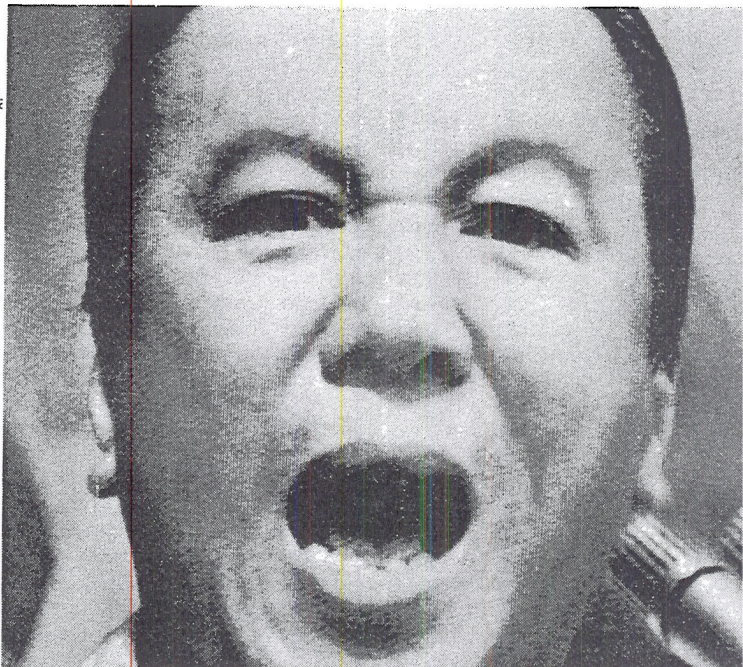


WHITE HOUSE FOREIGN POLICY ADVISER HENRY KISSINGER



SOUTH VIET NAM'S PRESIDENT NGUYEN VAN THIEU

TIME

THE WAR/COVER STORY

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At Last, the Shape of a Settlement

THE weary, bitter years of war in Viet Nam have all but exhausted the vocabulary of hope. So many corners turned, so many lights glimpsed at the end of tunnels, so many ritualistic negotiating sessions at the old Majestic Hotel in Paris, so many dead. Even the once secret sessions begun by Richard Nixon soon after he took office seemed to be inexorably changing from ventures of high drama and promise to mere suspense entertainment. But last week Henry Kissinger, the President's plenipotentiary for peace, was in Saigon on perhaps the most difficult and critical mission of his extraordinary career in diplomacy. He had in his briefcase an agreement in principle with North Viet Nam for the shape of a settlement, and his was the unenviable task of selling that settlement to South Vietnamese President Nguyen Van Thieu, whose political demise will be an inevitable consequence of the package. However Thieu might balk, Viet Nam seemed closer to the brink of peace than it has been in a decade.

The proposed settlement may have to be altered in some details during the negotiations with Thieu. But from South Vietnamese sources TIME obtained an outline of the Hanoi-Washington bargain that Kissinger brought from Paris. In essence it provides for an internationally supervised cease-fire, the formation of a new South Vietnamese government and elections for a constituent assembly to draft a new constitution for South Viet Nam. To separate military from political matters it proposes three separate committees or bodies to implement a settlement, a process that might take many months to accomplish. What the White House wants, say the Saigon sources, is to be

able to announce an agreement "in principle" on the package before Election Day, though the first step of a cease-fire might not even be possible that soon. What the plan outlines on the military and political fronts:

ENDING THE WAR. A cease-fire freezing all forces in South Viet Nam "in place" and halting all military activity—including the U.S. bombing of North Viet Nam and the mining of its harbors—would be put into effect initially. Then negotiations would begin on the final withdrawal of all U.S. forces and the return of the American prisoners of war. Possibly the talks would eventually extend to the related wars in Cambodia and Laos.

BUILDING A POLITICAL PEACE. Once the cease-fire was in effect direct negotiations would begin between the present Saigon government and the Provisional Revolutionary Government (P.R.G.) maintained by the National Liberation Front in South Viet Nam. The two sides would work out the composition of a "caretaker government" that would succeed the Thieu regime and prepare the country for general elections to choose a constituent assembly. The assembly would draft a new constitution, a new round of elections would be held, and a new and presumably broad-based government that included Communists would take its place in Saigon.

