they are ready to release our prisoners
if we withdraw immediately, unconditionally, then you know
the kind of messages that were going to Hanoi and Moscow,
where the true decisionmaking was made.

Q. What was our level of leverage, then, as of the
time the Accords were signed in January of '73?

A. Very limited, because when the bombing started in
December there were threats to immediately initiate
impeachment proceedings against the President to
immediately cut off all funds related to the war and any
air activities associated with the war. Hanoi could not
but have clearly understood that time was on their side.

Q. So you think that, even though, as you said, a
white flag came up in Hanoi from the Christmas bombing,
that despite that fact our negotiating position was still
weak in January of '73 because of lack of support in this
country?

A. Of course. I think it was very weak. I think
the most important asset we had was the unpredictability of
President Nixon.

Q. And the perceptions among the North Vietnamese of
his unpredictability?

A. Right.

Q. I just want to clarify one thing for the record because you mentioned impeachment proceedings. Were those related to Watergate at that point or to the bombing?

A. Oh, no, no. Watergate hadn’t even penetrated the consciousness of the body politic of America.

Q. So this was related to the Christmas bombing?

A. Absolutely, absolutely.

Q. And what effect did all of that have, the threats of impeachment proceedings related to the bombing?

A. An important threat because the President was caught between a rock and a hard place. He wanted to go on with the bombing until we had an agreement which would have not only returned our prisoners of war but resulted in the withdrawal of the North Vietnamese from the south.

And had he been able to do it I am confident that that outcome could have been achieved within a matter of perhaps 30 to 60 days, if we continued with the intense bombing of the north, which were still military targets, despite some of the press play at the time.

Now every one of the President’s advisors, including the major hawk, who was John Connolly, in addition to Al Haig -- John Connolly finally threw in the white towel and said boss, you’ve got to stop or you’re
going to be impeached.

I said continue it. Better you be impeached for doing what's right than to lose this war. But I did not prevail. Now that's not a criticism of President Nixon, because had I been in his position, where ever senior advisor told him that the consequences of continuing with the bombing would be far worse.

Now we were also blessed by the fact that Hanoi raised the white flag. They sent a signal. That happened because we had a temporary halt on Christmas day, and we resumed with even heavier bombings the next day, which again confused Hanoi. And they said well, maybe this crazy Nixon will risk impeachment.

Q. When we were close to an agreement with the North Vietnamese in October of 1972, did President Nixon and Dr. Kissinger want an agreement at that point, or did they want to go forward and prosecute the war, as it appears you did?

A. No, no, no. These were not either/or propositions. I think had Dr. Kissinger had his way and had the President had his way and they could establish all the conditions, they would have brought the war to a successful conclusion, as certainly I would have.

But the practical consequences in adopting that approach were just unreal. You couldn't do it in the environment in which we found ourselves, which,
incidentally, was not the product of President Nixon's decisions in the first place. He inherited it.

Q. When did Watergate begin to affect the President's decisionmaking in the area of Vietnam policy, if it ever did?

A. Well, that's a leading question, because I don't think they did. I really don't think they did.

Now if you ask me when did the concupitance of the American Congress and legislature begin to affect it, would say from day one, from 1969 on, but intensified with every passing month. And by the time Watergate broke it had reached a point where that's the issue that should be addressed, not Watergate, both because I think I know enough about President Nixon to know that he wouldn't do it, but, more importantly, because as a political animal he knew where the real problems were -- the legislature.

Q. So it's your testimony that even as 1973 unfolded Watergate had absolutely no effect?

A. I think that's a very simplistic cop-out.

Q. General, let me finish my question. Is it your testimony that even as all the events of 1973 unfolded, that the Watergate scandal had no effect upon President Nixon's decisionmaking in the area of Vietnam policy?

A. I think the way you ask the question is wrong. The question should be was the state of support for the
President in the Congress as Watergate unfolded sufficiently poor to influence his decisionmaking, and the answer to that is yes. And in that sense you can say Watergate was a contributor.

But you cannot say what you asked, and that is the President of the United States, because of Watergate, made decisions which were contrary to the interest of the American people and our government. He did not, in my view, ever. That's the implication of your question.

Q. It was just a question.
A. That's why I said restate it.

Q. So your testimony is that at least in terms of how the Watergate scandal affected Congressional support, the President was aware of that in his own decisionmaking?
A. Of course.

Q. And to that extent his awareness of how Watergate affected Congressional support may have affected his --
A. The reason I'm offended by your question is that it is leading down a track which is sophistry and wrong, and could be very, very misleading if it is in the record the way you've asked the question.

