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G.I.s IN SAIGON



CHARLES BONNAY

VIETNAMESE MOTHER & DAUGHTER



AP

McLAIN P.O.W. FAMILY

The Shape of Peace

■ The war began gradually, by fits and starts. Peace may come the same way. The agreement laboriously worked out between Washington and Hanoi still faces many pitfalls. A cease-fire should be achieved soon, but the vast complexities of the proposed settlement. President Thieu's resistance, the maneuvering and counter-maneuvering for political control in Viet Nam, the pent-up bitterness and distrust—all these may still mean protracted trouble and even renewed bloodshed. Yet last week Henry Kissinger proclaimed: "Peace is at hand." At long last the U.S. could really count on the end of the conflict. That prospect makes it appropriate for the U.S. once again to assess the terrible cost of its longest, psychically most debilitating war—the cost not only in lost lives and disabled bodies but in the country's troubled conscience, its shaken self-image and its uncertainty over its world role. This is the moment also to look back on what the war meant, and to look ahead to try to perceive what peace will mean. Some of the answers may take years to develop, but in the following pages TIME makes a start.

"We believe that we can restore both peace and unity to America very soon."

WITH those words, Presidential Negotiator Henry Kissinger concluded last week his consummate one-hour briefing on the imminent prospects for a settlement in Viet Nam. After so many false starts and unfulfilled promises for so long, Kissinger's very act of revelation of the secret dealings with Hanoi implied a new U.S. commitment, one that would almost inevitably gain a momentum of its own, much as other commitments have. Probably unconsciously, Kissinger described Washington's determination to resolve the unwinnable, inconclusive and finally intolerable war in terms oddly similar to those in which three Administrations had committed themselves to staying the course. "Having come this far," he said, "we cannot fail, we will not fail."

The hard bargaining was far from over. President Nguyen Van Thieu was resisting the terms of the settlement with all his might—publicly, at least. Hanoi was complaining that the U.S. was trying to slip out of a promise to sign the agreement by Oct. 31, a date

that seemed too soon to be realistic. Nor was the fighting yet at an end. Indeed the heaviest ground action in months flared up in Viet Nam as both sides jockeyed for eleventh-hour gains in advance of a cease-fire in place.

But the omens of settlement gathered too. The U.S. restricted its bombing of North Viet Nam to targets below the 20th parallel. South Vietnamese flags were selling at a brisk pace in Saigon, as Vietnamese prepared to show their colors—and protect themselves—in the event of a truce. In Paris, the French government was said to be making quiet preparations to host a new Geneva-style "guarantee conference" of five or six nations that would oversee an orderly cessation of hostilities throughout the scarred Indochina landscape. Inevitably, the accounting would begin of the cost of a decade of war in lives lost and bodies maimed, in homes destroyed and land ravaged, in shattered careers and alienated generations.

Amid all the activity and the building hopes, the answers to the big questions began to solidify, the shape of the long-awaited peace began to emerge.

► *When could the shooting stop?* The cease-fire agreement would be

signed, said Kissinger, "in a matter of weeks or less"—possibly before the U.S. election on Nov. 7, more probably later on this month.

► *How soon could the G.I.s and P.O.W.s be home?* Within 60 days—or before Inauguration Day if the papers are signed in the next three weeks.

► *Will there really be peace?* For the U.S., yes. For the Vietnamese, the conflict would enter a new phase, in which fighting among Vietnamese might continue, although probably on a much reduced scale.

► *Who won?* Probably neither side. Hanoi will certainly claim victory over the U.S., but the outcome will probably be a military and political draw for the foreseeable future. Both Washington and Hanoi accepted compromises well short of their long-held goals.

► *Will there be a bloodbath?* No firm predictions are possible about this long-feared possibility. The agreement does, however, contain assurances against post-settlement violence, whatever they may be worth.

► *Will the U.S. pay to help rebuild North Viet Nam?* Yes, and Hanoi hints that the amount may have been agreed upon.