The plan proposes the following three bodies to carry out these efforts:

1) An expanded International Control Commission to supervise the cease-fire. The present I.C.C., consisting of Canada, Poland and India, is a forlorn remnant that has been charged since 1954 with enforcing the Geneva Accords in Indochina. Other nations and considerable manpower would

have to be added to the I.C.C. to enable it to monitor the cease-fire with any effectiveness.

2) A committee composed of Saigon government and P.R.G. representatives to take on the formidable task of organizing a caretaker government. In this government, the main political factions in South Viet Nam—Communist, neutralist and the Thieu government—would be represented, but not necessarily equally. Which groups would have how large a share in the caretaker government—and therefore to some extent in the elections and constitution that ensue from it—would be subject to negotiations between the representatives of the Saigon government and the P.R.G. on the committee. This provision meets Nixon's demands that he not have to participate in Thieu's downfall—because Thieu could stay in office until the committee set up the caretaker government—and that the South Vietnamese be responsible for working out their own political future.

3) A committee composed of all four parties to the war: the U.S., Hanoi, the Thieu government and the P.R.G. This group would work with the I.C.C., arbitrating who controlled what territory at the time of the cease-fire, negotiating the U.S. withdrawal and the release of the P.O.W.s and the other large, overall problems of ending combat in Viet Nam.

The complex package had been worked out by Kissinger and Hanoi's Le Duc Tho in Paris apparently without Thieu's approval, and Kissinger's arrival in Saigon with the agreement spurred Thieu into a frenzy of defensive activity. Emerging from his near imperial isolation, he began reaching out for public support. He turned up at

THE NATION

a Saigon youth rally to rail against "henchmen of the Communists." He gave dinners for a variety of officials and legislators, some of them opposition figures he normally scorns—or jails. He ordered banners placed in Saigon bearing his contention that the Vietnamese people oppose a tripartite government.

The North Vietnamese were active too. One day last week North Vietnamese envoys in Prague, Warsaw, Bucharest, Belgrade, Budapest and East Berlin simultaneously requested audiences with the party leaders of the Eastern European Communist nations, all of whom had been pressing Hanoi to make a settlement. Presumably the East Europeans were pleased with the briefings, for the North Vietnamese diplomats drove back to their embassies with renewed promises of bloc support.

There were other straws in the Indochinese winds too. The government of Laos began peace talks with the Communist Pathet Lao, and the Cambodian government suddenly requested that journalists refrain from using the word

the U.S. delegation in Paris. General Creighton Abrams, the former U.S. commander in South Viet Nam, left Washington for Saigon on White House orders only hours after he had been installed as the new Army Chief of Staff at a Pentagon ceremony. His mission, said the Pentagon lamely, was to check up on Vietnamization. Also on hand were U.S. Commander Frederick Weyand and Ambassador Ellsworth Bunker.

Some of the men on the American team, notably Abrams, were present because Thieu particularly trusts them, and a great deal of trust and more seems likely to be required before the South Vietnamese President will buy the proposals. In sum they directly violate or potentially compromise his oft-reiterated "four nos": no coalition, no granting of territory to the Communists, no Communist activity in South Viet Nam and no neutralism. They also undercut his insistence that any government change in Saigon take place under the present constitution, whose Article Four outlaws Communist activity of

