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VIETNAM: THE SECRET RECORD

THE EXTRAORDINARY diplomatic story behind the secret 1972 and 1973 negotiations leading to the Vietnam peace agreement and subsequent events may never be told publicly in its complex entirety—it certainly would not serve the Nixon administration to do so—but sufficient new material is now available to permit at least a partial reconstruction of what happened, and how, during these hectic years and months.

This reconstruction, based on heretofore unpublished accounts of the negotiations, a lengthy secret State Department document providing the internal interpretation of the agreement by the U.S. government and fresh insights into our negotiating position, includes these highlights:

- The United States has made a series of secret commitments to North Vietnam, most of which have remained unfulfilled, to implement the Peace agreement. The most important commitment covered the removal, within a year, of all American civilians in South Vietnam engaged in supporting South Vietnamese armed forces. Simultaneously, the United States has secretly counseled Saigon on how to bend certain military provisions of the cease-fire, the ban on procuring more sophisticated planes and shipping arms to Cambodia up the Mekong River.
- The United States and North Vietnam successfully negotiated, except for one unresolved point, an agreement on American aid to Hanoi for economic reconstruction. The accord was reached in principle late in March, 1973, but the administration shelved it because of its displeasure over Communist truce violations. Both the agreement and the shelving have been kept secret.
- American military aid to South Vietnam is currently coordinated through a special "covert" section in the office of the defense attache in the American embassy in Saigon. The section is a 'minicommand" with over 100 personnel. It reports to a U.S. military headquarters in Thailand.
- The real turning point in the negotiations came not in Paris, but Moscow, when Henry Kissinger indicated to Soviet leader Leonid Brezhnev, during a secret visit late in April, 1972, that the United States, in effect, no longer demanded the withdrawal of North Vietnamese troops from South Vietnam as a prior condition. The following month, at the Moscow summit, Kissinger stunned the Russians with a proposal for a tripartite electoral commission in South Vietnam. Apparently with Soviet and Chinese diplomatic help, the United States then won, as a *quid pro quo*, Hanoi's willingness to drop its insistence on South Vietnamese President Nguyen Van Thieu's removal prior to a cease-fire. These events led to the North Vietnamese secret peace proposal in October, 1972, and ultimately to the settlement.
- Throughout most of the negotiating process in 1972, Kissinger kept Saigon in the dark about his diplomacy. As late as August, he encouraged Thieu to prepare for an invasion of North Vietnam after the U.S. presidential elections. Only in October, however, did he acknowledge to Theiu that the United States was no longer demanding the departure of Hanoi's forces from the South.
- Kissinger also misled Cambodian President Lon Nol in October, 1972, when he claimed that he had Hanoi's assurances for a simultaneous cease-fire in Cambodia and Vietnam. In this connection, the secret State Department interpretation document discloses that Article 20 of the Paris agreement was deliberately drafted in such a way as to permit the United States to conduct air operations over Cambodia and Laos until a cease-fire there and the withdrawal of all foreign troops. The administration had not counted on the subsequent congressional action banning air operations in Cambodia.

The truly fascinating aspect of the secret diplomatic history of the peace talks was Kissinger's (and, presumably, President Nixon's) ability to develop completely distinct public and private negotiating positions—particularly during 1972—and the manipulation of foe and friend alike. This was done against the background of increasingly hostile public opinion at home—the antiwar movement was at its apex by 1971—and in the context of Kissinger's conviction that the key to a Vietnam settlement was a detente with both the Soviet Union and China. Conversely, Kissinger believed that detente could flourish in the long run only with the liquidation of the Vietnam war. Thus, in 1971, the strands of U.S. policies toward Moscow, Peking and Hanoi began coming together as Kissinger wove an intricate diplomatic fabric in the Communist world.

There were also two other cardinal concepts governing the Kissinger policy: One was that the United States had to extricate itself from Vietnam sooner or later—even if it meant a potential break with Saigon, as Thieu was to discover in good time—and the other was his unshakable belief, expressed privately in 1969, after his first secret meetings with the North Vietnamese, that the breakthrough in negotiations could come only after a final paroxysm of battle. He was, of course, proved right in 1972. Meanwhile, his diplomacy was designed to keep everybody off balance—Thieu and Lon Nol on one side and the North Vietnamese, the Russians, and the Chinese on the other. It is even possible that Mr. Nixon did not fully understand at all times what his special assistant for national security affairs was doing.

All along it was an exercise in diplomatic brinkmanship on many fronts. One false step could bring the collapse of the whole Kissinger diplomatic edifice—and he came rather close to it on more than one occasion. In any event, Kissinger could perforce operate only in total secrecy, not only from the public but often from many of the other principal actors in the Vietnam drama.

By Tad Szulc

This account of the complex negotiations that led to American military disengagement from the Vietnam war is based on new information pieced together from a wide variety of sources in Washington, Paris and elsewhere by Szulc, a Washington writer, in the course of his research for a new book on the foreign policy of President Nixon and Henry Kissinger (to be published by the Viking Press early next year).

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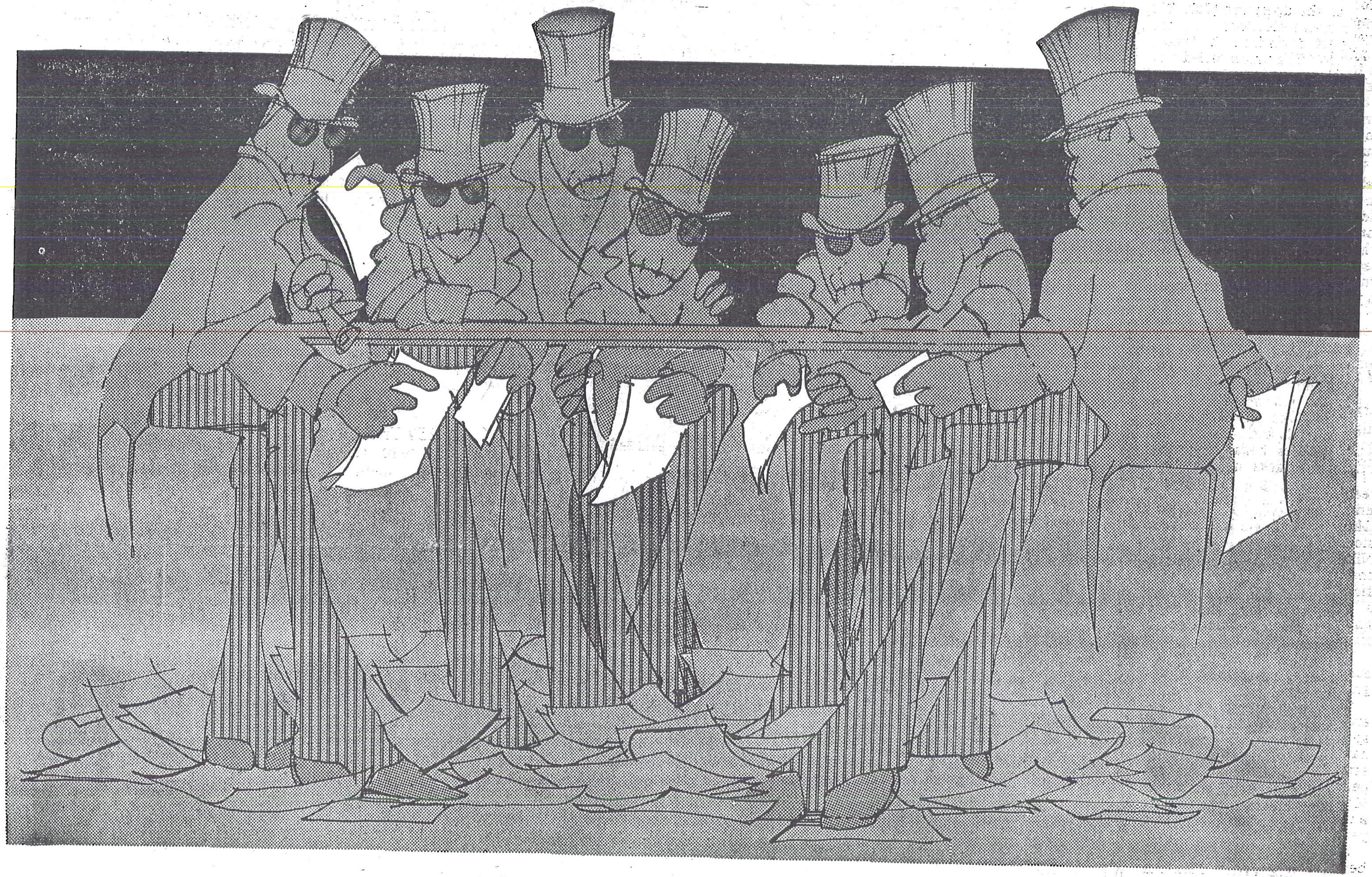