Washington's struggle to bring the fighting to a close inevitably shifted the U.S. role in the conflict from ally and combatant to mediator between Hanoi and Saigon—and there were signs in the explosive events of last week that the new role was proving to be as slippery as the old one. Although TIME had learned and published the outline of the secret agreements, there was no public confirmation of them until Saigon's fulminations against what was afoot and moves by Washington to seek more negotiations panicked a suspicious Hanoi into breaking its secrecy agreements with the U.S. and broadcasting the details. That in turn forced Washington to its public commitment, through Henry Kissinger, to the success of an extraordinarily intricate enterprise.

The imbroglio began with Kissinger's journey to Saigon. He managed to obtain Thieu's reluctant agreement to a cease-fire after four days of "heated" talks. But the tough-minded South Vietnamese President dug in against the proposal for a three-part council composed of Communists, Thieu loyalists and "neutrals." It would arrange elections, which Thieu fears would lead to a gradual Communist takeover or at least a new constitution that would effectively drum his narrowly based regime out of power. Fighting back in a two-hour TV address last week, Thieu denounced the plan as "a cunning scheme" of the Communists. Later on he threw up more flak in the form of a proposal for a United Nations-supervised vote to choose members of an electoral commission that would take the place of the three-part council.

Then it was North Viet Nam's turn. Fearful that the settlement—which it evidently wanted very badly—might



collapse, Hanoi mounted a frenzied campaign to pressure Washington into carrying it through. The North Vietnamese made direct appeals to Peking and Moscow to urge Washington to complete the negotiations. North Vietnamese diplomats in East European capitals called on Hanoi's Communist allies for similar third-party support.

But for its most effective ploy, Hanoi reached into Richard Nixon's bag of diplomatic tricks. Last January, in an effort to break the long impasse at the Paris negotiations (and hike up his sagging ratings in the polls), Nixon went on TV with his dramatic revelations of Kissinger's secret meetings in Paris, explaining that the disclosure might speed things along. In a similar move one afternoon late last week, Radio Hanoi flashed word that an "important statement" was coming. The broadcast that followed contained not only the first official summary of the nine-point plan but also a detailed account of the hur-

ried negotiations that had brought it about. The U.S., Hanoi charged, was using "difficulties in Saigon" as an excuse to back out of the deal.

The provisions revealed by Hanoi—and later confirmed by Kissinger—envision an internationally supervised cease-fire in place, a withdrawal of all U.S. forces and a return of P.O.W.s in 60 days, and complex arrangements for the evolution of a political settlement among the Vietnamese (see box, page 16).

Perhaps the most startling revelation of the Communist broadcast was the details on the pace of negotiations—which suggests that Hanoi was literally sprinting for a settlement before the U.S. election on Nov. 7. The two sides worked on tight deadlines. The first target date for an agreement to be signed was Oct. 26, a scant eighteen days after the beginning of "serious" negotiations on the nine points. According to Hanoi, there were two postponements



RICHARD NIXON



NGUYEN VAN THIEU



HENRY KISSINGER

—one to Oct. 30 and another, while Kissinger was haggling with Thieu in Saigon, to Tuesday, Oct. 31. If the U.S. did not sign the agreement on the deadline, Hanoi warned, the U.S. would be “responsible for prolonging the war.”

Hanoi's open gambit caught the Administration by surprise. When news of the broadcast reached Washington by 2 a.m., Kissinger called Nixon and told him what had happened. Early next morning, they met in Nixon's office and decided

that the Administration would have to make its own public accounting of the talks. Shortly after the meeting, Kissinger entered the briefing room.

It was a remarkable performance. Speaking without notes—he had only a copy of the agreement before him—Kissinger addressed a number of audiences. For the U.S. electorate, there was a forcefully put case for the Administration's handling of the negotiations. “We believe that by far the longest part of the road has been traversed,” he said. Yet the pace of negotiations “has not been framed by the election.”

