

NYTimes

DEC 17 1972

Kissinger Says Talks Have Not Reached 'Just and Fair' Agreement; Blames Hanoi



United Press International

Henry A. Kissinger speaking at White House yesterday

HE DEFENDS STAND

Also Says Washington Won't Allow Thieu to Veto a Pact

NYTimes DEC 17 1972

By BERNARD GWERTZMAN

Special to The New York Times

WASHINGTON, Dec. 16— Henry A. Kissinger said today that the negotiations between the United States and North Vietnam had so far failed to reach what President Nixon regarded as "a just and fair agreement" to end the Vietnam war.

Breaking the Administration's silence on his just-completed talks in Paris with Hanoi's chief negotiator, Le Duc Tho, Mr. Kissinger acknowledged that South Vietnam's objections to

Excerpts from transcript of Kissinger remarks, Page 34.

an agreement were serious—adding that the United States would not allow South Vietnam to veto an American decision to sign—but insisted that Hanoi must accept the largest share of blame for the failure to reach an accord.

Won't Be 'Blackmailed'

He gave no indication of when talks might be resumed. He said the two sides would

remain "in contact through messages," adding: "We can then decide whether, or when, to meet again."

"We will not be blackmailed into an agreement," Mr. Kissinger said in a news conference. "We will not be stampeded into an agreement. And if I may say so, we will not be charmed into an agreement, until its conditions are right."

Mr. Kissinger seemed anxious to justify his statement on Oct. 26 that "peace is at hand," and he defended the American proposals made in the latest round of talks, which apparently brought counterproposals from Hanoi that Mr. Kissinger said had often been "frivolous."

Broke Secrecy Pledge

Mr. Kissinger said that there had been an agreement with Mr. Tho not to discuss the negotiations, but that Mr. Nixon had decided to break it because it was important not to maintain a "charade" in front of the American people.

This was an apparent reference to the mood of expectation that had been created by the Administration's oft-stated optimism of the last seven weeks.

Mr. Kissinger said the negotiations were now at "a curious point." On the one hand, he said, "we have an agreement that is 99 per cent completed," but on the other, he said, solution of the remaining 1 per cent requires a major decision by Hanoi.

Mr. Kissinger, President Nix-

Continued on Page 35, Column 1

Kissinger Says Talks Haven't Reached 'Just' Accord

Continued From Page 1, Col. 8

on's chief adviser on foreign policy, said that the recent negotiations in Paris with Mr. Tho had been marked by frustration. He said that every time an agreement seemed "just within our reach, it pulled just beyond our reach when we tried to grasp it."

For example, he said, last Sunday the two sides seemed so close to an accord that Mr. Nixon summoned Gen. Alexander M. Haig Jr., Mr. Kissinger's deputy, back to Washington to prepare to go to Saigon with the proposed agreement.

Technical teams, which began work on Monday, were supposed to wrap up the agreement, Mr. Kissinger said, but instead, Hanoi brought in 17 new changes in the text. And when one problem was solved, he said, it would reappear later in a new Hanoi proposal somewhere else, either in accompanying protocols or in a list of "understandings" that would accompany the formal text of an agreement.

Mr. Kissinger provided details of some aspects of the negotiations and refrained from giving details on others.

From his discussion, he left the impression that there were two matters of substance that Mr. Nixon considered crucial to an agreement:

The first dealt with the question of an international supervisory team to check on the cease-fire.

Mr. Kissinger said Hanoi refused to discuss details of its activity until the day before he was to return to Washington. He said the United States believed the force should consist of several thousand members—5,000 has been mentioned in private—and should have freedom of movement.

But he said that Hanoi wanted to limit the force—of Canadians, Hungarians, Indonesians and Poles—to 250, of whom nearly half would be limited to headquarters. The North Vietnamese also insisted that the force should have no transport or communications of its own, and should move only with escorts, he said.

"It is our impression that the members of this [supervisory] commission will not exhaust themselves in frenzies of activity if this procedure were adopted," he said.

The second, and potentially more difficult to solve, dealt with an issue that apparently was raised by the United States in the latest round of negotiations—efforts to get the agreement to make clear that Saigon had complete sovereignty over South Vietnam.

Details of this dispute were made known to The New York

4 Fly to North Vietnam With Gifts for P.O.W.'s

Special to The New York Times

VIENTIANE, Laos, Dec. 16—Four Americans, including retired Brig. Gen. Telford Taylor and folk singer Joan Baez, flew to Hanoi today carrying some 500 letters and a duffel bag of gifts for American prisoners of war in North Vietnam.

Mr. Taylor, a professor of law at Columbia University, was a United States Army prosecutor at the Nuremberg trial of high-ranking Nazis after World War II. He is the author of "Nuremberg and Vietnam" and other works on the legal implications of war.

Others making the trip were the Rev. Michael Allen, associate dean of the Yale Divinity School, and Barry Romo, a former United States Army first lieutenant who served with the Americal Division in South Vietnam.