By John Twohey—The Washington Post

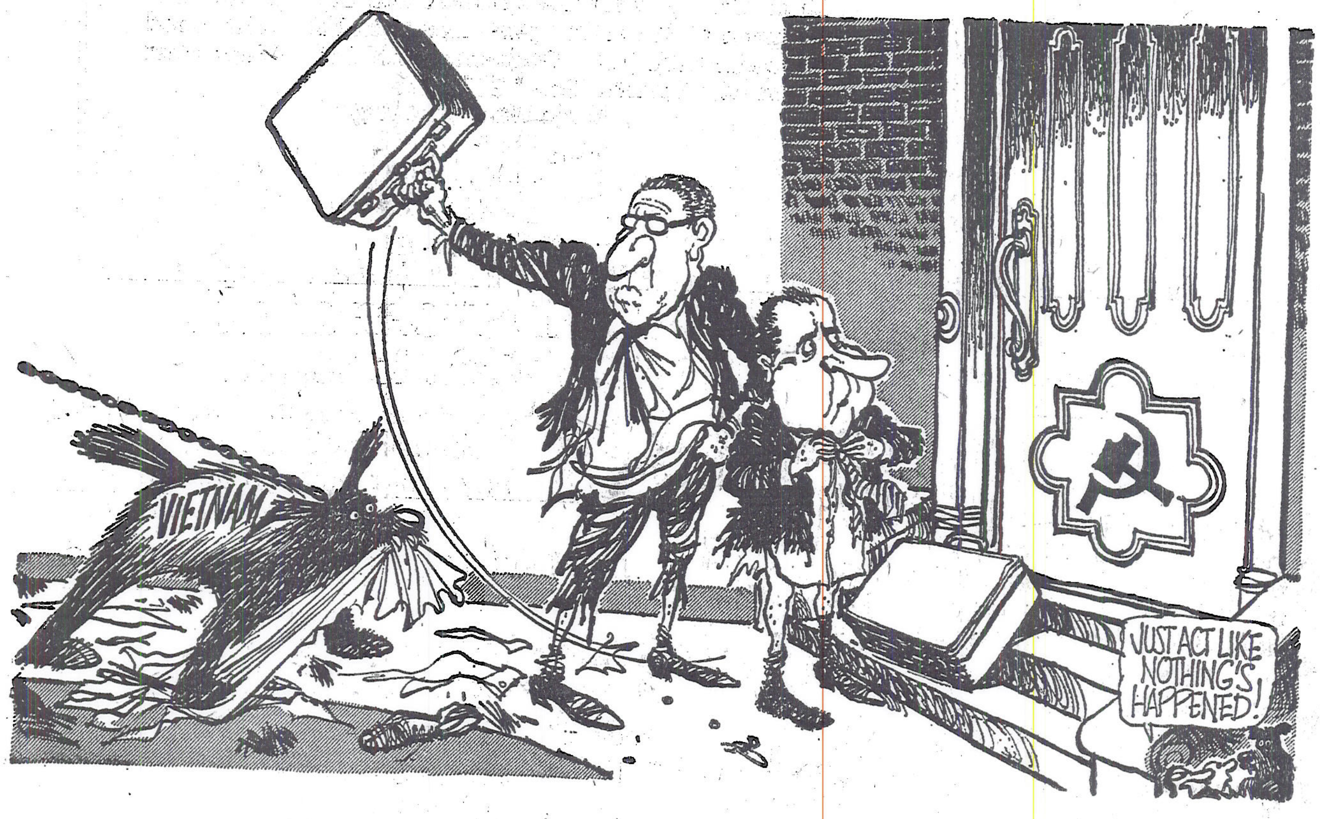
I. Going to Moscow

date. This was accepted by the North Vietnamese 12 days later, when the presidential party was already home from China. But on March 6, the North Vietnamese asked for a postponement until April 15. Kissinger, who was planning a Tokyo trip on that date, proposed April 24. Hanoi agreed on March 31, only after the United States angrily interrupted semipublic sessions in Paris.

The launching of the North Vietnamese offensive on March 30 explains why Hanoi combined its new public hostility toward the United States with foot-dragging on the resuming of secret negotiations in preceeding weeks. What is unexplained is why the Nixon administration failed to perceive in time what was happening. Kissinger himself admitted later that only on Easter Sunday did he realize that Saigon was facing a full-fledged offensive and that the North Vietnamese were "going for broke" in a last desperate attempt to smash the South Vietnamese army before a peace settlement. This is particularly perplexing when one considers that Kissinger had always believed that peace would ultimately come only after a final outbreak of heavy fighting. Still, the overwhelming concern in the White House was the just-concluded trip to China and the approaching Moscow summit. As a senior White House official remarked at the time, Vietnam was a "cruel side show" in the Administration's new worldwide policies.

When the scope of the Communist offensive was finally realized, a touch of panic developed in the White House. The fall of Quangtri during April deepened the concern, as well as the growing belief that the United States must intervene massively to save Saigon from collapse. Kissinger was portrayed by his associates as fearing that the ARVN could not hold its own.

By mid-April, the overhanging question was how to


VIETNAM
JUST ACT LIKE NOTHING'S HAPPENED!

Oliphant in the Denver Post

"Okay, real cool now—dignified, all business, but cordial . . ."

move decisively in Vietnam without, at the same time, destroying the chances for the Moscow summit scheduled for May. Mr. Nixon dispatched Kissinger to the Soviet capital to explore the situation with Brezhnev, and to enlist his support for convincing Hanoi to cease the offensive.

Kissinger in Moscow

THE KISSINGER MISSION to Moscow on April 20 was shrouded in total secrecy. The Air Force jet that brought him from Andrews Air Force Base landed at a Soviet domestic airfield near Moscow rather than at Vnukovo international airport where the white-and-blue plane might have been spotted. Soviet government limousines took Kissinger's party to an estate known as Dom Pryoma in the Lenin Hills about 15 minutes away from Moscow.

So great was the secrecy that except for a surreptitious visit to the Kremlin on their last evening in the Soviet Union, Kissinger and his staff never came to Moscow. An advance White House team headed by Brig. Gen. Brent Scowcroft, also in Moscow to prepare the Nixon visit, was never told of Kissinger's presence, and apparently neither was the American ambassador, Jacob D. Beam. For four days, Kissinger and his staff, including Helmut Sonnenfeldt (now counselor of the State Department), met with Brezhnev and his advisers at the Chairman's private *dacha* at the Zavidova estate 40 miles away. With Brezhnev were Foreign Minister Andrei Gromyko, Ambassador to Washington Anatolyi Dobrynin, Andrei Alexandrov (Brezhnev's personal foreign policy adviser) and an interpreter.

Subsequently, Kissinger publicly disclosed his secret meetings with Brezhnev. He said that the Vietnam situation was discussed "at considerable length," but he gave no details.

What Kissinger has not made public to this day is that his sessions with Brezhnev produced what probably was the first major turning point in the history of the Vietnam negotiations. He told an astonished Brezhnev that the United States would be willing to accept a cease-fire in place in exchange for the departure of the North Vietnamese forces which had entered South Vietnam since the start of the offensive on March 30.

This was a veritable diplomatic bomb; Washington had never before *explicitly* agreed to let any North Vietnamese forces stay in the South. An offhand calculation at that point was that between 30,000 and 40,000 fresh North Vietnamese troops had entered South Vietnam since the offensive. Kissinger was telling Brezhnev that Washington would not demand the evacuation of the estimated 100,000 North Vietnamese who had been in the South prior to the offensive.

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This offer has to be carefully analyzed to understand Kissinger's secret diplomacy. A concession of enormous magnitude was being made to Hanoi via the Russians. Since May 31, 1971, secret American peace proposals had *hinted* that the United States was not inflexible on the question of North Vietnamese forces, central as this was to the long-range survival of the Saigon regime. The October, 1971, proposal had left the matter deliberately ambiguous with the use of the phrase that all armed forces of "the countries of Indochina must remain within their national frontiers." Since Hanoi always took the view that Vietnam was "one country" with "two armies," the North Vietnamese were given the latitude to interpret this phrase as they wished. But they had never been told clearly that their forces could remain in the South.

In the past, Mr. Nixon had used the expression "cease-fire in place," but it was always taken to mean that a settlement including "mutual withdrawals" would then be negotiated. This concept was repeatedly rejected by Hanoi. Speaking with Brezhnev, however, Kissinger was linking his secret offer with the insistence that Hanoi stop demanding Thieu's removal before any agreement. Thus he later indicated to Brezhnev that the United States would not impose a Communist government on Saigon and wanted, instead, a "genuine political solution." Kissinger also reminded Brezhnev that the American proposal of May, 1971, implicitly carried the same notion.

Now the idea was for Brezhnev to transmit the new feature of the American position to Hanoi, so that a basis could be established for resuming secret negotiations leading to the cessation of fighting and a final settlement. Brezhnev agreed to do so, and Kissinger thus could report publicly, two weeks later, that the Russians "felt that every effort should be made to resume negotiations."

Risking the Summit

SHORTLY AFTER KISSINGER returned to Washington, word was received that Hanoi was ready for a secret meeting in Paris on May 2. But, meanwhile, the military situation in South Vietnam had deteriorated to such a point that Mr. Nixon and Kissinger began to plan retaliatory action against North Vietnam: massive bombings of the Hanoi-Haiphong area and of all North Vietnamese communications lines, and the mining of the port of Haiphong. Kissinger felt, however, that it was essential to hold the meeting with Hanoi's Le Duc Tho before a final decision was taken to strike at the North.

Kissinger and a small staff left Andrews on the evening of May 1, reaching Paris the following morning under the cover of secrecy. He met with Tho for nearly four hours. The meeting produced no results.

North Vietnam, apparently flushed with its military successes, was in no mood to negotiate and the American party flew home the same evening. The May 2 meeting was the first one between Kissinger and Tho since Sept. 13, 1971. Kissinger, who had been frequently telling his staff in the crisis period that since the United States could not weaken North Vietnam through diplomacy it had to do so through force, now concluded that the time for action had come.

At 6 p.m. on Friday, May 5, Gen. Alexander M. Haig, then Kissinger's deputy, summoned a meeting of National Security Council staffers in the White House Situation Room to inform them that it was "98 per cent certain" that the President would order bombings of North Vietnam and the mining of Haiphong. He said that a full meeting of the NSC was scheduled for 9 a.m. on Monday, May 8, and that the staff had the weekend to "game out" the plans.

At noon on Saturday, Kissinger conducted a preparatory meeting attended by Haig, George Carver of the CIA, Sonnenfeldt as the Soviet expert, John Holdridge as the China expert, and several NSC staffers. He went around the table asking for opinions. Carver said the CIA supported the bombing and mining plan because it could result in great pressures on the Hanoi leadership. This was a departure from the standing CIA position against violent retaliatory acts. Sonnenfeldt said Moscow would not increase its involvement in the Vietnam conflict unless a Soviet ship in Haiphong were hit by American bombs, but he gave even odds that the forthcoming summit might be cancelled by the Russians. Holdridge said he doubted China would respond violently. Haig supported the plan so long as it called for a sustained effort over an adequate time period.