He was almost abrupt with the Thieu regime. Saigon's wishes “would be taken extremely seriously,” he said, but “we will make our own decisions as to how long we believe a war should be continued.” He spoke warmly to Hanoi. He insisted that the Oct. 31 deadline had

been Hanoi's creation, and that while he had promised “a major effort” to meet it the U.S. did not feel bound by it. Things had been delayed by various problems—the most important of which seemed to have arisen in Saigon. But he “understood” Hanoi's disappointment, and reassured the North Vietnamese that “peace is within reach in a matter of weeks or less,” provided that the two sides held “one more” session in Paris of perhaps three or four days. After that, Washington and Hanoi could “move from hostility to normalcy and from normalcy to cooperation.”

But for the moment, Hanoi was still at the hostility stage. At a Paris press conference, North Viet Nam's reedy-voiced spokesman Nguyen Than Le chortled that certainly his colleagues would like to see Kissinger again—but only to “down the champagne” after the agreement had been signed. From Hanoi, Le Duc Tho sent word to Kissinger that he would meet him in Paris this week on Monday—but only if the U.S. was ready to sign on the Tuesday, Oct. 31 “deadline.” At week's end the Soviet news agency Tass took the highly unusual step of reporting that Soviet Premier Aleksei Kosygin had personally urged the North Vietnamese to continue negotiating.

What had driven Washington and Hanoi so close to a final agreement after so many years of stalemate? One big factor was the U.S.'s new relationships with Moscow and Peking, which no longer find it in their interests to duel with Washington over a scrap of Southeast Asian rice land. Nixon believes that his decision to resume full-scale bomb-

A Summary of the Nine Points

1) The U.S. respects the independence, sovereignty, unity and territorial integrity of Viet Nam as recognized by the 1954 Geneva agreements.

2) Twenty-four hours after the signing of the agreement a cease-fire will take effect throughout South Viet Nam. The U.S. will stop all its military activities and end the bombing and mining in North Viet Nam. Within 60 days there will be a total withdrawal from South Viet Nam of U.S. and allied troops and military personnel. No troops, military personnel, armaments, munitions or war material for the Provisional Revolutionary Government (Viet Cong) or the Saigon government will be reintroduced into South Viet Nam, except for replacement of war material worn out or damaged after the cease-fire, and then only on a piece-for-piece basis. The U.S. will not continue its military involvement or intervene in the “internal affairs” of South Viet Nam.

3) All captured and detained personnel of the parties will be returned simultaneously with the U.S. troop withdrawal—that is, within 60 days.

4) The South Vietnamese people will decide their own political future through “genuinely free and democratic general elections under international supervision.” The U.S. will not impose a “pro-American regime in Saigon” or commit itself to “any personality or political tendency.” General elections will be organized by an administrative organization called the National Council of National Reconciliation and Concord, composed of three equal segments (the Saigon gov-

ernment, the P.R.G. and neutralist groups). Saigon and the P.R.G. will hold talks to reduce and demobilize their forces and “sign an agreement on the internal matters of South Viet Nam”—if possible, within three months after the cease-fire. The National Council will “promote the implementation” of their agreements.

5) “The reunification of Viet Nam shall be carried out step by step through peaceful means.”

6) To supervise the agreement, a four-party military commission (consisting of North Viet Nam, the U.S., the P.R.G. and the Saigon government), and a joint military commission of the P.R.G. and the Saigon government will be formed, as well as an international commission of control. An international guarantee conference on Viet Nam will be convened within 30 days of the signing of the agreement.

7) All four parties will strictly respect the Cambodian and Laotian people's “fundamental national rights as recognized by the 1954 Geneva agreements on Indochina and the 1962 Geneva agreements on Laos”—that is, their independence, sovereignty, unity and territorial integrity. They will also respect the neutrality of Cambodia and Laos. Foreign countries will put an end to all military activities in Cambodia and Laos, and will “totally withdraw” and refrain from reintroducing arms.

8) The ending of the war “will create conditions for establishing a new, equal and mutually beneficial relationship” between North Viet Nam and the U.S. The U.S. will contribute “to healing the wounds of war and to reconstruction in North Viet Nam and throughout Indochina.”

9) The agreement will come into force as of its signing.