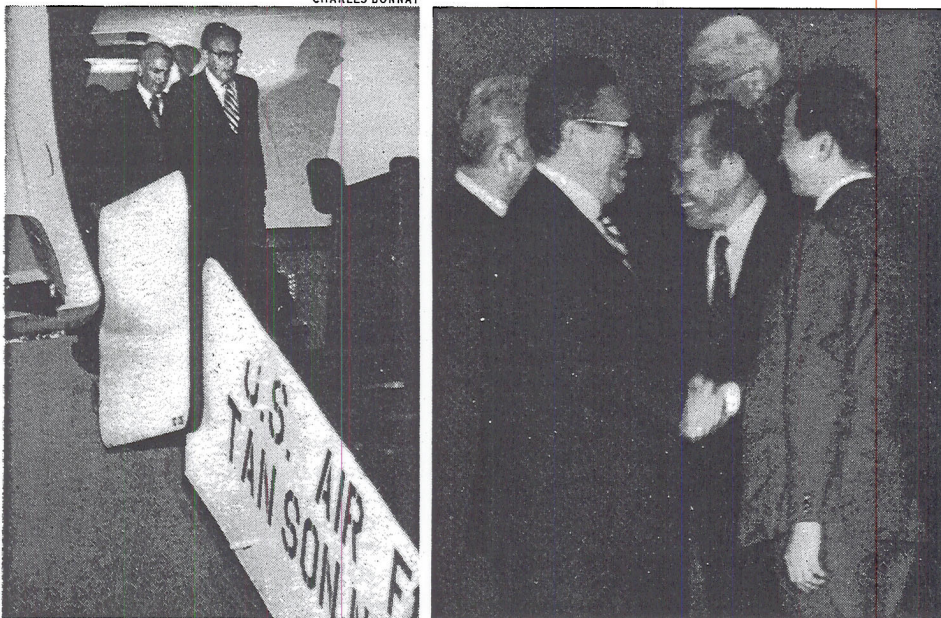
ternich, whom Kissinger analyzed in his Harvard doctoral thesis. At the Congress of Vienna in 1815, Metternich broke down the vast problems of establishing a post-Napoleonic European peace into their practical component parts and set up committees to resolve the smaller issues.

The Kissinger plan appears to be an extraordinarily clever arrangement. It deals subtly but directly with the overriding issue of the war—the control of Saigon—while deftly sidestepping the ideological "issues" that have muddled understanding of the war (especially in the U.S.) from the beginning. It also, like any worthy work of diplomacy, contains substantial concessions by both Hanoi and Washington.

Treasure. The U.S. has apparently agreed in principle to the dismantling of what the Nixon Administration has maintained with blood and treasure as South Viet Nam's constitutional government and to back the writing of a new constitution with Communist participation. In the process, Thieu, whom Nixon promised never to abandon, would be forced to negotiate against great odds just to retain his position in the interim and must certainly lose it in the long run. Through the cease-fire "in place," the package would "reward aggression," as Nixon once put it, by ceding the Communists territory obtained by military means, which would be used by them to guarantee a place for themselves in any new government. Finally, the Administration has yielded the point that any new elections must be presidential ones, which would have worked to Thieu's advantage and the disadvantage of the Viet Cong, who control much land but few people. The U.S. could argue, however, that this is superseded by its position that the future government of South Viet Nam should be determined by concession and not by imposition. The proposed elections for a constituent assembly under a caretaker government might favor the Viet Cong by giving them a better chance to display the broad support they claim to have.

For its part, Hanoi has agreed to negotiate directly with the Thieu government while the South Vietnamese President is still in power, which it had said that it would never do. In fact, the Communists even seem willing to let Thieu remain in office until the caretaker government is formed, again a retreat. And they have agreed to forgo a strictly tripartite government with precisely one-third representation guaranteed them. But it seems certain that, should Thieu still be around at that point, the constituent assembly would in effect simply write him out of power. Thus the plan would allow the Administration both to preserve a role for Thieu for a time and—after a decent interval—have him set aside and satisfy the future political realities of Viet Nam.

Whether that would be perceived by the U.S. public as an abandonment of



KISSINGER ARRIVING & BEING GREETED BY SOUTH VIETNAMESE OFFICIALS IN SAIGON
In his briefcase, a plan to end the fighting.

Communist in print, explaining that it would prefer them to use the more neutral terms North Vietnamese and Viet Cong.

But the main event was in Saigon, where each day Kissinger and Thieu sat down flanked by aides and officials. Sometimes Thieu was backed up by key advisers and members of his cabinet. Kissinger on his side of the table had an unprecedented array of Americans experienced in Vietnamese matters. William H. Sullivan, former Ambassador to Laos and now a top State Department man on East Asian and Pacific affairs, had flown in with Kissinger. From Seoul came Philip C. Habib, the U.S. Ambassador to South Korea, a hardnosed negotiator who had served both in the Saigon embassy and with

any kind. Beyond all that, of course, they eventually doom his own leadership. Even the prospect of peace undercuts his position, which is almost entirely now supported by the army (see box, page 15).