Times in Paris last week, but Mr. Kissinger refused to discuss them today in more than general terms.

He said the United States wanted to insure that the agreement made it clear that "the two parts of Vietnam would live in peace with each other."

Mr. Kissinger said that this was "a fundamental point" that had been accepted two weeks ago, and then rejected by Hanoi at the talks. "We are not raising a new fundamental point. We are raising the acceptance of something that had already once been accepted," he said.

He did not explain what kind of agreement had been reached two weeks earlier, but other Administration sources said he referred to Hanoi's acceptance of the concept that the agreement would recognize the demilitarized zone between the two Vietnams. This was one of Mr. Thieu's demands. According to the sources, Hanoi apparently withdrew this agreement in the Dec. 4 round of talks. Publicly, Hanoi has consistently rejected this proposal.

"I can't consider it an extremely onerous demand to say that the parties to a peace settlement should live in peace with one another, and we cannot make a settlement which brings peace to North Vietnam and maintain the war in South Vietnam," he said.

Mr. Thieu had also been demanding the total withdrawal of all North Vietnamese forces—said by American sources to number 145,000—from South Vietnam, but the United States

has rejected that demand as unreasonable, Mr. Kissinger said.

But he indicated that the United States would continue to support Saigon on the more general problem of getting a pledge from Hanoi not to intervene in South Vietnamese affairs.

He said that the United States would not allow South Vietnam to veto an American decision to sign what Mr. Nixon regarded as a good agreement.

But he said, "Today, this question is moot. We have not yet reached an agreement which the President considers just and fair."

Seems on Defensive

Mr. Kissinger's presentation was often repetitive and he seemed tired and a bit on the defensive. He left room for questions, but he failed to answer in detail queries about why North Vietnam had changed its seemingly conciliatory attitude of October.

Many published reports have charged that the impasse in the Paris negotiations was caused by the American insistence on getting Hanoi to recognize Saigon's sovereignty, in effect, giving up the idea of a united Vietnam under Hanoi's rule. Implicit in such recognition would also be the disavowal of the National Liberation Front, or Vietcong.

This interpretation has held that Mr. Nixon had to make a fundamental decision whether to continue backing Saigon or to go for the accord available with Hanoi now.

In particular, the New York Times reported from Paris in Wednesday's issue that "responsible officials" said the talks were concluding because of an impasse over the sovereignty question.

That report said that the debate over Saigon's sovereignty had gotten nowhere. It added that North Vietnam regarded the question as crucial and that Mr. Tho told Mr. Kissinger that Hanoi would insist on reopening matters already agreed upon if the United States persisted in pressing the Saigon Government's demands.

This report was not denied by the Administration in subsequent days.

As a result of the Times's dispatch, several newsmen—and some officials—had speculated that Mr. Nixon was preparing to disassociate the United States from South Vietnam's demands and to strike the best bargain it could with North Vietnam.

Mr. Kissinger, however, suggested strongly today that Mr. Nixon intended to stick by his support of Mr. Thieu's proposal and he insisted that the cause of the delay in reaching an

accord lay not in Saigon but in Hanoi.

At one point, he said that sometimes the Vietnamese, who have fought for so many years, fear the risks of a peace more than they do continuing the fighting.

There is sure to be debate in coming days on whether Mr. Kissinger's analysis, blaming North Vietnam for the impasse in the talks, is justified. He said that Hanoi was sure to issue its own version of events as soon as it learned of his news conference.

Mr. Kissinger said that when the Vietnam negotiations resumed in Paris on Nov. 20, he offered three types of proposals. The first dealt with "linguistic problems," the second dealt with the international machinery for a cease-fire, to insure that the group went into action immediately, and the third with the controversial language dealing with two Vietnams.

Reports Change in Attitude

He said that for the first three days, the negotiations continued in the "spirit and attitude" of the October negotiations that led to the nine-point draft agreement.

"We presented our proposals. Some were accepted and some rejected. We had made substantial progress. All of us felt we were close to an agreement," he said.

"I do not know what decisions were made in Hanoi, but from that point on, negotiations have had the character of where a settlement was always just within our reach, but was always just beyond our grasp when we attempted to grasp it," he said.

On Nov. 25, the two sides recessed in Paris, and resumed again on Dec. 4. He said that the American team thought only two or three more days of negotiations were needed to resolve the remaining issues.

But he said that on Dec. 4, Hanoi pulled back on every change agreed to two weeks earlier. Then, he said, the United States spent the rest of the week getting to where the two sides had stood when the talks resumed on Dec. 4.

"By Saturday, Dec. 9, the Americans felt they were again within reach of an agreement, and General Haig returned to Washington, Mr. Kissinger said. But beginning on Monday, Dec. 11, Hanoi seemed anxious to delay an agreement, raising one issue as soon as another one was settled, he said.

He gave no reason for the decision to suspend the talks at that point, but he suggested that Mr. Nixon believed the sessions had been unproductive.