SPECIAL SECTION

with some acumen, to feel he might have more to fear from South Vietnamese politicians and factions he has hitherto ridden roughshod over than from the Communists.

Kissinger accentuated the positive. He reminded Thieu that he had a million-man military machine, a 120,000-man police force and the promise of U.S. aid continuing through the coming period of "political reconciliation." In short, Thieu had "a fighting chance."

Will Thieu go along? The Washington view is that there is less to Thieu's intransigence than appears on the surface. In order to strengthen his hand for the difficult days ahead, he is establishing himself as a Vietnamese patriot and not an American stooge. Like Hanoi, he was attempting to pressure Nixon on election eve into modifying the agreement in his favor. But what if Thieu refuses to settle? The next steps are unclear, but it is possible that the U.S. would declare that it had done what it could and then make a separate peace with Hanoi. In his briefing, Kissinger warned both Hanoi and Saigon: "We

will not be stampeded into an agreement until its provisions are right. We will not be deflected from an agreement when its provisions are right."

In any case, the dash for peace has been deflected for the moment by the need to tidy up those "loose ends." Kissinger wants to speed up creation of the international supervisory machinery so that it can be operative when the cease-fire is declared. The idea is to pare down the inevitable period of bloody chaos after a cease-fire—a situation that usually works to the advantage of guerrillas rather than government.

More serious was the wrangle over the hazily defined National Council of Reconciliation and Concord. The council is billed as a three-part "administrative structure" that would appear on the scene long enough to organize elections. Thieu worries that it could become what he has always steadfastly opposed and the Communists have always demanded: a tripartite coalition government. The issue is a powerful one because the well-organized Communists might well end up first among equals in any ar-

agement in which they would share power with Thieu loyalists and "neutrals." The Communists may see the council as a sort of "delayed coalition" that would eventually prove to be the basis of a post-Thieu regime. If so, it would be a major concession on the U.S.'s part—and perhaps a main reason why Hanoi is so anxious to sign.

During his TV exposition, Kissinger took pains to picture the council as a nongovernment body that would have no lasting political impact. But indeed, the very vagueness of the future it limns for Viet Nam is a brilliant part of the nine-point plan. As a State Department expert summed the agreement of last week: "Things cannot be settled to everyone's satisfaction. Thieu got what we promised: no imposed coalition, and a reasonable chance for South Viet Nam's survival." That is not really a great deal to show for a U.S. investment of ten years of fighting, more than \$100 billion and 56,000 lives, but for most Americans, it will probably be enough if it suffices to liquidate the U.S. share in the war at last.

Could It Have Been Settled Sooner?

THE end of the war will not arrest the bitter debate in the U.S. over whether that end might have come much sooner. The note was struck to cheers from a student audience in Iowa last week by George McGovern when he asked: "Why, Mr. Nixon, did you take another four years to put an end to this tragic war?" For McGovern and many Americans, the Thieu regime was so corrupt, the war so immoral, the cost in lives and national spirit so debilitating, that instant U.S. withdrawal from Viet Nam had long since been justified. Nixon, of course, rejected unilateral withdrawal by the U.S. from the outset of his Administration. He was convinced that America's role in the world could not allow abandoning a commitment and an ally. More important, he felt that the sacrifices in blood that the U.S. had already made in Indochina must not be dishonored and seemingly rendered in vain. So the quest for either a clear victory through Vietnamization and the massive use of U.S. airpower, or a negotiated, face-saving "peace with honor" began—to be accomplished within the four years of his first Administration, Nixon promised.

Any illusions about the prospects of victory through Vietnamization in that time frame were shattered by the successes of Hanoi's Easter offensive this year, when only American air strikes prevented a South Vietnamese rout. For both sides, those battles seemed to mark an acquiescence, or at least a war-weary recognition of military stalemate, making the negotiations, stymied by the demands of both sides for so long, at

last a more promising out. And finally, the bargain across the table was struck between Hanoi and Washington.

