

# Texts of Announcement by State Department and

Special to The New York Times

Following are the texts of a State Department announcement, of a letter from former President Richard M. Nixon to Pham Van Dong, Prime Minister of the former Government of North Vietnam, and of a letter dated May 14, 1977, from Mr. Nixon to Representative Lester L. Wolff, chairman of a House of Representatives subcommittee on Asian and Pacific Affairs:

## Department's Announcement

The department is releasing today the text of a message dated Feb. 1, 1973, from former President Nixon to the Prime Minister of the former Democratic Republic of Vietnam, Mr. Pham Van Dong. The existence and substance of this document have already been made public, including public references by the recipient. Its author has indicated no objection to its release. In light of all present circumstances, we have determined that the message is no longer deemed sensitive and it has been declassified.

## Nixon Message to Dong

Message from the President of the United States to the Prime Minister of the Democratic Republic of Vietnam. Feb. 1, 1973

The President wishes to inform the Democratic Republic of Vietnam of the principles which will govern United States participation in the postwar reconstruction of North Vietnam. As indicated in Article 21 of the Agreement on Ending the War and Restoring Peace in Vietnam signed in Paris on Jan. 27, 1973, the United States undertakes this participation in accordance with its traditional policies. These principles are as follows:

1. The Government of the United States of America will contribute to postwar reconstruction in North Vietnam without any political conditions.

2. Preliminary United States studies indicate that the appropriate programs for the United States contribution to postwar reconstruction will fall in the range of \$3.25 billion of grant aid over five years. Other forms of aid will be agreed upon between the two parties. This estimate is subject to revision and to detailed discussion between the Government of the United States and the Government of the Democratic Republic of Vietnam.

3. The United States will propose to the Democratic Republic of Vietnam the establishment of a United States-North Vietnamese Joint Economic Commission within 30 days from the date of this message.

4. The function of the commission will be to develop programs for the United States contribution to reconstruction of North Vietnam. This Unit-

ed States contribution will be based upon such factors as:

(a) The needs of North Vietnam arising from the dislocation of war;

(b) The requirements for postwar reconstruction in the agricultural and industrial sectors of North Vietnam's economy.

5. The Joint Economic Commission will have an equal number of representatives from each side. It will agree upon a mechanism to administer the program which will constitute the United States contribution to the reconstruction of North Vietnam. The commission will attempt to complete this agreement within 60 days after its establishment.

6. The two members of the commission will function on the principle of respect for each other's sovereignty, noninterference in each other's internal affairs, equality and mutual benefit. The offices of the commission will be located at a place to be agreed upon by the United States and the Democratic Republic of Vietnam.

7. The United States considers that the implementation of the foregoing principles will prompt economic, trade and other relations between the United States of America and the Democratic Republic of Vietnam and will contribute to insuring a stable and lasting peace in Indochina. These principles accord with the spirit of Chapter VIII of the Agreement on Ending the War and Restoring Peace in Vietnam which was signed in Paris on Jan. 27, 1973.

### Addenda

Understanding Regarding Economic Reconstruction Program:

It is understood that the recommendations of the Joint Economic Commission mentioned in the President's note to the Prime Minister will be implemented by each member in accordance with its own constitutional provisions.

### Note Regarding Other Forms of Aid:

In regard to other forms of aid, United States studies indicate that the appropriate programs could fall in the range of \$1 billion to \$1.5 billion, depending on food and other commodity needs of the Democratic Republic of Vietnam.

## Nixon Letter to Wolff

Dear Congressman Wolff:

As I am sure you are aware, your request of Feb. 22 presents some fundamental and serious constitutional questions.

In 1953 a Committee of the House of Representatives sought to subpoena former President Truman to inquire about matters of which he had personal knowledge while he served as President. President Truman's response states what I believe is the correct constitutional guideline which a former President must follow. He said:

"In spite of my personal willingness

to cooperate with your committee, I feel constrained by my duty to the people of the United States to decline to comply with the subpoena.