Kissinger should be well equipped to press the U.S. case, since the plan bears his unmistakable craftsmanship. The provision for a caretaker government was foreshadowed in a 1969 essay in *Foreign Affairs* in which Kissinger argued that "a mixed commission to develop and supervise a political process to reintegrate the country—including free elections—could be useful." Students of the President's foreign policy adviser will also recognize in the agreement a bow to the brilliant 19th century Austrian Statesman Klemens Met-

an oft-repeated Administration commitment is unclear. Doubtless, the White House is aware that with its profusion of committees and procedural steps—not to mention the possibility that negotiations between Saigon and the P.R.G. on the caretaker government could slog on for years—the plan would make it tough for anyone to judge with any certainty whether or not Nixon had made good on his pledge not to “join our enemy to overthrow our ally.”

In the narrow sense at least he would have kept that vow. Whatever happened to Thieu and to the makeup

of the Saigon government—the complexities of Vietnamese life after so many years of war are such that few foresee any sudden Communist “take-over”—the Administration could argue that it had “imposed” nothing on the country, that it was all “up to the Vietnamese themselves.”

What, in fact, are the chances for a cease-fire? As Kissinger flew into Saigon last week, State Department officials were quoting 80-20 odds against an announcement before the U.S. election. Kissinger has told friends with apparent sincerity that Nixon has never

pressured him to speed up or slow down the pace of negotiations because of the election. In conversations, he has suggested that he personally expects events to unfold gradually.

Nonetheless, both sides were clearly making preparations. During the crucial talks between Kissinger and Le Duc Tho in Paris two weeks ago, the White House began bombarding State and the Pentagon with urgent questions on the feasibility of policing an in-place cease-fire involving 200,000 North Vietnamese troops in South Viet Nam. According to U.S. intelligence in Saigon,

The Tough Man in the Tight Squeeze

NGUYEN VAN THIEU is an easy man to underrate, and both the U.S. and his South Vietnamese opponents have made that mistake. Bland in appearance, cautious by nature, reserved in public, he is not exactly the model of the charismatic leader of a small country pitted in a life-and-death struggle against an implacable foe. Yet Thieu has demonstrated a knack for survival that has confounded his doubters. Not since Ngo Dinh Diem has a national leader been able to stay in power for so long in South Viet Nam, much less run a viable government. But Thieu has been able to do both.

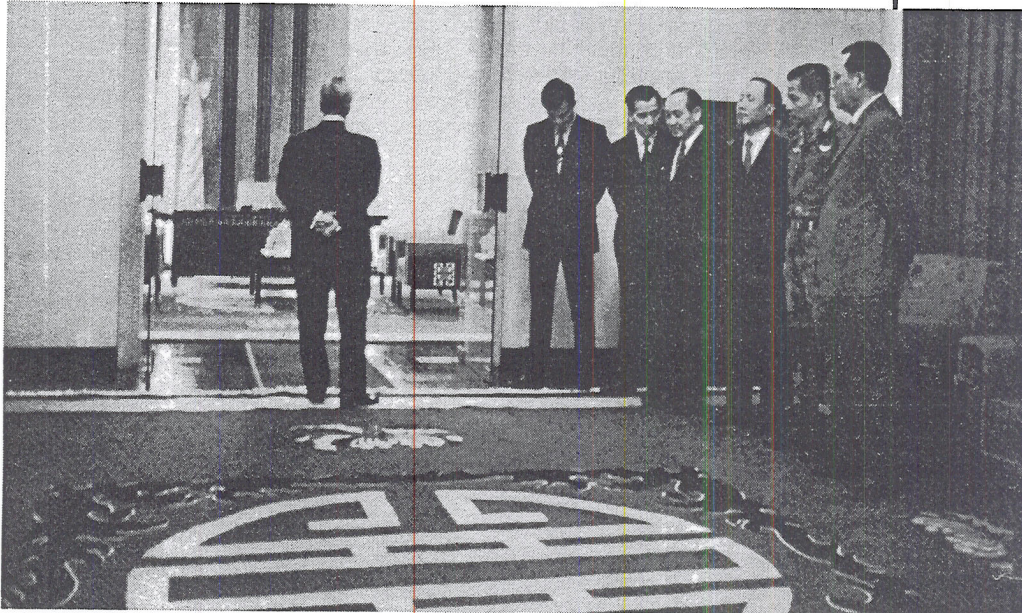
He approaches his task with a mixture of cunning and circumspection. Until it looked as if the 1963 plot to overthrow Diem would succeed, he did not take sides. By skillful maneuvering, he managed to elbow aside the more flamboyant Nguyen Cao Ky and stand for President in 1967. Once thought to be the stronger of the pair, Ky never recovered from the humiliation. Last year Thieu arranged to run for re-election without any opposition whatsoever.