Could it have come sooner than this year? No, snapped Henry Kissinger in response to that inevitable first question following his briefing last week. There was "no possibility" for a deal until now because Hanoi, he said, "consistently refused to discuss the separation of the political and military issues" and insisted "that we had to predetermine the future of South Viet Nam in a negotiation with North Viet Nam." Hanoi's own testimony seemed to support that defense. Radio Hanoi claimed credit for making the swift, ultimate meeting of minds possible by its "extremely important initiative" in the area Kissinger cited. Moreover, there is little doubt that pressure from Moscow and Peking on Hanoi, which in turn resulted from Nixon's summit diplomacy, was a significant factor in Hanoi's agreement.

But the argument really goes beyond who finally said "I do" first, to an examination of what has finally been agreed to. The concessions and the compromises are real and earnest on both sides. The primary bargain may be that Nixon agreed to let North Vietnamese troops now in South Viet Nam remain there in exchange for Hanoi's permitting Thieu to stay in power while a political settlement is worked out.

On balance, whatever face the Administration puts on it, Nixon appears to have given more than he got. He has in effect ratified Hanoi's conquest of large portions of South Viet Nam, and

will permit North Vietnamese soldiers to stay on to preserve those conquests. He has in effect overturned the South Vietnamese constitution by certifying a process to rewrite it and replace the country's form of government. As a result, Thieu's interim lease on the presidential palace—Hanoi's part of the bargain—is tenuous. To be sure, he has a chance, but it is a limited one. TIME's Saigon Bureau Chief Stanley Cloud reports that "Most observers here seem to agree that it will be impossible for the Thieu government or any anti-Communist government in South Viet Nam to negotiate on a one-to-one basis, as the agreement provides, and survive." That does not necessarily mean an instant Communist government in Saigon; an interim period of years of factional regimes might ensue. For what Nixon has is a set of procedures for a political settlement among the Vietnamese so complicated that the U.S. will be gone from Viet Nam before any resolution, however injurious to American "honor," takes place. It surely is not the peace with honor Nixon said he had in mind when he took office and charted his Viet Nam course.

The question then becomes easier to frame: if Nixon had been willing to give as much in 1969 or 1970 or 1971 as he has now, could the U.S.'s part in the war have ended much sooner? There can, of course, be no definitive answer about the roads of history not taken. For its own reasons, Hanoi might have been adamant and unwilling to take the bargain. It was never tried. But in the long run the Communists stand to gain enough from the present deal so that it is hard to believe that Hanoi would not have accepted this or a similar offer.

ing of North Viet Nam and mine its harbors was also "very, very important." It is hard to measure how badly Hanoi has been hurt by these measures. But it seems undeniable that the failure of Moscow and Peking to challenge Nixon's moves was a signal that Hanoi could not ignore.

The Communists' massive Easter offensive also fits into the equation, although how it fits is a matter of debate. The Pentagon has been selling the offensive as a serious defeat. While it is true that an estimated 100,000 Communist troops were killed over seven months and that Thieu was not toppled, it is also true that the Communists are in better military shape in the South than they have been since 1969. With 100,000 to 145,000 North Vietnamese troops now in the country, the Communists control over one-third to one-half of South Viet Nam's territory (see map, page 15). Those areas encompass about 10% of the South's 17 million people; the Communists also have considerable but unmeasured strength in "government-controlled" areas. Thus the White House view is that Hanoi is reaching for the fig leaf to mask a defeat; but it seems plausible that the North has merely decided that this is an opportune time to seek a military end of the conflict in order to protect and possibly expand its political gains. A captured Communist directive dictated the new strategy last September: "Although we will stop with the cease-fire and the big guns will fall silent, the small guns will remain in action."

Hint. Overlaying the equations in Viet Nam has been the ineluctable fact of an American election year. By now, Washington's quadrennial political fixation must be one of the few institutions that governments everywhere can count on and plan for. Thus the timing of the "breakthrough" decision to negotiate was almost certainly dictated by Hanoi's perception, some time in September, that there was little prospect of a McGovern victory and a unilateral American withdrawal. Hanoi's haste to get Nixon to sign this week suggests that it is impressed with the argument that a settlement after the election might be less advantageous.