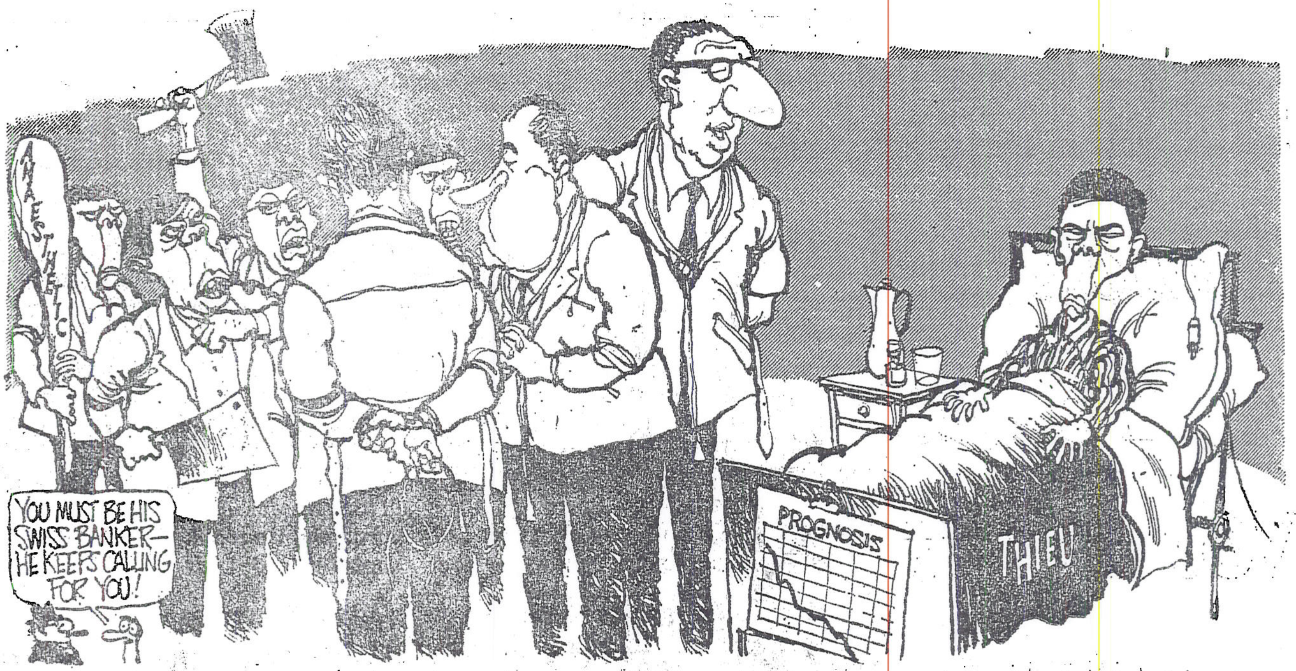
Kissinger was described as agonizing over the decision. He paced back and forth, wondering aloud whether, after all, it would be wise policy. He knew instinctively that Mr. Nixon favored action, but he expressed doubts as to whether it was worth the risk because the ARVN might collapse anyway and the United States had already done enough for Saigon. In the end, according to associates, he was able to rationalize the need for the bombing and the mining. The NSC staff spent all Sunday coordinating operations with the Pentagon, preparing to notify the Soviets, Chinese and others of the U.S. actions, and drafting the Nixon speech. The first draft was written by Winston Lord, an assistant to Kissinger.

On Monday, May 8, the full NSC met with the President. Mr. Nixon invited all the members to give their opinions. CIA Director Richard M. Helms, the first to speak, appeared to have little enthusiasm for the bombing and mining on the theory that materiel could be easily moved to North Vietnam overland by railway from China. Secretary of State William P. Rogers then spoke out strongly against both measures. He told the President that we had already done enough for South Vietnam.

In his opening remarks, Mr. Nixon told the group that they faced a tough situation, in view of the approaching Moscow summit, but that in reality a Soviet ally had invaded an ally of the United States. He said that he did not wish to hear the argument that retaliation against North Vietnam would kill the Moscow summit, because the President of the United States was not prepared to go to the Soviet Union if it did nothing to discourage an attack on America's ally.

Secretary of Defense Melvin Laird was outspoken against both actions. He argued that Vietnamization was working well, that Hue had not yet been taken by the Communists, and that the ARVN was proving itself. Besides, Laird said, the Pentagon already had a $4 billion deficit in 1972 and the Navy had expended all the ammunition allocated for the current fiscal year.

Treasury Secretary John Connally was the strongest advocate of retaliation. As one of the participants described it, Connally practically jumped out of his chair, pointing his finger at Mr. Nixon and saying that, in effect, he would not be a real President if he failed to act. He made disparaging comments about Laird's reservations. Vice President Agnew strongly favored the decision "to



ANAESTHETIC
YOU MUST BE HIS SWISS BANKER— HE KEEPS CALLING FOR YOU!
PROGNOSIS
THIEU

Oliphant in the Denver Post

"We've agreed to operate . . . now we're discussing the method"

go." The only comment Kissinger made during the whole meeting was that there was a 50-50 chance that the Soviets would cancel the summit if the United States engaged in the bombing and mining.

A participant said later that if a secret ballot had been taken at the meeting, the decision might have gone against the bombing of the North. But few of the NSC members seemed disturbed about the mining of Haiphong. The President ended the meeting at noon, saying that he would make his decision soon. He did so a few minutes before 2 p.m. Word went out immediately to the military to launch the operations.

President Nixon spoke to the nation at 9 p.m. to announce his decision. The most notable feature of this speech was the omission of any suggestion that a North Vietnamese withdrawal from the South was required as a condition to cease the bombing and the mining. Unlike his Jan. 25 speech, the President did not mention the need for the armed forces of Indochinese countries to "remain within their national frontiers." This was consistent with the offer Kissinger had made to Brezhnev two weeks earlier.

The omission of any reference to North Vietnamese withdrawals was deliberate. It was part of the Nixon-Kissinger "stick-and-carrot" policy designed to achieve an acceptable settlement of the Vietnam war during the election year of 1972. It is known that as early as 1970, an NSC staff review of Indochina cease-fire consequences had convinced Kissinger that there was no way to win the removal of the North Vietnamese from the South. Until the May 8 speech, therefore, the United States had been simply paying lip service to this notion. In other words, the official U.S. position had now become that a *permanent* cease-fire in place was to follow the end of the fighting. Inevitably the conclusion was reached that in the end Saigon would have to cope with a military "leopard spots" situation in the South.

Nixon in Moscow

THE WHITE HOUSE won the gamble—the Russians did not cancel the summit. Mr. Nixon flew to Moscow assured now that Brezhnev wished to be helpful in settling the war.

The Americans and the Russians held four discussions about Vietnam. The first one was on May 24 at the Dom Pryoma estate where Brezhnev entertained Mr. Nixon for dinner. Mr. Nixon was accompanied by Kissinger and two NSC staffers. Brezhnev, however, brought along President Nikolai Podgorny, Premier Alexei Kosygin, and Alexandrov, his foreign policy expert.

The session began shortly before 8 p.m. and lasted until 11:30 p.m. when Brezhnev finally called a recess for dinner. Mr. Nixon took the floor first and spoke for about 20 minutes, making the point that if the Soviet Union's allies attack America's allies with Soviet equipment, the United States has no choice but to react. Mr. Nixon went on to say that the United States had laid out its negotiating terms and that if Hanoi did not find them acceptable, we would pursue the bombing and the mining.

Kosygin, Podgorny and Brezhnev each spoke for about one hour, in that order. They were critical of the American policies in Vietnam, but said, in effect, that there was nothing the Soviet Union could do about it. The most bitter speech was delivered by Kosygin, who recalled: "I was in Hanoi when the Americans started bombing Hanoi and I shall never forget it." This was a reference to the 1965 bombings. But, as Sonnenfeldt had predicted, even Kosygin confined his protest to the danger of a Soviet ship being hit by American bombs. The thrust of Brezhnev's remarks was that detente was moving ahead, so why should the United States spoil it all by destroying North Vietnam and being condemned for it by the rest of the world? None of the three Russians suggested that the continuing war in Vietnam was an obstacle to detente. At one point, Kosygin turned to Mr. Nixon and said: "You have Henry Kissinger, he's a smart man, why don't you get him to find the right solution for the war?" The meeting went on for so long that Mr. Nixon turned to Kissinger to whisper: "God, this cannot go on like this." Then, in a rather unusual gesture, Mr. Nixon lit a small cigar. The sumptuous dinner was all cordiality, Kosygin leading the toasts with Georgian brandy. Mr. Nixon had two or three brandies, bottoms-up.

The second meeting on Vietnam was held between Kissinger and Gromyko at the Kremlin in the afternoon of May 25. There Kissinger dropped two more diplomatic bombs. After Gromyko made it clear that the Soviet Union could live with the existing situation in Vietnam, Kissinger told him that the American air action over North Vietnam did not necessarily have to continue until all the POWs were returned. This was an abrupt departure from the position stated by Mr. Nixon in his speech only two weeks earlier that the return of the prisoners was the first condition for the end of the bombing of the North. Thus, again, Kissinger was producing a secret diplomatic track at variance with the public U.S. position. Clearly, he was using the bombing as a bargaining chip.

Kissinger's second bomb that afternoon was his sudden introduction of the theme of the political situation in Vietnam. This had not been discussed the previous evening by the principals and was also a departure from the Nixon speech of May 8, in which no mention at all was made of Vietnamese politics. Kissinger announced that the United States was prepared to back a tripartite electoral commission in South Vietnam, including elements from the Saigon regime, the Vietcong and the neutralists.

This was a real shift in the American stance: The United States had opposed such a tripartite commission all along out of fear that it could evolve into a coalition government, something Saigon and Washington had always rejected. The secret American proposal of October, 1971, had spoken only of an "independent body," representing all political forces in South Vietnam, to organize and run the elections. It had been a far cry from a tripartite commission. Gromyko was so taken aback that he said to Kissinger, "Let me make quite sure I got right what you said." Kissinger replied: "Yes, I'm talking about a tripartite commission."

Kissinger and Gromyko discussed Vietnam again on May 26, covering roughly the same ground. The net effect of these discussions was that the United States made it clear to the Russians that its private negotiating position was infinitely more flexible than the public posture. This covered the North Vietnamese presence in the South, the willingness to suspend bombing even before the release of the POWs and the support for a tripartite electoral commission. Kissinger was edging closer and closer to Hanoi's views—except for the immediate removal of Thieu—and was laying the foundations for what would become the ultimate settlement.

The last discussion on Vietnam was conducted by Mr. Nixon and Brezhnev on May 30, the last day of the visit. They agreed that Podgorny would go to Hanoi as soon as possible to convey to the North Vietnamese the views Kissinger had expressed in Moscow. The precise nature of Podgorny's mission has thus far been kept secret, although his presence in Hanoi between June 15 and June 18 was publicly announced at the time. Kissinger was delighted that Podgorny would serve as an intermediary, and he expressed pride to his associates that the Russians "are going to help us."

Kissinger in Peking

ON JUNE 16, while Podgorny was in Hanoi, Kissinger flew to Peking to brief the Chinese about the Moscow summit, as part of the American triangular policy. Vietnam was discussed for four hours in a meeting with Chou En-lai, and it was clear that Kissinger was keen on enlisting Chinese support for a negotiated settlement. For one thing, he was anxious to resume secret meetings with the North Vietnamese before the Democratic National Convention—"for the theater," as the White House saying went. Whereas in Moscow Kissinger was acting as a negotiator, in Peking he was playing the philosopher with candor. He told Chou that if the Americans could be friends with China, they must also be friends with Hanoi.