"In doing so, I am carrying out the provisions of the Constitution of the United States; and am following a long line of precedents, commencing with George Washington himself in 1796. Since his day, Presidents Jefferson, Monroe, Jackson, Tyler, Polk, Fillmore, Buchanan, Roosevelt, Coolidge, Hoover and Franklin D. Roosevelt have declined to respond to subpoenas or demands for information of various kinds by Congress.

"It must be obvious to you that if the doctrine of separation of powers and the independence of the Presidency is to have any validity at all, it must be equally applicable to a President after his term of office has expired when he is sought to be examined with respect to any acts occurring while he is President.

"The doctrine would be shattered, and the President, contrary to our fundamental theory of constitutional government, would become a mere arm of the legislative branch of the Government if he would feel during his term of office that his every act might be subject to official inquiry and possible distortion for political purposes.

### Recollection of Events

I, too, shall adhere to this precedent. However, because the issue of aid to the Hanoi Government is currently under consideration in the Congress, and without waiving the separation-of-powers principle, I want to be as helpful as I can in providing voluntarily my recollection of events surrounding the aid negotiation.

In a report to the nation on Jan. 25, 1972, I made the following statement:

"We remain prepared to undertake a major reconstruction program throughout Indochina, including North Vietnam, to help all these peoples recover from the ravaging of a generation of war."

The peace agreement of Jan. 23, 1973, contains this clause:

The United States anticipates this Agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam as with all the peoples of Indochina. In pursuance of its traditional policy, the United States will contribute to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina."

On Jan. 23 and Jan. 24, 1973, Dr. Kissinger, Secretary Rogers and I briefed bipartisan leaders of the Congress on the peace accords. The subject of aid to Hanoi was discussed at some length and there was, as I recall, virtually unanimous support for the proposals, provided it would serve the pur-

## Two Nixon Letters

pose of helping to assure adherence to the peace agreement.

In a news conference on Jan. 31, 1973, and in meetings with individual members of Congress and other groups, I strongly and publicly endorsed the Hanoi aid proposal as "a potential investment in peace." I also indicated that there would have to be Congressional consultation and Congressional support.

It is my understanding that you have a copy of the message I sent to Pham van Dong on Feb. 1, 1973.

That message explicitly stated that any aid had to be implemented in accordance with each country's "constitutional provisions," which, in the United States, means approval by the Congress. Moreover, because the offer of reconstruction was provided for in the Jan. 27, 1973 peace agreement, its fulfillment obviously depended on adherence to the agreement's provisions.

The North Vietnamese proceeded to break the agreement almost immediately after it was signed. I recall that on May 17, 1973 I sent a message to Dr. Kissinger, who was in Paris at the time, which in essence said: "Hit them hard MIA [missing in action] accounting and on withdrawal from Cambodia as conditions for aid."

Throughout the period when the peace agreement was being negotiated and thereafter, the Hanoi Government was under no illusions whatever that any aid program would require approval by the Congress and was conditional on their adherence to the peace agreement.

### Idea of 'Reparations' Rejected

The aid proposal was not at any time presented to them as a part of the "price" to obtain the peace agreement. Dr. Kissinger and I consistently and repeatedly rejected the idea that aid was to be provided as "reparations." Throughout we indicated that, just as we helped our enemies in World War II—Germany and Japan—rebuild their economies, we would apply the same principle to Hanoi.

The Hanoi Government has violated the agreement in areas too numerous to mention. They refused to withdraw their forces from Cambodia and Laos, as required by the peace agreement. By far their most blatant violation of the agreement was their crossing the DMZ and massively invading South Vietnam in early 1975.

There is no commitment of any kind, moral or legal, to provide aid to the Hanoi Government. On the contrary, I can think of no action which would be less justified or more immoral than to provide any aid whatever to the Hanoi Government, in view of their flagrant violations of the peace accords.

Sincerely,

RICHARD M. NIXON