The real problem was a lack of support in the American Congress for the conduct of the war. That was the problem. Now it became worse and worse during the whole span of the Nixon presidency, to the point where it
crippled him totally and we'll reveal that in a few moments when you get into the period of July when I was White House Chief of Staff, when the Congress cut off his ability to even threaten a bombing in Southeast Asia and to enforce the obligations of the peace accords arrived at in good faith by both sides, I hope.

Now that was not Watergate that did that. And for you to try to lead me down the path that that was increasingly the problem I won't accept. It's not so. Do you understand what I'm saying?

Q. I understand what you're saying.

A. You're a smart guy. I know that.

Q. All I'm doing is asking questions, and you're the one who gets to answer them.

Let me just say for the record I ask questions in a certain form. Because I ask them in that form doesn't mean that I believe what the question implies. It's a way of --

A. But I have an obligation in answering the questions to set the record straight.

Q. I understand that. But I ask questions sometimes regardless of whether I believe the fact that's asserted in the question. It's just a way of getting you to answer.

A. What's ultimately in black and white, you ain't there to explain and I'm not there to explain. It just
drops on the consciousness of the American people, maybe through the Washington Post or some other vehicle.

Q. Where among President Nixon's and Dr. Kissinger's other negotiating goals in Paris did the return of POWs and the accounting for missing in action stand, where in the set of priorities did it stand?


Q. Number one? Number two?

A. In the context of the environment, this eroding level of support, especially from the Congress but also among the people and among the Fourth Estate, that became a very, very important issue, because, whatever your goals were, if you abandoned them, such as I think we really got down to the point where the broad objective was to give the South Vietnamese a fighting chance to have a future that was free of the imposition of Marxism, that was probably a lot less than Lyndon Johnson had when he landed Marines in Danang in 1965.

But as those objectives went down, then the residual problem of a growing number of American citizens being held against their will became a very, very important issue, as it has been, in my view, since 1973 and '75 -- always been a key issue.

That's why I'm somewhat taken aback by some of the activities of this Committee. I share Henry
Kissinger's view that when you try to sit back in hindsight and equate public service with criminality you're destroying the very system that you should be fighting to preserve and strengthen, and I am appalled by it, especially when I see some of the players and my assessment of the role they played at the time it was critical to stand up.

Q. Several of the cables and messages that I'm likely to show you today are \textit{Missile Channel} messages, and a lot of them go between the Administration and the DRV administration through a channel. Are you familiar with a person named Colonel Guay, who was some agent of our government in Paris who had a contact with someone known as his customer from the DRV, and it was through those two that messages were passed from Dr. Kissinger to Le Duc Tho and others in the DRV hierarchy?

A. You are talking about an Air Force officer.

Q. I don't know who he was. We've just seen all these things in the cables, and I thought you would help us understand it.

A. Go over to the Pentagon and ask them. He was an official of the government.

Q. He was an American military man?

A. Yes.

Q. How was that communication line set up, do you
A. I don’t know how it was set up, but I was aware of it -- not a major deal. Every kind of line was set up to deal, and of course the talks in the initial period between Kissinger and Le Duc Tho were secret.

Q. Right.

A. I used to have to get Henry Kissinger to Paris secretly. I worked with our attache there, General Dick Walters, and we were in a constantly liaison with that. It was like the Perils of Pauline -- so significant an individual as Henry Kissinger going surreptitiously in and out of Paris, especially when he liked to take a walk at night with the paparazzi all over the place. But these were things that I was intensely involved with and both General Walters and Colonel Guay -- isn’t that his name? -- were also involved.

Q. So Colonel Guay was an Air Force man in Paris?

A. Yes, as I recall, and I’d have to refresh my memory. I don’t really -- you know, I don’t put him in a high category of significance in the conduct of our policies.

Q. Do you know who the person he refers to as his "customer" is?

A. No, I don’t. I’d have to refresh my memory. Was probably some North Vietnamese in Paris who was in touch
with Le Duc Tho, or maybe it’s Le Duc Tho. But he came and went. He was a member of the Politburo. He didn’t spend all his time in Paris.

Q. Le Duc Tho?
A. Yeah.

Q. These channel communications from Dr. Kissinger or President Nixon to Le Duc Tho or the Prime Minister of Vietnam --
A. I don’t think Nixon ever would have communicated with Le Duc Tho. He would communicate --

Q. The Prime Minister. There were several messages that were transmitted from President Nixon to the Prime Minister of North Vietnam through this channel. Those channel messages continued well after the secret talks became publicly known, and in fact continued after the Accords were signed.