The secret record shows that Kissinger told the Chinese premier that the trouble with the North Vietnamese was that they were too greedy, that they wanted everything at once, and that they were afraid of the process of history. He asked Chou En-lai why Hanoi was so afraid of history, and why it couldn't see the whole process as two separate stages? The first step, he said, would be the American disengagement. History would then run its own course in Vietnam.

Kissinger went on to complain that Hanoi kept asking the United States to do that which it was not prepared to do: namely, to overthrow a friend, the South Vietnamese, with whom Washington had already been fighting diplomatically so that the war could be ended. Kissinger, having propelled the Russians into a form of mediation, was now trying to obtain the same from the Chinese.

Chou En-lai, however, was less responsive. He told Kissinger that China would not press Hanoi one way or another, even though it did not necessarily approve of the North Vietnamese strategy of invading the South with conventional forces. He also volunteered the opinion that history was against the United States, that communism would prevail in Vietnam and Cambodia, but that Laos would continue to be ruled by its king.

Despite Chou's reticence about playing a diplomatic role in Vietnam, there are strong indications that China made a major contribution. Chairman Mao told French Foreign Minister Maurice Schumann, during July, that he advised Madame Binh, the Vietcong foreign minister, to desist from making demands for Thieu's resignation as a precondition. Mao informed Schumann that he had explained to Binh that in certain tactical situations a compromise is advisable. He gave her the example of his own negotiations with Chiang Kai-shek in the 1940s.

Schumann immediately informed the United States of his conversation with Mao, adding his own comment that a breakthrough might finally be in the offing. The White House took the view that Podgorny's and Mao's combined efforts, subtle as they were, held the promise of a settlement. By mid-July, there was a new sense of quiet optimism over the Vietnam negotiations. Hanoi had agreed to a secret meeting between Kissinger and Tho scheduled for July 19, and Kissinger felt that the negotiations might be getting back on the track.

The July 19 session produced no real results, as both sides basically rehashed their positions. Kissinger restated the October, 1971, proposal with the added incentive that the United States might shorten the deadline for the total withdrawal of its troops from Vietnam. But, importantly, the two sides agreed to keep in touch.

Promises to Thieu

AFTER HIS SESSION WITH THO, Kissinger flew directly to Saigon to practice a totally different brand of diplomacy with even greater problems. In talks with Thieu, he took a distinct tack from his approach to the Russians, the Chinese and the North Vietnamese. The emerging problem in Saigon was to prepare Thieu for a settlement.

The Kissinger line was thus to remind Thieu that a presidential election was approaching in the United States, that the administration must be forthcoming in its peace diplomacy, and that it must prevent Sen. McGovern from making it appear that Saigon was blocking the peace. Consequently, he said, the administration must, as a matter of political realities, come forth with seemingly attractive proposals knowing full well that

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Hanoi would reject them. Political risks had to be reduced before the elections. But the notion of the tripartite electoral commission, offered to the Russians, was not broached to Thieu at this time.

Then, it appears, Kissinger proceeded to make extravagant promises to Thieu. After the elections, he allegedly told him, it would be a "different story." The United States would not hesitate to apply all its power to bring North Vietnam down to its knees. Kissinger recommended that Thieu start planning an invasion of North Vietnam after the elections. Specifically, he suggested ARVN landings in Vinh or Donghoi. Thieu, who appeared nonplused by this idea, finally replied that if an invasion were mounted, Thanhhoa should be the prime objective. Actually, Thieu had been urging an invasion of North Vietnam as early as March, 1971, (during the Laos incursion), but could enlist no American encouragement and eventually dropped the idea. It was first revived by Gen. Haig in June, 1972, when he inquired of the commander of the ARVN First Corps whether an invasion of the North was feasible. When Kissinger reached San Clemente late in July, he told Sir Robert Thompson, the British counterinsurgency expert who was reporting to Mr. Nixon on his latest survey in South Vietnam, that we would not be "bashful" after the elections.

It is, of course, hard to judge whether Kissinger was playing a complicated double game with the two Vietnamese factions, or whether he really believed that a final blow at Hanoi late in the year would leave the South Vietnamese in a strong enough military position to go along with the peace proposals he had in the works. He could have been deceiving Thieu, but, on the other hand, Kissinger always believed in giving Saigon a "decent interval" after a cease-fire—and this could only be achieved by crippling the North.

There was, to be sure, a certain logic in Kissinger's own evolving approach to the situation. The 1972 Communist spring offensive, if nothing else, had convinced him that the Vietnam war must be ended as soon as possible and the United States finally extricated from it. During the flight from Saigon to California, following his talks with Thieu, Kissinger mused in front of his staff that "we just can't let the Vietnam issue plague us for four more years." The problem, he said, had to be resolved between the November election and the President's anticipated second inaugural the next January.

It thus appeared that as early as July, Kissinger had the time sequence for an agreement firmly set in his own mind. He was optimistic that with quiet Soviet and Chinese support, and the stalling of the North Vietnamese offensive, Hanoi would meet him halfway before long—meaning a decision to wind up the conflict on the basis of the secret concessions Kissinger had just spelled out in Moscow and Peking, and without further North Vietnamese insistence on Thieu's elimination.

As he flew to San Clemente, Kissinger's problem was clearly to convince the President to accept this course of action and, simultaneously, to force Thieu to face reality and endorse the new American diplomatic stance. As for Mr. Nixon, Kissinger, as he put it, wanted to "lock him irrevocably into a decision" before the elections. Thieu was to be given maximum military advantage before the cease-fire. Kissinger told his aides on the plane over the Pacific, "One thing is for sure: we cannot stand another four years of this . . . So let's finish it brutally once and for all."

Going Without Thieu

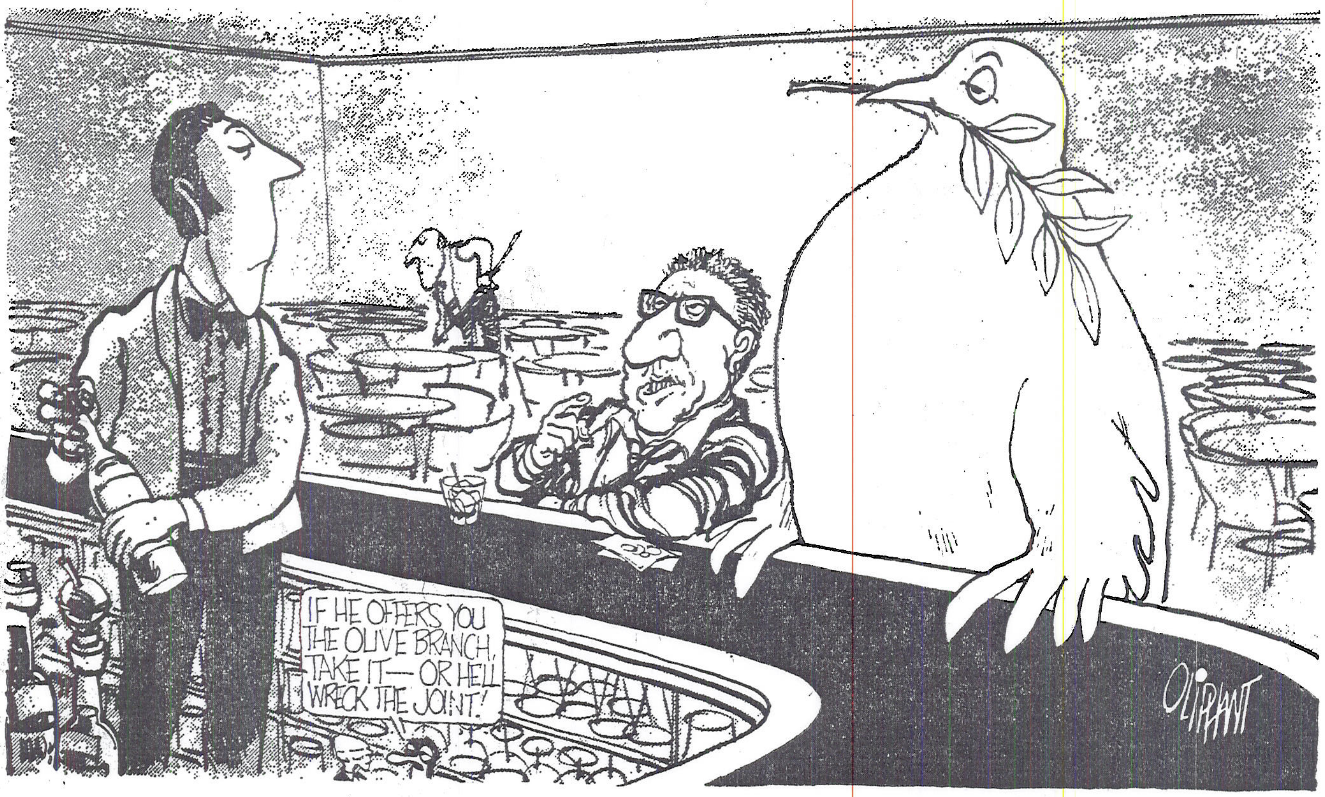
PUSHING HIS SCENARIO with Hanoi, Kissinger held private talks with Tho in Paris on Aug. 1 and again on Aug. 15. Now that peace diplomacy was in high gear, the Kissinger-Tho meetings were being officially announced; but, by common agreement, none of the substance of their talks was revealed.

But Kissinger could go only so far without some form of concurrence from Thieu. After the Aug. 15 session in Paris, the point was reached where South Vietnamese acceptance of the tripartite commission and a quickened American withdrawal were required. Haig was now dispatched to Saigon to try to sell the new American package to Thieu.

Thieu was adamant. He told Haig that inasmuch as he controlled 90 per cent of South Vietnam (a claim the Americans tended to dispute in private), and the Vietcong could not expect to garner more than 10 or 20 per cent of the vote, he could not see why a tripartite commission was needed at all. Thieu, of course, was worried that such a commission would transform itself into a coalition government. Instead, he proposed a referendum in South Vietnam, to determine its political future. Haig reported to Washington that he could not break the deadlock with Thieu. But Kissinger wanted to maintain the momentum of negotiations and he arranged to meet secretly with Tho in Paris on Sept. 15.