The prop of his power is the military, pure and simple. By an adroit system of promoting and demoting, of granting favors and withholding them, Thieu has built up an apparatus that is loyal to him. In the process, he has not made the best appointments from a strictly military point of view. His generals have been slow to take the offensive and not very imaginative in battle. He has had to fire two out of four Military Region commanders, and a division commander has been charged with treason. Beyond that, the army and much of the rest of the government has been riddled with debilitating corruption. Thieu himself remains untainted, but his customary caution has kept him from acting decisively.

In one area, he did, though. He foresaw almost two years ago the moment that finally arrived last week, and he systematically and shrewdly prepared for it by adding to his powers. More recently, he has moved even more vig-

orously. After the North invaded last spring, he went before the National Assembly to ask for virtually dictatorial powers for six months. The Assembly initially balked, but eventually Thieu got his way. As dictators go, he has proved to be relatively mild, though he

DIRCK HALSTEAD



THIEU WITH CABINET MINISTERS IN HIS DOWNTOWN SAIGON PALACE

has shut down all but a few of the voracious opposition newspapers and thrown thousands of his political opponents into jail, many without benefit of trial. In August he also put an end to local elections; from then on, officials of hamlets and villages would be appointed with Saigon's approval.

The reason for the clampdown is that Thieu needs all the power he can muster in order to deal, on the one hand, with the Communists and on the other, with the U.S. His power—a chief complaint against him—does not lie with the people at large. He rarely ventures out to give a public speech or shake a hand, though he has made many recent visits to the battlefield. He remains a very private person for a public figure. His life is pretty much confined to what

is known as “isolation palace,” and he seems to be content to stay there. He leads a quiet home life with his Roman Catholic wife; though Thieu was brought up a Confucian Buddhist, he converted to Catholicism a few years after his marriage. He is the son of a farmer and fisherman.

To judge by his public utterances, he remains an unyielding anti-Communist. He recently remarked: “We have to kill the Communists to the last man before we have peace.” Whether he believes that or not, he acts as if he does. “He is extremely conscious of his survival,” says an American who has observed him close at hand. “Yet he has a flexible mind. The pattern of his behavior is to be ahead of us on most issues involved in the negotiations.”

Yet Thieu knows as well as anybody that his survival rests ultimately with the U.S. Like Diem before him, he could be removed if the U.S. so decreed. Since the Kissinger plan does, indeed, ultimately and inherently decree that, the real question is the manner of his going—with dignity or defiance, restraint or rebellion. The man of caution is being tested as never before.

THE NATION

Communist units have already received orders to extend their control of South Vietnamese territory wherever possible in anticipation of a cease-fire. At least three North Vietnamese divisions have slipped into positions in the jungles just north of Saigon, which have recently been pounded by heavy B-52 raids. Only last week Communist troops on obvious "flag-planting" missions captured five hamlets in the Pleiku region. Saigon's troops are in control of all of the country's 44 provincial capitals and roughly 90% of South Viet Nam's 17 million people. But they have not been able to dislodge Communist forces from much of the territory they seized in the Easter offensive. All told, the Communists dominate South Viet Nam's sparsely populated eight northern provinces, including the Central Highlands and several districts in the populous, once secure Mekong Delta south of Saigon.

Long Way. With the fighting war once again at a standoff, however temporary it may be, conditions seem possible for the agreement that has so long eluded Richard Nixon and his foreign policy adviser. It may always be a matter of debate whether the Nixon Administration "missed a chance" following the bombing halt of 1968 to settle the war on terms not very different from those that it appears to be negotiating now. There will always be those Americans who will defend his holding out for an "honorable" settlement and those who contend that the Administration's "dual-track" strategy of Vietnamization and negotiations was the long way out of Viet Nam.