Were you aware of that?
A. Well, I wouldn’t be because I was gone. I don’t recall any of them after I came back to the White House, but when I came back to the White House as chief of staff in May my initial focus was on rebuilding the government, because it was in a shambles, and Brent Scowcroft and Henry Kissinger were involved in residuals of the Vietnam thing. It wouldn’t have come to my attention unless it came directly to the President through a paper flow.
Q. Were you aware of any other channel avenues of communication between the Nixon Administration and the DRV government in addition to the back channel link that I've just been talking about?

A. I don't remember. There may have been. Of course, there was an intense dialogue with Dobrinyn, and they snookered us at regular intervals. In fact, that was the modus operandi of the Soviet embassy here in Washington at that time.

There may have been some discussions through Eastern European governments who we knew were in contact with Hanoi, like the Romanians and Ceausescu. You know, I'd have to refresh my memory, but the answer to your question is there probably were. And I would say that was prudent.

Q. One of the subjects that comes up repeatedly in these, or one of the references that comes up repeatedly in these cables, and I'll be showing a lot of them to you over the course of the day, but these cables that go back and forth between Colonel Guay and his customer in Paris is discussions of tea. There's always these comments like "there was no tea served today," or "we had good tea today."

Do you know what that was all about?

A. Well, I'm sure it's double-talk to indicate
whether there was progress or no progress. I'm sure you've seen the same thing, sensing your level of acumen.

Q. I certainly say that I assume that it was double-talk, but I wasn't sure what it meant. Do you think it was just simply if there was an indication that there is tea served that means there was progress?

A. Well, I can't say, but that would be my judgment from your question -- very simply double-talk.

Q. Actually, let me just show you one of those where I think that's mentioned and see if it means anything to you.

[The document referred to was marked Haig Exhibit No. 6 for identification and was retained in the custody of the National Security Council.]

Let me show you what's been marked as Exhibit Number 6. It's a cable dated March 2, 1973. I understand this is at a time when you were not at the National Security Council any more, so it's certainly possible and likely that you've never seen this cable.

A. For sure.

Q. It's a message actually from Le Duc Tho to Dr. Kissinger passed through this channel, and the last paragraph, when you get there, you'll see that it has a
mention of tea. If maybe you can see that in context, you might be able to help us out in understanding that.

[Pause.]

A. Where did these come from?

Q. These documents? This one is from the Nixon library, actually the Nixon Project here in the National Archives.

A. This is fascinating perusal material, isn’t it?

[Pause.]

Q. Does seeing the reference to the tea --

A. Tea to me, in the context, means atmosphere. Either it was vitriolic or brittle or hard or it was good tea. That’s the way I read it. But I’m not an expert. I didn’t devise the code.

Q. Whose code would that be, and why would there be a code like that in these channel cables?

A. These things evolve many times. They just evolve.

Q. What do you mean by that?

A. Well, a drafter of a message, in order to double-talk so that someone not familiar with the issue couldn’t comprehend it or would be less inclined to, would just use certain terminology, and then the recipient might repeat that, and the next thing you know it becomes part of the communication culture of the two parties.
Q. Although if the use of that code was intended to prevent an unfamiliar reader from understanding what was being said, it must mean more than simply that the atmosphere was cordial, because he says, right there in English, So it must mean more than just the atmosphere was cordial there.

A. Well, I don't know what it means. You're asking -- it's just like you and I sitting down like two blind men in a tunnel speculating. That's about all I can do for you.

Q. So your point is you don't know what it means?

A. I don't know what it means, but I'll tell you from reading it the fact that he said it was a cordial meeting is a key also, saying that's what he meant by the tea was good.

Do I think there was some secret code that had been set up that you guys could get through a Freedom of Information Act or a leak from a responsible official? My answer to that is I don't think so.

Q. From your experiences in the negotiating process itself and your experiences observing the negotiating process from your position as the Deputy National Security
Advisor, what was the approach of Dr. Kissinger and
President Nixon to the POW/MIA situation? What I mean by
that is, what did they feel that they needed to have in the
agreement to assure that all of our live prisoners of war
would be returned and to assure that all of our MIAs would
be accounted for?

In other words, what did they think the document
needed to say or what other understandings and agreements
did there need to be in order to assure that we got all of
our live prisoners back and that we had a full accounting
for the missing in action?

A. Well, you're asking me to talk for President
Nixon and for Henry Kissinger, and at least one of them is
available for you to talk to, and I would suggest you do
that. All I'm doing is speculating by answering that
question.

Q. Well, let me interrupt you there for a moment.
I'm not asking you to speculate. I'm asking you to tell us
what you understood their goals to be based either on --
let me finish -- based either on something that they wrote
to you or something that they wrote to someone else that
you saw, or based on something that they said in your
presence that you heard.

I'm not asking you to speculate.