At first, events moved slowly. When Kissinger was in Moscow last April, Soviet Boss Leonid Brezhnev hinted that Hanoi might begin to bargain seriously if the U.S. would resume the formal Paris negotiations, which it had broken off a month earlier. The negotiators went back to the Majestic Hotel, but nothing happened. Then when Kissinger was in Peking in July, China's Premier Chou En-lai dropped a similar hint; this time the results were more encouraging. By August a cease-fire was emerging as the central topic of the secret talks for the first time—and Kissinger flew to Saigon to prepare Thieu. Kissinger's first serious discussion of a deal with Le Duc Tho came in late September. That session lasted two days, and this time Kis-



BUYING SOUTH VIETNAMESE FLAGS IN SAIGON

Preparing to show their colors—and protect themselves.

singer's deputy, General Alexander M. Haig Jr., made the trip to Saigon.

The real breakthrough came on Oct. 8, as Kissinger arrived at a spacious villa used by the North Vietnamese near the town of Rambouillet, 28 miles southwest of Paris, for this 19th meeting with Le Duc Tho. The North Vietnamese began the quiet Sunday-morning session with a ritual demand for a political settlement, and then asked for a two-hour break. Kissinger spent the time walking through the surrounding oak and beech forests, pondering what would come next. The setting had the kind of historical cachet that delights Kissinger. It was at Rambouillet, with its 14th century chateau, once a retreat of Mary Queen of Scots, Catherine de Medicis and Henry IV, where Ernest Hemingway set up his headquarters with advance units of the American Army about to retake Paris in 1944. Now Kissinger and Le Duc Tho would be added to the guidebooks.

When Kissinger returned to the villa, Le Duc Tho offered a cease-fire close to the President's May 8 plan, and the four-year impasse was broken at last. Kissinger sent a summary to the White House by cable, then called ahead to Nixon that something was coming that deserved his "urgent consideration." Next morning Kissinger postponed the Monday session twice so that Washington's answer could be received and digested. From then on, negotiations moved at full speed. By the end of two more 16-hour sessions, the two sides had produced a draft of the nine-point plan. Its title: "Agreement on Ending the War and Restoring Peace in Viet Nam."

The North Vietnamese wanted to set deadlines; Oct. 31 was the final date after two postponements. Kissinger did not flatly reject the idea, and over the course of the next few days Nixon sent Hanoi's Premier Pham Van Dong two messages saying that the U.S. would make every effort to conclude the ne-

gotiations by that date. But Kissinger insisted repeatedly that the U.S. could not sign unless all parties concerned were agreed. Even so the Administration was eager to move ahead as fast and as far as possible. Though the Oct. 31 deadline meant compressing a three-week process into ten days, Kissinger felt that even if there "were a lot of loose ends" it would be "worth the gamble."

Back in Washington after his unprecedented five-day meeting at Rambouillet, Kissinger and Haig drove straight to the White House. "How are the girls in Paris?" Nixon quipped. Then they got down to work.

Two days later, Kissinger was ready to fly to Saigon via Paris and put the proposition to Thieu. As he boarded the presidential 707 for the flight, Kissinger was given a handwritten letter from Nixon. On two pages of pale green stationery, Nixon had penned some last-minute thoughts for his plenipotentiary for peace. "Do what is right for an honorable peace, without regard to the election," he wrote. A settlement might be "a slight plus for the election," Nixon mused, but more likely it would prove to be "basically a mixed bag for a variety of reasons."

Patriot. In Paris, Kissinger stressed to Xuan Thuy, Le Duc Tho's deputy, that there were now three possibilities: All parties would agree to the nine-point plan, or some revisions would have to be made, or there would be a total deadlock. Next day, as Kissinger arrived in Saigon for his four days of talks with Thieu, the trouble began.

Thieu was concerned about granting the Communists *de facto* territorial sovereignty over those areas they now occupy. He was irate that the agreement would permit the North Vietnamese troops camped on South Vietnamese soil to remain. But he seemed most concerned about the political unrest and coup-scheming that might be unleashed by a cease-fire. He seemed, doubtless