First, however, Kissinger made another visit to Moscow. This visit was part of the new consultative process set up at the May summit. The three-day stay in the Soviet capital—Sept. 10 to 13—was devoted to a wide range of matters. Vietnam came up only on the last day, Sept. 13, at a session between Kissinger and his advisers and Brezhnev, Gromyko, Dobrynin and Alexandrov. Two days earlier, the Vietcong delegation in Paris had issued a fairly ambiguous new proposal that could have been read as meaning that, for the first time, a cease-fire would be acceptable without prior removal of Thieu. Kissinger was not certain that this was the breakthrough for which he had been waiting for three years; the Russians told him they thought it was.

Meanwhile, a stark and intense drama was developing behind the scenes. The plan was for Ambassador Ellsworth Bunker, in Saigon, to obtain Thieu's agreement to the tripartite commission, while Kissinger carried out his Moscow talks and prepared to meet Tho in Paris on Sept. 15. Kissinger was determined to present the North Vietnamese with a proposal on the tripartite body—agreed to by both Washington and Saigon—at their forthcoming session. But late at night on Sept. 13, after the talks with the Russians were finished, Kissinger, who was at the Dom Pryoma estate guest house, received a cable from Bunker advising that despite all the efforts in recent days, Thieu had rejected the tripartite commission proposal. An associate recounted later,


IF HE OFFERS YOU THE OLIVE BRANCH, TAKE IT— OR HE'LL WRECK THE JOINT!
OLIPHANT

Oliphant in the Denver Post

". . . And one for my friend here!"

"Henry blew a gasket." He said that he was perfectly capable of making it clear to Hanoi that there was a difference between a tripartite commission and a coalition government. Walking around the *dacha* at midnight, Kissinger briefly toyed with the idea of rushing to Saigon to try to change Thieu's mind, but concluded that the time had come for the United States to act unilaterally. It was too late in the negotiations to go back to Thieu, Kissinger told his associates. Shortly after midnight, he sent a telegram to Mr. Nixon, requesting permission to meet with Tho as planned and to inform him that Washington would stand firm on the question of the electoral commission regardless of Thieu's views. Kissinger's argument was, among other things, that with the elections at home only seven weeks away, the President could not risk a collapse in the peace negotiations.

Mr. Nixon's reply reached the American party the next morning, Sept. 14, as they prepared to leave for London. It said, in effect, that Kissinger could go ahead and tell Tho the next day that the United States accepted the tripartite commission. But this decision was not wholly popular in the White House: Haig, for example, complained privately to friends that Kissinger was giving away too much.

The Nixon-Kissinger decision was another major turning point in the tortured history of Vietnam negotiations. For the first time, Mr. Nixon was ready to make a major offer to Hanoi without Thieu's concurrence—in the face of his outright opposition.

The Stage Is Set

KISSINGER FLEW TO PARIS from London on Sept. 15, reverting to complex secrecy procedures. Kissinger spent the previous night at Claridge's and a State Department Vietnamese-language interpreter, urgently summoned from Washington, was put up at another hotel to maintain the cover. The interpreter met Kissinger at 6:30 a.m. in Claridge's lobby, and then the whole group was driven in a British military vehicle to the Royal Air Force's Bryce-Norton Base near London. There, they boarded a U.S. Air Force prop-driven twin-engined Convair plane for a choppy flight to the Villa Coubley field outside Paris. Kissinger's meeting with Tho and Thuy was relatively brief: He orally communicated the new American position and asked questions about the Vietcong document of Sept. 11. Tho, in turn, questioned Kissinger about modalities of presidential elections in South Vietnam after a cease-fire. This was, in a way, a preliminary step before the negotiations were to enter their final stage.

At a White House news conference on Sept. 16, the day after his return from Paris, Kissinger sounded a carefully optimistic note, though his audience, unaware of the substance of secret talks, was at an obvious disadvantage in trying to make sense of his remarks. He said, without elaboration, that the Sept. 11 Vietcong proposals left "something to be desired" in terms of his hopes for "bringing about a rapid conclusion of the war." Kissinger told newsmen that the "fact that these talks are going on would indicate a certain seriousness."

Kissinger returned to Paris for three meetings with Tho and, on Sept. 26, formally presented the American proposal for a tripartite electoral commission. Haig was simultaneously sent to Saigon to work on Thieu. Tho, who had received new instructions following his talks with Kissinger on Sept. 15, gave the impression of receptivity. Kissinger flew back to Washington, highly encouraged. He now felt, he told his associates, that there was a good chance that the "Vietnam cancer" could be removed before the November elections. His heart was not in the war; it endangered detente.

THE LONG-ELUSIVE BREAKTHROUGH in the Vietnam peace talks finally came on Oct. 8. Kissinger, Haig and a large staff of advisers had arrived in Paris the previous day for the scheduled secret meeting. Late that afternoon, the Americans arrived at a villa owned by the French Communist Party in a Paris suburb, to be effusively greeted by Tho and Thuy. Then Tho presented Hanoi's *coup de theatre.*

Tho opened the conversation by saying that inasmuch as Kissinger was anxious to settle the war before the American elections, the North Vietnamese had brought a document to serve as the draft peace agreement. It was the first time Hanoi had presented a genuine negotiating document rather than just a series of demands.

The highlights of the Hanoi plan were an immediate cease-fire in place in Vietnam, a total U.S. withdrawal from Vietnam, and the return of all the American POWs within 60 days. Politically, it proclaimed Vietnam — North and South—to be one country, temporarily divided. To bring about eventual unity, the North Vietnamese blueprint offered a vague political process in the South where an "administrative structure" would be in some way established prior to the elections. The document appeared to separate military from political issues —certainly not making a cease-fire contingent any more upon a political solution—and in this sense it met Kissinger's conceptual approach. Above all, Hanoi was no longer demanding Thieu's ouster as an *a priori* condition. Kissinger remarked that this was a "very interesting document inasmuch as they are separating the military from the political."

Before the meeting adjourned, Kissinger indicated to Tho that he was willing to accept his document as the basis for subsequent negotiations. Accordingly, a new meeting was scheduled for the next day, Oct. 9. Returning to the American embassy residence, Kissinger instructed Winston Lord, John Negroponte and David Engel, his staff aides, to draft a counterproposal overnight. As it stood, he said, the Hanoi draft placed almost all the operational obligations on the United States and South Vietnam, and virtually none on North Vietnam, except to cease firing and return the POWs. Hanoi's troops were not expected to go home. One of Kissinger's ideas was that there should be a National Council of Reconciliation and Concord in Saigon in lieu of the vague "administrative structure." The Council, not a coalition government, would operate alongside the Thieu regime and the electoral commision during the pre-election period.

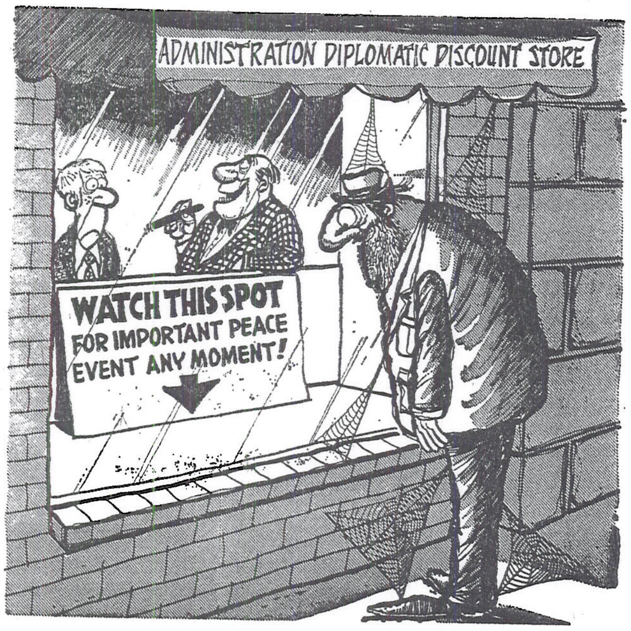
Having instructed his staff to write the counterproposal, Kissinger went out to a restaurant with a date. The three men finished their work at 3 a.m. and went to sleep, leaving the document for Kissinger. But they were awakened by him at 8 a.m. He was furious; the draft was too hard-nosed. "You don't understand," he said. "I want to meet their position." He also wished to keep a number of issues open for further discussion. He gave his staff until 1 p.m. to revise the counterproposal along the lines he had indicated. An American official, familiar with the events of that week, said later that "Henry was rushing things too much; it was getting too sloppy." Before going into the second meeting with Tho, at 3 p.m. on Oct. 9, Kissinger sent a two-paragraph telegram to Ambassador Bunker informing him very briefly of the situation and instructing him to tell Thieu. Trying to maximize his negotiating freedom on all fronts, Kissinger sent only scant reports on the situation to Saigon and even to Mr. Nixon.

Kissinger and Tho met daily on Oct. 9, 10 and 11,

II. Breakthrough in Paris

hammering out the language of the agreement. On Oct. 11, they reached an agreement in principle although two issues were left unresolved: the question of releasing civilian prisoners in South Vietnam (Kissinger did not want to press Thieu on this point), and the cessation of all military aid by the United States to South Vietnam and by North Vietnam to the Vietcong (and to the North Vietnamese regulars in the South) except on a one-to-one replacement basis. These two points were to prove to be among the most troublesome in subsequent talks. Kissinger told Tho that he now had to return to Washington to seek Mr. Nixon's approval before there could be another meeting on Oct. 17 to finalize the agreement. But Tho insisted on an understanding that the peace accord would be signed on Oct. 31.

The North Vietnamese, whose military fortunes in the South were declining, after their spring-summer successes, evidently wanted the signing before the election in the United States. They conveyed to the Americans their concern that after the election the President's position might harden and the agreement, evidently favorable to them, might become unhinged. They obviously had premonitions about the future. Kissinger, who told Tho on six different occasions that Saigon's concurrence had to be obtained for the signing, related later that the North Vietnamese fought for the Oct. 31 date "almost as maniacally as they fought the war." Anxious for a quick signing, Kissinger promised Tho to make a "major effort" to meet the deadline. Then he flew home, leaving Lord and Engel behind to keep liaison with the North Vietnamese.


ADMINISTRATION DIPLOMATIC DISCOUNT STORE
WATCH THIS SPOT FOR IMPORTANT PEACE EVENT ANY MOMENT!