Kissinger argues fairly persuasively that at least part of the blame for the drawn-out negotiations must be laid to the style and temperament of the U.S.'s adversaries. As a Johnson Administra-

tion adviser in the 1960s, Kissinger was a keen student of the Vietnamese negotiating style. In his remarkably prescient *Foreign Affairs* article, Kissinger noted "the peculiar negotiating style of Hanoi: the careful planning, the subtle, indirect methods, the preference for opaque communications which keep open as many options as possible." North Vietnamese diplomacy, he observed, operated in somewhat baffling "cycles of reconnaissance and withdrawal." Even if the U.S. accepted all of Hanoi's demands, Kissinger wrote, "the result might well be months of haggling while Hanoi looked for our 'angle' and made sure that no other concessions were likely to be forthcoming."

Kissinger is known to believe that the long deadlock was caused, too, by the U.S. style of negotiations before he took over. There was, he has said, too much concern with tactics and not enough "feeling for nuance and for intangibles." Kissinger's own style has been to set aside the detailed questions as much as he can and try to create "a process of evolution that will give the North Vietnamese an option on the future." At the bargaining table, Kissinger has tried to channel the talks to the purely military questions of cease-fire and troop withdrawals, avoiding the emotional issue of the internal structure of South Viet Nam for as long as possible.

If Kissinger's new style impressed the North Vietnamese, however, they did not show it. Since August 1969, when Kissinger slipped off to Paris for the first of the 19 secret sessions he had with Le Duc Tho, the talks until recently had essentially been at an impasse. To be sure, there were occasional indications of "progress." But U.S. cease-fire proposals always looked to the Communists like a stratagem to stop the

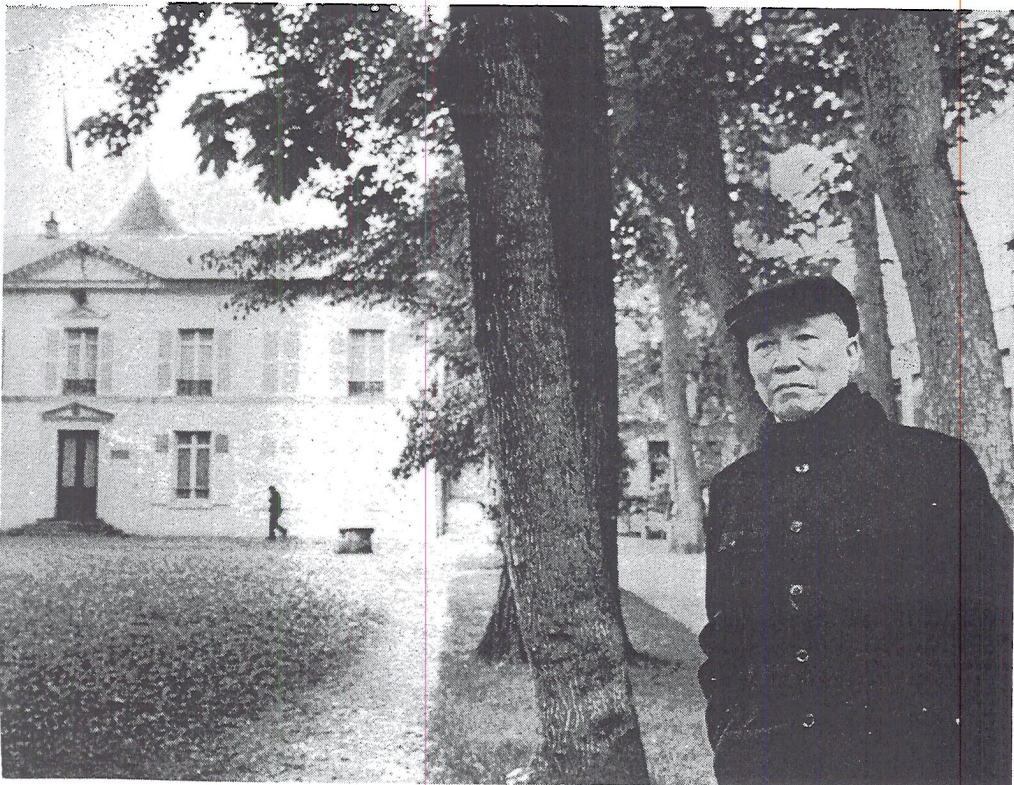
fighting while retaining Thieu in power, and the Communist multipoint proposals always contained a political solution that would topple Thieu. As Kissinger complained last January, when Nixon publicly revealed the existence of the secret talks and their impasse, the North Vietnamese were asking that the U.S. "overthrow the people that have been counting on us."

