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STATEMENT BY SENATOR BOB DOLE (R-KANS)
BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE
IN SUPPORT OF S. RES. 271
FEBRUARY 5, 1970

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Mr. Chairman, I appear in support of S. Res. 271 as its author and speak on behalf of the 36 other Senators who joined in its sponsorship.

PURPOSE

Mr. Chairman, the sponsors of Senate Resolution 271 believe it correctly states that the United States' fundamental goal is to assure peace with self-determination for the South Vietnamese people and clearly places on the North Vietnamese and Viet Cong the burden for coming forward in good faith to achieve a negotiated peace.

The sponsors of this resolution believe North Vietnam and the National Liberation Front remain inflexible toward a negotiated peace in the mistaken belief that domestic pressures in this country will force us to forsake our fundamental goal and commitments. We believe this resolution, if endorsed by the Senate, will contribute significantly to an early and honorable settlement by highlighting to North Vietnam and the National Liberation Front the firm support of the Senate and the majority of Americans for our government's efforts to reach an honorable, negotiated solution to the war.

THE PARIS PEACE NEGOTIATIONS

Mr. Chairman, since January, 1969, the United States Government has used the Paris Peace Talks on Vietnam to pursue an extensive program for peace. This program provides for a mutual withdrawal of all non-South Vietnamese forces; an internationally supervised ceasefire; free, internationally supervised elections where all of South Vietnam's political parties would be fairly represented; and early release of prisoners on both sides.

Our Government's quest for peace in Vietnam has placed heavy emphasis on meaningful negotiation and compromise in Paris, but President Nixon emphasized on May 14, 1969:

"In pursuing our limited objective, we insist on no rigid diplomatic formula. Peace could be achieved by a formal negotiated settlement. Peace could be achieved by an informal understanding, provided that the understanding is clear, and that there were adequate assurances that it would be observed. Peace on paper is not as important as peace in fact."

Peace in fact is, indeed, our national goal; and the program of Vietnamization away from the conference table, underscores our resolve to explore all avenues and alternative courses. S. Res. 271, however, addresses itself to the Paris negotiations, because its sponsors have abiding faith in the sincerity of our President and dedication of his negotiators and because we are convinced of the long-range desirability of a formal settlement between the parties.

I shall not catalog the extensive initiatives the U.S. has taken in Paris and throughout the world to stimulate negotiations. The President and others have established a clear record in this regard. Let us, rather, turn our attention to the activities, statements and attitudes of the North Vietnamese government and the National Liberation Front in light of the specific points raised in S. Res. 271.

(1) A MUTUAL SETTLEMENT, THE BEST HOPE FOR PEACE

Hanoi and the Viet Cong have displayed an unwavering negative attitude toward achieving any negotiated settlement, or even the desirability of such an understanding to assure lasting peace.

A June 6, 1969, statement in the Communist Party of North Vietnam's theoretical journal, Hoc Tap, gave an accurate portrayal of their attitude toward negotiations with the United States and the Republic of Vietnam:

"The Total approach to negotiations by the NLF expresses the iron-like determination of our people to fight on [militarily] until the United States gets out, the puppets (Saigon Government) collapse, and South Vietnam is completely liberated."

A further illustration of Hanoi's intentions comes from a captured directive, recently declassified, defining the present goals of North Vietnamese and Viet Cong forces in South Vietnam. I would point out that this document was issued by the Central Office South Vietnam (COSVN), which is Hanoi's headquarters office for directing and coordinating National Liberation Front operations in South Vietnam.

The document, COSVN Resolution No. 9 reads:

"Our immediate mission is: To motivate the entire party, army and people to make outstanding efforts in developing the success already gained; ...to vigorously push forward the General Offensive and Uprising with the three-pronged attack to the highest point in coordination with the diplomatic offensive; ...to defeat the enemy's clear-and-hold strategy, pacification policy and other defense set-ups; and defeat his scheme to de-Americanize the war. We should fight to force the Americans to withdraw troops, cause the collapse of the puppets and gain the decisive victory...."

These examples provide sufficient justification to assert the insincerity of the North Vietnamese and Viet Cong in seeking a mutual agreement for settlement of the conflict.

S. Resolution 271 calls for a reversal of this attitude; a simple acknowledgement of the value of a jointly-reached settlement.

(2) DEMONSTRATION OF FLEXIBILITY AND DESIRE FOR COMPROMISE

The North Vietnamese and Viet Cong have been adamant in insisting on their unilateral, non-negotiable demands. They refuse to discuss U.S. and South Vietnamese proposals; out of hand rejection is the rule.

For the record, Mr. Chairman, at this point I wish to have inserted in my testimony five-point and ten-point "solutions" proposed by the National Liberation Front in October 1968 and May 1969.

With reference to these two documents, I quote from the opening statement of Xuan Thuy, Chief of the North Vietnamese Delegation, at the 41st session of the Paris negotiations on November 6, 1969:

"The United States must stop its aggression, totally withdraw from South Vietnam U.S. troops and those of the other foreign countries in the U.S. camp, without posing any condition -- the question of Vietnamese armed forces in South Vietnam shall be settled by the Vietnamese parties among themselves. It must also set up a provisional coalition government in South Vietnam, and let this government organize genuinely free and democratic elections in South Vietnam."