Sanders in the Milwaukee Journal

On Oct. 12, Kissinger presented the 58-page draft agreement to Mr. Nixon, Rogers and several State Department experts, including William H. Sullivan, a deputy assistant secretary of state specializing in Indochina, and Deputy Legal Adviser George H. Aldrich. The CIA's George Carver was also brought in. The consensus was that the draft was basically acceptable, although a number of provisions had to be tightened.

The American public was unaware of how advanced the negotiations were. But Maurice Schumann, the French foreign minister, came to Washington around Oct. 15 to see Nixon and Kissinger. He had seen Tho in Paris a few days earlier and now he told four journalists, two American and two French, during an off-the-record round of drinks at the French embassy residence, that he had reasons to believe that a peace agreement was "within reach" if both parties wished to reach for it. Schumann, who complained that the Americans had been keeping him uninformed, had received a full briefing from the North Vietnamese and he spoke with more authority than the four journalists were prepared to accept. The Schumann story, which could not be attributed to him, was never written.

Thieu Balks Again

KISSINGER WAS NOW bubbling with optimism. He planned to return to Paris on Oct. 17 for a final meeting with Thuy (Tho had flown back home for last-minute consultations), and then go on to Saigon for wrap-up conferences with Thieu, between Oct. 19 and 23. Then he would fly secretly to Hanoi to initial the agreement on Oct. 24—his presence in the North Vietnamese capital would be revealed publicly only after the initialing ceremony—and the peace accord would be signed by the four foreign ministers in Paris on Oct. 31. The Hanoi trip would be Kissinger's greatest coup, and he was visibly excited about it. It was a beautiful scenario—except that Kissinger (despite warnings from the CIA's George Carver) had grossly overestimated his ability to bring Thieu around. This error was to plague him for months.

Kissinger arrived in Paris on the morning of Oct. 17 with Sullivan and Aldrich. They went immediately into session with Thuy, but it quickly developed that important textual differences remained between the two sides. The afternoon turned into evening. Kissinger, growing increasingly nervous and impatient, announced that he simply had to leave for Saigon that same evening before Orly Airport closed at 11 p.m. He was anxious to stay on schedule. Thuy told him that the final details presumably could be worked out in Hanoi after Kissinger arrived there from Saigon on Oct. 24. The North Vietnamese liked the idea of having Kissinger in Hanoi to wind up the talks and initial the accord in their capital.

Kissinger and Sullivan arrived in Saigon on the morning of Oct. 19. Nobody there had a clear idea of what was happening; Kissinger had made a point of keeping everyone in the dark. Bunker had not seen the text of the agreement, and was only vaguely aware of some of its provisions. Thieu knew next to nothing. But Kissinger was confident he could get his agreement in three days of talks and then go on to Hanoi.

On Oct. 19, Kissinger and Bunker met for three and a half hours with Thieu at the presidential palace. For the first time, Thieu saw the draft peace agreement—and only in English version, which was all Kissinger had with him. He reacted with undisguised fury. His first objection was that he had not been consulted about the document that Kissinger proposed to initial in Hanoi

FOR NEARLY TWO YEARS from their start on Aug. 4, 1969, Kissinger's secret Paris meetings with the North Vietnamese made no visible progress. During 1971, some promising movement seemed to develop after Kissinger unveiled a new secret peace plan on May 31, but the year ended in bitter disappointment as the North Vietnamese ignored an improved U.S. offer in October, and as reports from Indochina warned of preparations for a major Communist offensive early in 1972.

Around Jan. 20, 1972, the White House became so alarmed both by the North Vietnamese buildup and Hanoi's continued silence concerning resumption of the secret sessions that the decision was made to "go public" with the October peace proposal and the disclosure that Kissinger had been intermittently holding private sessions with the Communists since August, 1969. The idea of "going public" had been considered for a number of months—Kissinger discussed it often with his staff—because of growing frustration with Hanoi and, just as importantly, because of domestic public opinion. In White House parlance, the disclosure was made for the "theater"—to confound criticism that the administration was not actively pursuing peace in Vietnam.

President Nixon went public in a dramatic speech to the nation on Jan. 25, 1972, telling the story of Kissinger's secret trips and revealing the October peace proposal. Mr. Nixon said that "until recently" the system of secret negotiations "showed signs of yielding some progress." But as he spoke to the nation, prospects for successful diplomacy had hit their lowest point in years.

Still, both sides spent two more months in diplomatic charades before the explosion that ultimately led to the peace agreement a year later. The day after the Nixon speech, the White House sent a private message to Hanoi indicating readiness to resume secret talks. But this suggestion was dispatched in the midst of extraordinary expressions of public hostility. On Feb. 5, North Vietnam's chief delegate to the Paris talks, Xuan Thuy, suddenly denied that Kissinger had offered to set a deadline for U.S. troop withdrawal as part of the May 31 peace plan in exchange for a cease-fire and the release of the POWs. For its part, the White House denied Thuy's claim that North Vietnam had agreed the previous summer to separate political from military problems—an issue that all along had been at the center of the whole stalemate. On Feb. 6, Thuy further escalated the dispute with the announcement that the POWs would be released only *after* Washington abandoned Thieu and brought the war to an end.

Despite this increasingly bitter polemic, Hanoi advised Washington on Feb. 14 that it would be agreeable to the resumption of secret talks after March 15. On Feb. 17, the day Mr. Nixon and Kissinger left for Peking, they informed Hanoi that March 20 would be a suitable three days hence. The text he was shown was still incomplete—the provisions for the release of civilian prisoners in the South and the question of military equipment replacements remained subject to further negotiations—but Thieu opposed most of the clauses that were written into it. His attitude was later described by a participant in the meeting as that of a "trapped tiger." He said he was not ready for a cease-fire and that he could not understand why the Americans had given up their demands for an Indochina-wide cease-fire in favor of a truce confined to Vietnam alone. At the Oct. 19 meeting with Kissinger, and during sessions in the three ensuing days, Thieu claimed that the most important flaw in the proposed agreement was that the North Vietnamese were not required to leave the South. He protested that the document recognized post-truce areas of control in the South for both his forces and the Communists. This, he said bitterly, had the effect of granting the Communists sovereignty over some areas.

As the sessions at the palace grew increasingly tense—a participant said Thieu was acting almost paranoid—the Saigon leader accused Kissinger of negotiating an agreement behind his back and then demanding his endorsement of it in three days. He took exception to the concept of the tripartite commission and to the expression "administrative structure" which was still in the text despite Kissinger's preference for the Reconciliation and Concord Council. Either way, he said, this presaged a coalition government. Thieu saw his survival as South Vietnam's leader gravely threatened by the agreement Kissinger was trying to ram down his throat.

Kissinger (who by now had developed a hatred for Thieu) argued that the proposed agreement, combined with American guarantees, gave the Thieu regime a "fighting chance" and a "decent interval" after the cease-fire and the now inevitable U.S. withdrawal. He told Thieu: "We were successful in Peking, we were successful in Moscow, we were even successful in Paris. There is no reason why we cannot be successful here." Thieu's young foreign policy adviser, Hoang Duc Nha, replied: "So far history has shown that the United States has been successful in many fields. But history does not predict that in the future the United States will be successful here."

Still, Kissinger thought that Thieu would in the end be persuaded, and so advised Mr. Nixon from Saigon. Late on Oct. 21, Mr. Nixon, on Kissinger's recommendation, dispatched an extraordinary message to Hanoi, saying that despite a few remaining problems "the text of the agreement could be considered complete" and that peace could be signed on Oct. 31. The plan still was for Kissinger to go to Hanoi on Oct. 24.

While Kissinger kept negotiating with Thieu, he sent Sullivan to brief Laotian Premier Souvanna Phouma in Vientiane and the Thai leaders in Bangkok. Sullivan told the Thais that as part of the peace agreement the North Vietnamese would withdraw from Laos and Cambodia. If Hanoi violated this commitment, he said, the United States would "obliterate" North Vietnam. This, however, was not entirely accurate. The United States never had a firm commitment from Hanoi on quitting Cambodia, although it had secret assurances that a Laos truce could be arranged, as indeed it was, a month after the Vietnam accord. Kissinger made a quick trip to Phnom Penh to confer with President Lon Nol, but he did not show him the peace plan nor tell him Hanoi resisted a commitment on ending the Cambodian fighting. In-

See VIETNAM, Page C5

VIETNAM, From Page C4

stead, he pressed Lon Nol to seek a unilateral cease-fire. Lon Nol thanked him and asked when the North Vietnamese were leaving.

Kissinger and Bunker held their last meeting with Thieu on Oct. 23. Despite Kissinger's entreaties, Thieu remained totally opposed to the peace plan. Kissinger reported this to Mr. Nixon who, in turn, informed Hanoi that the Saigon talks had hit a snag and that, after all, the signing of the peace agreement could no longer be done on Oct. 31. Heavy-hearted, Kissinger canceled his Hanoi trip and, dejected and exhausted, flew back to Washington.

"Peace Is at Hand"