Rattled. Why have the North Vietnamese decided to negotiate now? It is possible that Hanoi merely finds it advantageous to be seen dealing unilaterally with the U.S. on the theory that it is a cheap way to generate uncertainty in Saigon and thus weaken Thieu's hold on South Viet Nam. But without elaborating, Kissinger had been saying privately all summer that he expected serious bargaining to begin this fall. One element surely is the fact that Hanoi has been under at least some pressure to settle from Moscow and Peking, who are anxious to expand their new relationships with the U.S. Though it rattled Saigon for a while and gave Washington a scare, the Easter offensive not only ended in a standoff but also gave the Administration the excuse and public support to resume full-scale bombing of North Viet Nam and mine the harbors. Though foreigners who have visited Hanoi would argue to the contrary, the Administration seems convinced that the overwhelming U.S. air war—which has been dumping explosives on the North at the rate of two tons every minute—has begun to weaken North Vietnamese resolve.

Clearly, the U.S. election has played a powerful role—on both sides. During his two-day session with Le Duc Tho in Paris last August, Kissinger pressed the argument that Hanoi would do well to settle along the lines of Nixon's May 8 plan. That called for a cease-fire in place throughout Indochina, and a withdrawal of U.S. troops within four months after release of American P.O.W.s, leaving the political issues to be settled by the Vietnamese themselves. If Nixon were to win a second term, Kissinger argued, the Administration offer could well harden. In September, by the reckoning of intelligence analysts in Washington, the polls began to convince the Hanoi Politburo that a victory by McGovern, who has proposed that the U.S. should "break free of Thieu" with a unilateral withdrawal, was a poor gamble.

Nixon too must pay attention to the tricky politics of peace. According to Pollster Daniel Yankelovich, Viet Nam is "the key" to Nixon's commanding lead over McGovern. But the U.S. public's conviction that Nixon is better able to handle the war might change dramatically if the Administration were to run into big trouble in Paris—or, more accurately, in Saigon. As the White House well knows, an obstreperous ally in Saigon refusing to accept the Kissinger-designed settlement might raise new doubts in the minds of the U.S.

HANOI'S NEGOTIATOR LE DUC THO IN PARIS



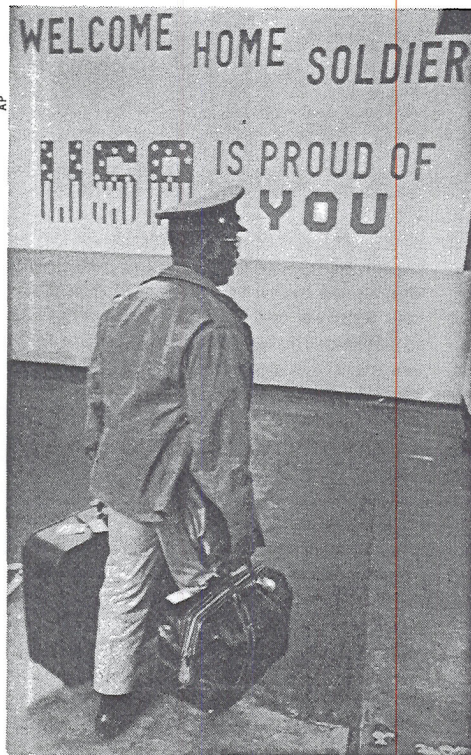
electorate about the Administration's course in Viet Nam. More likely, though, given the U.S. desire to get out of the war, a rebellious Thieu seen as sabotaging peace might simply rally Americans to the President's side, enabling him to liquidate U.S. involvement without any fear of recrimination at home. Still for Nixon to abandon Saigon would be tantamount to declaring his Viet Nam policy to have been an utter failure.

But what would Thieu do? The silence of the U.S. embassy and the presidential palace only deepened the mystery. Saigonese pored over the abbreviated accounts of the talks that were in the tightly controlled press. Rumors flew of an impending coup, of an imminent shakeup of the South Vietnamese army. A report that the government had placed a rush order for 2,500,000 yards of bunting with a Saigon cloth merchant sparked speculation that the rumored cease-fire might really be at hand.