A. Well, I think I've answered that question earlier
by pointing out that, as the process of negotiations proceeded and the basic erosion of the American people's support, especially the legislative support, declined, the issue of our POWs became even more important because the risks towards our ability to get them out successfully became greater.

And that's the way you have to juxtaposition what you're asking, in my view. In other words, as our ability to conduct any policies, rational policies, declined, the significant of the POW issue grew. Now that's talking policy; it's not talking the human aspects of this thing and the emotional aspects of it.

Q. I want to talk about the technical aspects of it. What did President Nixon and Henry Kissinger want in the agreement or in the protocols?

A. Well, they wanted what we all wanted, and that is they wanted our prisoners freed, all of them. As a matter of fact, as I recall -- and you'd have to talk to Dr. Kissinger about this and I understand he's going to be a witness -- there was an effort made in the negotiating framework to separate, for example, South Vietnamese and North Vietnamese prisoners from the American prisoner question, so that it wouldn't put in jeopardy our ability to get this done.

It was a sine qua non of the whole negotiation in
terms of the conditions that had to be satisfied by the north.

Q. Let me ask you this. As far as you could tell from your position, in the minds of President Nixon and Henry Kissinger was it sufficient that the agreement required, as a general matter, that all live prisoners of war be released and that there be assistance in accounting for MIAs without setting forth specific modalities?

A. There were other things that weren't in Article 8, as I recall. Now this may have come from things I've read or discussions I've had with Dr. Kissinger over the years, but I remember one of his major efforts was to get the Laotian POWs included in the commitment, the broad commitment, from Hanoi, because basically, while one might have argued, and the press did and the Congress did at the time, that Laos was an independent, sovereign nation, it was in effect largely a puppet of Hanoi, which was in turn largely influenced by Moscow.

Q. We're actually going to talk a lot about the U.S. prisoners in Laos later on in the deposition.

As I'm sure you know, at some point there was added to the general agreement a set of four protocols, one of which was on prisoners of war and missing in action.

A. I vaguely remember that, but you're not talking to the expert.
Q. Do you know how it was decided that there really should be a separate set of documents providing more details in the protocols?

A. No, other than to again emphasize that there was a major preoccupation with the welfare and disposition of not only our POWs but our missing in action. As you know, they set up in the provisions of the Accords what we used to call the JCRC, operating first in South Vietnam, then having to relocate, as I recall, to Thailand initially, and then Hawaii, where I think they are today.

But this was a matter of intense concern. I can't say any other thing about it other than that it was a matter of intense concern, as it should have been.

Q. Do you recall that at least initially the U.S. position was that its prisoners of war should be released before the time that a ceasefire began and before the time that U.S. troops were withdrawn or the troop withdrawal was completed from South Vietnam?

A. Well, I don't want to present myself as an expert, because in the final conclusion of the agreement I was not a participant and I was not present, and I wasn't there, and therefore I'm not an expert and you shouldn't be asking.

My concerns were what led up to the agreement, and there I'm prepared to talk ad nauseam because I was
Q. Okay. Well, this is certainly something which led up to the agreement in terms of our policy planning and any negotiations. Let me repeat the question: Was it your understanding that at least initially -- and when I say initially I mean up until the time that our position may have changed in 1972 -- was it our negotiating position that we should get our prisoners of war back before the ceasefire was entered into and before our troops were withdrawn?

A. I can't be categoric about it. I can tell you that my position would have been that.

Q. Okay.

A. I didn't trust Hanoi one bit, any more than I trusted Moscow.

Q. You didn't trust them, you mean, to return prisoners?

A. Never.

Q. And why is it important, in light of that lack of trust, why would it be important to get your prisoners back before the ceasefire was entered into and before troops were withdrawn?

A. Well, you know, that again is a measure of your ability to deliver on the conditions you strawman together, you put together, and if you, for example, in December, if
you are confronted with a threat for impeachment or a threat for legislative cutoff of all support for war activities in Southeast Asia, you're between a rock and a hard place.

And, you know, dear God, if that isn't clearly understandable to everybody, especially those that are on the other side of that issue today, then there's something wrong.

Q. Let me show you a couple of documents that may refresh your memory. I'm going to show you a couple of documents which unfortunately have been so severely redacted by the National Security Council that it's sometimes hard to know exactly what they are.

A. I'm glad to know they still have a little vigor.

Q. Well, we don't share your approval of this, but that can be discussed in another forum. I'm going to show you what I've marked as Exhibit Number 7. It's a document dated April 12, 1972, and appears in the NSC numbering system as SA-99 B-2.

[The document referred to was marked Haig Exhibit No. 7 for identification and was retained in the custody of the National Security Council.]

If you could maybe tell us what that is. You're