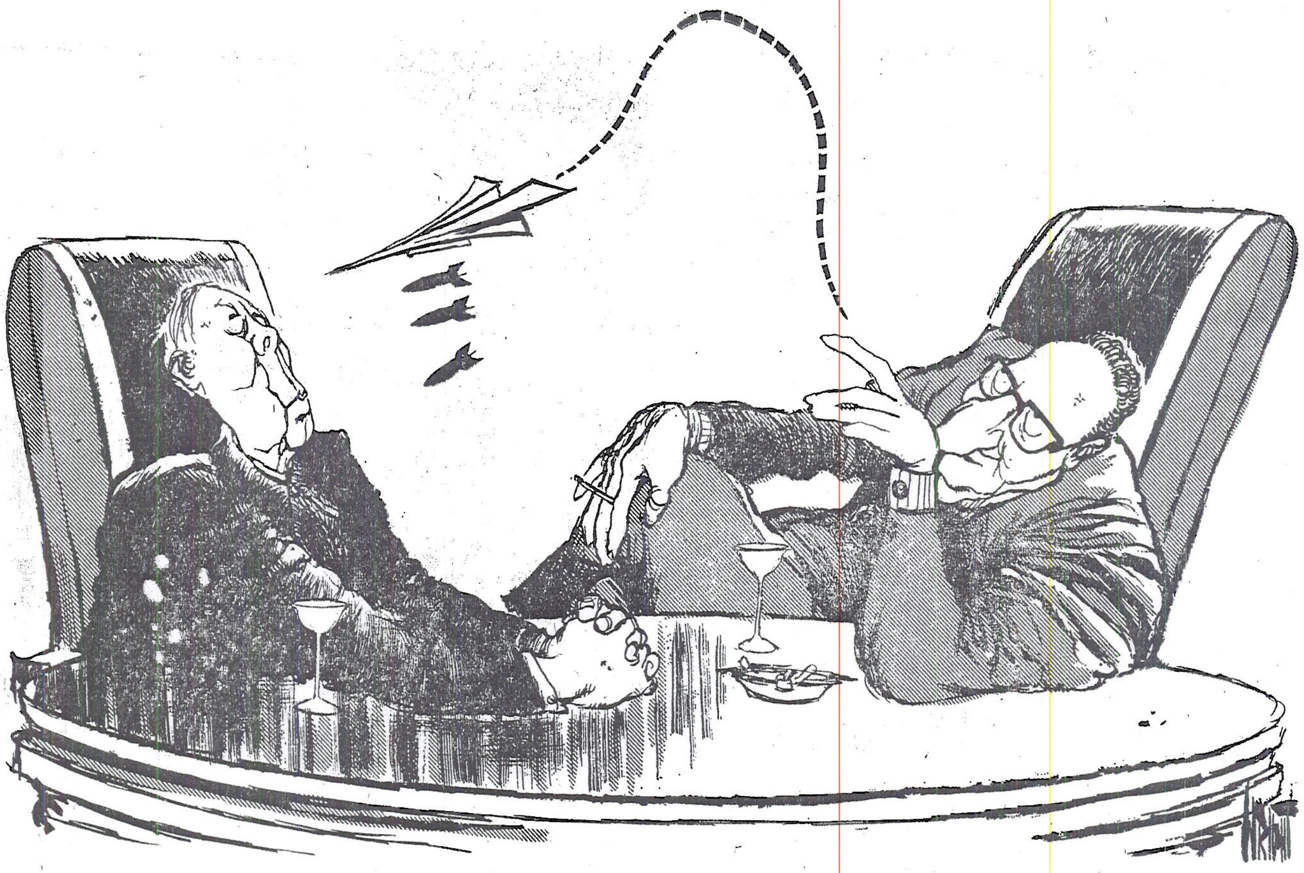
NOW A NEW CRISIS had developed. The North Vietnamese concluded that the Americans had used them for domestic political purposes and that they were reneging on the agreement reached in Paris earlier in the month. Their response was to "go public" with a broadcast on Oct. 25, disclosing the highlights of the agreement. The broadcast was monitored during the night by the Foreign Broadcast Information Service (a CIA operation) and Kissinger was awakened at 2 a.m. Oct. 26 to be told about it. He instantly telephoned the President at the White House. The two men met in the morning and a decision was made that Kissinger would hold a news conference at noon to explain the situation. Kissinger's overwhelming concern was that Hanoi not think that it was being deceived by the United States. With Mr. Nixon's specific approval, he thus used the now-famous expression that "peace is at hand" and that only a few more meetings with the North Vietnamese were required to iron out final details. The point was to reassure Hanoi, on one hand, and to warn Saigon, on the other, that the United States was determined to conclude a Vietnam peace agreement. Just as importantly, the statement served to undercut McGovern two weeks before the election.

Kissinger, in fact, was deeply concerned that his negotiations with the North Vietnamese would collapse because of Saigon's opposition. While still in Saigon, he had urged Mr. Nixon by cable on Oct. 23 to suspend American bombings north of the 20th parallel as a gesture of goodwill. He even suggested the end of U.S. tactical air support to the ARVN to show his annoyance with Thieu. Mr. Nixon agreed to halt the bombings in the North, but refused to cancel battlefield air support. The pressure on everyone involved was intense: before his return from Saigon to Washington Kissinger had a series of bitter cable exchanges with Haig, who thought that the American negotiating position was eroding.

At his televised performance in Washington on Oct. 26, Kissinger was, in effect, telling Hanoi to cool it, that the United States would deliver despite the unexpected delay. Some of Kissinger's colleagues say he did not believe at that point that peace was really "at hand," but that he was both anxious to commit Mr. Nixon to a quick peace and to keep McGovern on the defensive. He seemed worried that after the elections the President might reopen the whole diplomatic situation; he feared that given Mr. Nixon's natural inclinations, the President might revert to toughness after being reelected.

Thus, as soon as the returns were in, Haig was dispatched to Saigon to discuss the "minimum changes" to be negotiated with Hanoi. Haig, who unlike Kissinger, was still on speaking terms with Thieu, told Thieu on Nov. 9 that he should not take too much comfort from the American elections. He warned him that although Washington would do its best to improve the terms, it would not give up its commitment for the tripartite electoral commission. Thieu reopened his objections to the draft language defining the areas of military control by the two sides in South Vietnam and resisted anything that would bind him militarily. The North Vietnamese were overextended in the South at that stage—many of their units had not been advised to prepare for a cease-fire—and now Thieu was stalling while the ARVN tried to improve its position.

Kissinger returned to Paris on Nov. 20 for a new round of talks with Tho—to settle what he had said the previous month would be the final details. But, again, he miscalculated the situation. On Mr. Nixon's instructions, he convinced the North Vietnamese to include in the text a definition of the demilitarized zone as a pro-



Wright in the Miami News

visional political division line. This was designed to pacify Thieu. Kissinger also read "for the record" a South Vietnamese document demanding 69 changes in the text. But the next day, Nov. 21, Kissinger retracted about one-half of these proposed changes. Kissinger said later that it was not conceivable that the North Vietnamese would have taken the South Vietnamese demands seriously. However, it was probably a mistake for him to have raised them so late in the game.

The talks dragged on for four more days and the Americans began detecting hesitations on Tho's part. Old questions were being asked again. Then, on Nov. 25, the North Vietnamese asked for an eight-day recess. Tho raced back to Hanoi.

On Dec. 4, Kissinger and Haig flew back to Paris. They found a new attitude on Tho's part. Kissinger's impression was that Hanoi had suddenly developed "cold feet" about the whole situation. Battlefield conditions were turning against the Communists while, at the same time, the United States was rushing some $1 billion worth of new military equipment to South Vietnam under the name of Operation Enhance to beat the cease-fire deadline. F-5A jet fighter-bombers were being borrowed from South Korea, Nationalist China and Iran to beef up the South Vietnamese air force because it would take too long to get them from the United States. Hanoi's strategic doctrine called for a cease-fire only under optimal conditions; the North Vietnamese might be rethinking the entire agreement. Still, Kissinger kept negotiating with Tho despite the North Vietnamese on-and-off attitude toward parts of the agreement.

On Dec. 14, Tho told Kissinger that he had to go home for a few weeks to study the situation. Before leaving, he handed Kissinger the text of the protocol for implementing the cease-fire, including international supervision, which the Americans found totally unsatisfactory. The same evening, Kissinger flew back to Washington, still hopeful that an agreement was within reach.

Sullivan and William Porter, the chief American delegate to the semipublic negotiations, were left behind in Paris to continue technical talks with the North Vietnamese. On Dec. 15, when the two delegations met at the Neuilly-sur-Seine home of an American jeweler, the North Vietnamese proposed 16 changes in the text, reopening a part of the negotiations. Among other things, they now demanded that the release of the American POWs be conditional on the freeing of thousands of civilian prisoners held by Saigon. Until then, the matter of the Saigon prisoners had been left for negotiations to come after the truce between the two Vietnamese factions. Sullivan and Porter passed this on to Kissinger, who immediately ordered his staff to prepare a paper on Hanoi's "perfidy," to form the basis of his Washington press conference the next day.

A close study of the documents suggests, however, that the "perfidy" was somewhat exaggerated. Aside from the reopened question of the POWs, the differences between Hanoi and Washington were not all that great at that point. There was no agreement on the DMZ clause, nor had Hanoi yet agreed to replace the term "administrative structure" with "National Council for Concord and Reconciliation"—though these differences alone hardly seemed to justify new bombings.

The Christmas Bombing

THE QUESTION, THEREFORE, arises: Why did the President feel impelled on Dec. 18 to order "Operation Linebacker II"—the bombing of Hanoi and the rest of North Vietnam? A theory held privately among many key officials is that he and Kissinger had decided, given the battlefield situation, that drastic action was necessary to discourage the pro-war faction in the North Vietnamese Politburo from forcing a reconsideration of the peace agreement. The Americans knew from intelligence sources that the October decision to go for a settlement carried by a small margin in the Hanoi Politburo. The White House feared that in a changed military context, the balance might shift in Hanoi in favor of the faction advocating more protracted warfare. As Kissinger put it, the United States was applying leverage against Hanoi to assist it in its decision-making process.

These officials believe that, in effect, the United States launched the Christmas bombing to force Hanoi to make "marginal decisions" about changes in the text of the agreement. One participant remarked at the time that "we are bombing them to force them to accept our concessions." The view of many officials, as this latest bit of brinkmanship developed, was that the POW question, and the disputes over the truce supervision mechanism and the National Council, could have been resolved without the bombings.

The administration realized that the bombings were not sustainable over an indefinite period, for international as well as domestic reasons. They were, therefore, a short-term proposition. This theory is borne out by the fact that on the day the bombings resumed, Haig flew to Saigon with a secret letter from Mr. Nixon urging Thieu to accept the settlement. Haig also told Thieu that, while the United States was "brutalizing" North Vietnam, it would sign a peace agreement if Hanoi would make a few changes in the text. He informed Thieu that if he remained adamant, he could no longer count on American assistance. On Dec. 21, Thieu handed Haig a letter for Mr. Nixon saying that he felt that he had been given an ultimatum and that he could not believe the President of the United States would deal in such a manner with an ally. When Kissinger read the letter, he commented bitterly: "All the Vietnamese parties are against us."

Evidently, Hanoi felt, early in January, that it had taken all the punishment it could take and proposed the resumption of the negotiations. Ironically, as the United States discovered from intercepted North Vietnamese tactical communications, Hanoi had only a two-day supply of SAM antiaircraft missiles on hand when the bombings stopped.

The meetings in Paris resumed on Jan. 7, 1973. The United States, in Kissinger's view, was now in an excellent position to obtain an agreement. Thieu was much more amenable to accepting the basic text in view of the Christmas bombings: his relative military position had improved. There is no known evidence that Kissinger had opposed the Christmas bombings (as he hinted to several liberal Washington columnists).