We know the bitter experience of "coalition governments" in Hungary and other Eastern European countries after World War II and the fate of the 1946 "lien hiep" (coalition) experiment in Vietnam itself. The total inflexibility of the North Vietnamese and Viet Cong exemplifies the complete absence of any intent to achieve a compromise between their demands and our proposals. In contrast I would point out that the United States, through the President and our negotiators, has repeatedly emphasized that, as far

as we are concerned, everything is negotiable except the South Vietnamese people's right to self-determination.

S. Resolution 271 only asks that our gestures be returned in kind. No special concessions are sought or expected.

(3) NEGOTIATIONS BETWEEN THE NLF AND SOUTH VIETNAM

A continuing impediment to any progress in negotiations has been the National Liberation Front's refusal to negotiate with the government of South Vietnam on any substantive basis whatsoever.

The NLF refuses even to accept items for the agenda in Paris and refers to the South Vietnamese government only as "puppets" and "the Thieu-Ky clique, and pursues the systematic liquidation of South Vietnamese Nationalist Party members in satisfaction of so-called Blood Debts...."

There can be no hope for agreement on even the smallest details when one party claims sole legitimacy and is completely unwilling to engage in viable political processes.

S. Resolution 271 does not call for surrender of the Viet Cong's principles or other stipulations. It asks simply that they talk to the South Vietnamese government as a political entity.

(4) THE SAIGON GOVERNMENT'S EXISTENCE AND THE HOLDING OF ELECTIONS

The North Vietnamese and Viet Cong have continued to hold out the overthrow of the South Vietnamese government as a condition precedent to conducting free elections. This demand is accompanied by insistence that a "provisional coalition government" be established to rule South Vietnam until elections can be conducted.

There is neither necessity nor reason that the Saigon government be destroyed before the people of both Vietnams are allowed to make their choice of governments. The government of South Vietnam has repeatedly made public its willingness to work for the participation of all orderly, democratic parties and to abide by the results of free and internationally supervised elections. President Thieu has been most explicit on this subject.

The United States does not seek to impose our idea of what the government of South Vietnam should be, nor will we permit the North Vietnamese or Viet Cong to dictate a "coalition" or other form of government. It is for the South Vietnamese people alone, and in free exercise of democratic processes, to decide the forms of their institutions. S. Resolution 271 calls for reasonable recognition of these facts by North Vietnam and the Viet Cong.

(5) PRISONERS OF WAR -- THEIR STATUS AND TREATMENT

As a broader and perhaps more telling indication of Hanoi's and the Viet Cong's intentions and predispositions, I would cite their treatment of American prisoners of war. Both North Vietnam and the NLF have persistently and callously violated the 1949 Geneva Convention Relative to the Treatment of Prisoners of War. These conventions were ratified by North Vietnam June 28, 1957. Notwithstanding ratification and the clear language of the Conventions, Hanoi and the Viet Cong engaged in the following calculated violations:

- refusal to provide proper nourishment and humane treatment for all American prisoners of war, information on their detention camps and access by neutral observers;
- refusal to identify all American prisoners of war;
- denial to American prisoners of war the right to communicate regularly by mail with their families;
- continued detention of the seriously ill and wounded.

These barbarous violations of the fundamental law of nations have not gone unnoticed by the body chiefly concerned with the application of the Geneva Conventions. In a letter dated June 11, 1965, the Vice President of the International Committee of the Red Cross, Jacques Freymond, told Secretary of State Dean Rusk:

"All Parties to the conflict, the Republic of Vietnam, the Democratic Republic of Viet Nam and the United States of America are bound by the four Geneva Conventions of August 12, 1949, for the protection of victims of war, having ratified them and having adhered thereto. The National Liberation Front too is bound by the undertakings signed by Vietnam."

On September 13, 1969, the XXI International Conference of the Red Cross clearly delineated the responsibilities of nations in their treatment of prisoners of war. The resolution unanimously adopted at the Istanbul Conference reads in pertinent part:

"...even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners; provisions of an adequate diet and medical care; that prisoners be permitted to communicate with each other and with the exterior, that seriously sick and wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals."

Senate Resolution 271 puts the North Vietnamese and Viet Cong on notice that their unlawful treatment of American prisoners is fully recognized and that we call upon them before the community of nations to comply with the obligations solemnly undertaken by them and imposed upon them by international law.

CONCLUSION

Mr. Chairman, I hope my remarks have provided some insight into the broad significance of S. Resolution 271. It strikes at the heart of Hanoi's calculated negativism at Paris and in the world community. All of the articles relate directly to the strategy Hanoi and the NLF are utilizing to forestall a negotiated settlement at Paris and to evade their international responsibilities.

It is clear at the present time that Hanoi and the NLF totally lack resolve to approach a negotiated settlement of the war. This Resolution seeks to provide the incentive for them to develop a constructive approach to the Paris negotiations.

The sponsors of S. Resolution 271 sincerely hope a just and lasting peace can be achieved through a formal negotiated agreement. We believe the time is long over due for Hanoi and the Viet Cong to bargain in earnest and cease pressing to impose their philosophy and form of government through military subjugation of South Vietnam.

We further believe passage of this resolution would rebut a serious illusion in Hanoi by showing that the majority of Americans and their representatives in Washington do support our government's efforts to end the war through negotiation.

Senate Resolution 271 is a positive statement to Hanoi and the Viet Cong that peace and self-determination are American goals for all of Vietnam, both North and South.