Even in cynical Saigon, Vietnamese reacted strongly—and somewhat surprisingly—to the image of Thieu at bay. Nguyen Van Huyen, the president of the South Vietnamese Senate and an occasional critic of Thieu, openly declared his hope that “he will remain in power to keep stability.” Huyen added: “I don't say the U.S. is deserting us, but something very disquieting is happening.” TIME Bureau Chief Stanley Cloud cabled: “For the first time in his political career, Thieu has become a truly sympathetic character. Even his opponents have expressed support for him as he apparently attempts to resist American pressures and plug the holes in the badly leaking boat of his presidency. The Vietnamese have a highly developed sense of pride, and if it seems to them that the Americans are attempting at this late date to abandon them, they could easily unite as never before behind an anti-Americanism far more virulent than any anti-Communism they ever felt.”

Levers. No one in Washington or Saigon doubted that the Administration would find it difficult to bulldoze the tough and resourceful general whom Richard Nixon once called “one of the four or five greatest politicians in the world.” Yet in his duel with the Administration, Thieu had few real options. Thieu was considering a strategy under which he would simply ignore Paris and unilaterally propose to resign and turn power over to a six-man “government committee” that would hold new presidential elections in three months. Thieu would claim to have met the Communist demand for his resignation—and then run for re-election. The catch is that if Thieu were to let go of the levers of power, even for a short time, he might not be able to find them again. But if he were to keep them, the Communists would have no chance in the elections and the struggle would resume.

TIME, OCTOBER 30, 1972



G.I. RETURNING FROM VIET NAM

After so many years, it was all up to the Vietnamese themselves.

More simply, Thieu could threaten to embarrass Nixon by loudly rejecting the Kissinger plan and vowing to carry on the fight against the Communists alone. The Administration might find it difficult politically to cut off U.S. aid to Saigon under those circumstances. But it could effectively counter by threatening to negotiate a bilateral, separate peace with Hanoi—a possibility that worries many South Vietnamese.

At week's end, the great Saigon tug of war spilled into a fourth day with no announced end to the maneuvering, while Kissinger flew off, apparently to Cambodia, for additional parleys. The word was out that Thieu had reluctantly agreed on at least one part of the plan: the cease-fire. But he was also said to be digging in against other key provisions of the Kissinger agreement that the Communists certainly regard as vital. Thieu was reportedly unhappy about the caretaker-government provision and adamantly opposed to any basic change in the present constitution that might open the way to the entry of a significant number of Communists into the country's political life. As a counteroffer, he proposed to recognize certain areas of the country as “under Communist control” and to allow them representation in the existing National Assembly on the basis of population. The Communists are almost certain to balk at that, for they would be hard put to demonstrate military control over more than 10% of the population.

Even if the Kissinger proposal eventually emerges in some form as the outline of a settlement, many problems would remain. A cease-fire alone would be devilishly difficult to manage even in a land that had not been at war for a quarter-century. The fact that several weeks would pass between the time a cease-fire was announced and the time



SOUTH VIETNAMESE MARINE

the machinery to implement it could be smoothly functioning would mean that what is mildly known as “regroupment” could be a serious problem. Communist forces located in isolated “oil spots” would try to expand and link up with Communists in other areas, and Saigon's troops would try to blot them out altogether.

Scent. Seemingly there would be no end to the details that would have to be worked out if the shooting were to be stopped. South Viet Nam's joint general staff was unhappily puzzling last week over one of the smaller ones: an American plan for the demobilization—following a cease-fire—of half of the country's armed forces, including seven of its eleven infantry divisions. Other problems will prove more complex, among them the dismantling of the assassination squads maintained by the Viet Cong and by the Saigon government under its Phoenix program.

If the Kissinger approach has any validity at all, however, the lesser issues should fall into place once the big problems are settled. Those big problems of peace in Indochina have not been resolved—at least not yet—by any means, but Kissinger's idea is catching on quickly. As Cloud reported from Saigon last week, “the tantalizing scent of peace is in the air for the first time in years. To the South Vietnamese the political questions are secondary—at least for the moment—to the almost unbearable temptation to hope for the best. Such hopes do not come easily to the Vietnamese after 26 years of war. Once they are fully entertained, they could become overwhelming political reality here.” Those hopes could be dashed again—in Saigon, Washington or Hanoi—as they have been in the past. But this time it would be a disappointment of tragic proportions.