III. What Did We Agree On?

THE NEGOTIATIONS were concluded on Jan. 13, largely on American terms as conceived in a narrow mechanical sense. Kissinger seemed more interested in the technical modalities of the cease-fire provisions —once Hanoi reverted to its original position on the POWs—and gave the impression that he had lost interest in the political fate of the rest of Indochina. Kissinger also won his points on the Reconciliation Council.

He received a secret commitment that a Laos truce would follow a Vietnam agreement by 20 days—it was cut down from 30 days—but he pushed little for a pledge over Cambodia, although he was to insist publicly that he had received one. Hanoi also agreed to the DMZ clause and to a 2,500-man international supervisory force.

What American negotiators wanted most was a text with the maximum ambiguity of language so as to give the United States all the flexibility possible in supporting South Vietnam militarily after the truce. But they also entered into a series of secret and heretofore unpublicized agreements with Hanoi, most of them unfulfilled, presumably as a *quid pro quo* for ambiguities elsewhere.

The frame of mind of the Kissinger team, the secret commitments, and the deliberate ambiguities are well reflected in a secret State Department document entitled "Interpretations of the Agreement on Ending the War and Restoring Peace in Vietnam," prepared early in 1973 by George Aldrich, the deputy legal adviser.

The most important commitment concerns American civilian personnel working with the ARVN. In Aldrich's words:

"The United States has assured the DRV [North Vietnam] that we shall withdraw from South Vietnam within 12 months from the signature of the agreement all our civilian personnel 'working in the armed forces of the Republican of Vietnam.' We have also assured the DRV that the majority of them will be withdrawn within 10 months. These assurances clearly cover all U.S. government employees whose principal duties are with GVN [South Vietnamese] armed forces. It is unclear whether it applies to U.S. nationals employed by contractors of either the United States or the GVN."

This commitment remains unfulfilled as of May, 1974 —15 months after the signing of the agreement. There are an estimated 9,000 American civilians in South Vietnam, most engaged directly or indirectly in supporting the ARVN, especially in aviation.

In March, 1974, the United States began delivering to South Vietnam the first of 150 F-5E jet aircraft, a more sophisticated version of the F-5A planes borrowed during the war from Korea, Taiwan and Iran. The State Department paper expresses doubts as to whether such deliveries are not in violation of Article 7 of the agreement providing for a one-for-one replacement of used-up equipment. Under the agreement, replacements must be identical. The document argues that the return of the borrowed F-5As is the equivalent of being "used up," in terms of its availability to Saigon. But, it says, a "more difficult question is whether an F-5E can be a legitimate replacement for an F-5A." The paper concludes that "it seems obvious . . . that the GVN will have to be prepared to justify this replacement on the grounds of substantial similarity between the aircraft; if a decent argument cannot be made, the replacement cannot be justified."

Although the agreement prohibits the movement of South Vietnamese warships in Communist-controlled areas, the State Department has provided an interpretation making it possible for Saigon's ships to escort convoys sailing up the Mekong River to Phnom Penh. This, the paper states, is "permissible if the GVN agrees that the ship channel remains an area under government control . . . this would be true even if areas of shore are clearly under PRG [Vietcong] control, but it is far from clear that the PRG would accept that interpretation . . ."

A major weakness in the agreement—the definition of the areas of control by the opposing parties in South Vietnam—is also spelled out in the State Department paper. It says that "we tried unsuccessfully to include in the cease-fire protocol an article making it clear that the Two-Party Joint Military Commission [South and North Vietnam] should base its determination on a census of military forces, including their location, strength, and deployment. The DRV refused to accept this concept and clearly preferred a political exercise of drawing lines on a map . . . The Commission is left with no guidance on how to determine the areas of control in South Vietnam."

Inasmuch as Article 5 of the agreement provides that American forces had to remove American military equipment from South Vietnam as part of the withdrawal, the United States hastily transferred title to much of it to the Saigon regime before the cease-fire became effective. But no determination was possible as to whether "transfer of title or transfer of possession is the critical act." Aldrich's analysis states that "we tried during the negotiations to lay a foundation for our theory that transfer of title was adequate . . . but we decided that we could not make this explicit without running an unacceptable risk that the North Vietnamese would object and make the issue a major one in the negotiations . . . On the basis of the language and the absence of any relevant negotiating history, we can make a reasonable case, but we must recognize that it is far from compelling . . ."

Among American commitments made public during the peace negotiations was the promise of economic aid for the reconstruction of North Vietnam. A joint American-North Vietnamese economic committee began meeting in Paris shortly after the signing of the peace agreement. In the light of congressional criticism, however, the administration made it known that it was impossible to reach an accord with Hanoi.

It is a fitting footnote to this whole extraordinary history that the administration chose to misrepresent the state of affairs concerning the economic talks.

Thus a top-secret telegram was sent to Washington on March 27, 1973, by Maurice J. Williams, the principal American negotiator, reporting that a virtually complete agreement had been reached on operating procedures to govern the provision of U.S. aid to North Vietnam. The single unresolved point, Williams stated, involved how the North Vietnamese were to report on how the aid would be used. The administration, deciding to drop the whole project for political reasons, never made public the fact that the United States had been one step away from a bilateral accord with Hanoi.

IV. A Few Conclusions

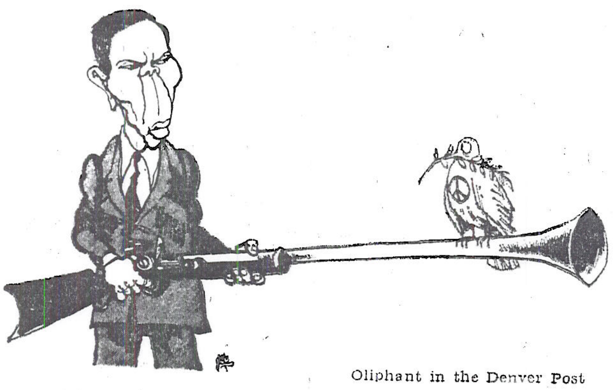
LOOKING BACK at the saga of Kissinger's Vietnam peace diplomacy, one must ask whether he could have negotiated a settlement better and sooner than he did. The related question is whether Mr. Nixon would have allowed him to do so. Granting the dangers of second-guessing recent history, the following points can be made on the basis of what is now known of the Vietnam negotiations:

- Agreement with Hanoi was probably possible in December, 1972, without the final paroxysms of the Christmas bombing. The differences between the October, 1972, and January, 1973, texts do not appear to be sufficiently substantive to justify the death and destruction wrought by American planes—not to mention American losses. One is left with the impression that Mr. Nixon and Kissinger took advantage of Hanoi's political hesitations in December, 1972, to inflict the greatest possible damage on North Vietnam so that Thieu would be able to accept the agreement.

- The Christmas bombings, therefore, were designed to induce Thieu to sign the Paris agreement, the price being the "brutalizing" of the North. But, at the same time, this was the price that had to be paid for Kissinger's miscalculation of Thieu's responses to the September and October, 1972, proposals on which he was never adequately, if at all, consulted. Failure to consult allies seems to be a Kissinger hallmark. Had Kissinger been more open and forceful with Thieu in August, 1972, much grief and tragedy might have been avoided.

- In all fairness to Kissinger, it must be recognized that a settlement, as distinct from an American cave-in which Mr. Nixon would not have tolerated, became possible only in October, when Hanoi and the Vietcong dropped their demand that Thieu be ousted as a *sine qua non* of peace. It may also be posited that they would not have done so at all if their spring offensive had been more successful and if Moscow and Peking had not brought pressure, subtle or otherwise, to bear on the North Vietnamese to accept a compromise.

- But the obverse of this argument is that Hanoi might have been ready earlier for such a compromise if Kissinger had not waited until the spring of 1972 to tell the Russians that the United States no longer, in effect, insisted on the evacuation of North Vietnamese troops from the South and that it would go for a political deal on the basis of the tripartite commission. The logjam was broken diplomatically by Kissinger's two Moscow performances in 1972, emphasizing, among other things, that the Soviets and then the Chinese were able to play a greater role in the achievement of the peace than Washington had given them credit for. The unanswered question is whether Hanoi would have launched the March, 1972, offensive if it had known that Kissinger would, within less than two months, dramatically alter his secret diplomacy.



Oliphant in the Denver Post

- It must have been predictable from the very outset—from the time the first bombing halt was negotiated in 1968—that the North Vietnamese would never leave the South. Other than the effort at Vietnamization, therefore, there is no satisfactory reason for Kissinger to have refused to recognize reality for three years. The massive American intervention in 1972 and the continuing military support for Saigon suggest that Vietnamization had fallen short of expectations.

- It is remakable—and instructive—to note the extremely close parallels between the negotiations of 1972 and the U.S.-North Vietnamese negotiations of 1968 concerning the cessation of the bombing of North Vietnam. While the story is too lengthy to describe here, the structure of the two negotiations was virtually identical, right down to the exact date on which the North Vietnamese demanded the agreement: each time, it was Oct. 31. The breakdown in communications with Thieu was also a replay of what had happened in 1968. In both cases, it would appear that the critical factor as far as timing was concerned was the impending presidential election.

- This negotiation story offers a unique insight into the brilliance, stamina and tactics of Henry Kissinger. This does not necessarily mean that no one else could have done it, but it is instructive to follow his steps—including his mistakes and deceptions — through the minefields of Paris and Hanoi, Saigon and Washington. Concealment — partial or complete — was an essential part of his policy. Others will find in this story many additional insights into the way Kissinger operated.

- A year and a half after the Paris signings, Thieu remains in power, which on the surface bolsters Mr. Nixon's assertion that we have "peace with honor" in Vietnam. But the other side of the coin is that Thieu cannot survive without continuing American support. The steady Communist pressure on the ARVN and the likelihood of a new offensive this year already led the administration, late in March, to ask Congress for $500 million to $525 million in additional military and economic aid to Saigon during this year. In fact, the Pentagon has warned that unless $474 million in new aid comes rapidly, the ARVN might have to curtail operations.

- The fact is that as long as the United States supports the Thieu government in any major way, and as long as the pressure to remove that government continues from Hanoi, there will be a continuing conflict with the potential to escalate again into an international issue. Thus, Vietnam remains a threat to detente, even if it is a diminished one. This was evident when the Soviet Union, for the first time in over a year, issued statements in mid-April criticizing the United States for its Vietnam policies. It was a familiar warning shot across the bow. An ominous echo, raising the memories of earlier letters from earlier eras, was Kissinger's letter to Sen. Edward M. Kennedy explaining the nature of the continuing American obligation to Nguyen Van Thieu. Some problems, it seems, just won't go away.