

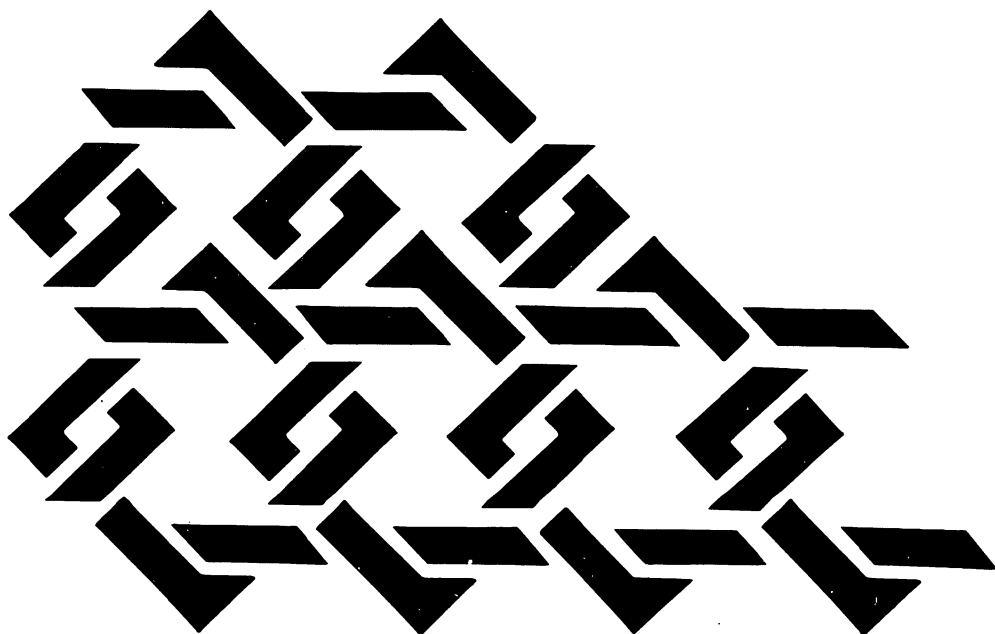


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The Search for a Negotiated Settlement of the Vietnam War

ALLAN E. GOODMAN



INSTITUTE OF EAST ASIAN STUDIES UNIVERSITY OF CALIFORNIA, BERKELEY

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Although the Institute of East Asian Studies is responsible for the selection and acceptance of manuscripts in this series, responsibility for the opinions expressed and for the accuracy of statements rests with their authors.

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Acknowledgments

The Lost Peace: America's Search for a Negotiated Settlement of the Vietnam War was originally published by the Hoover Institution Press in 1978 and focused on what was known through 1975 about the diplomacy behind the longest, most costly, least successful war in U.S. history. This monograph is an abridgement of my original account and highlights the major forces that shaped Washington's search for a negotiated settlement and motivated Hanoi's repeated rejection of one.

I am very grateful to the Institute of East Asian Studies for the chance to publish a text which can be used in today's classroom at a time of renewed interest in the Vietnam war and to the Hoover Institution for their permission to draw extensively on the manuscript of *Lost Peace*. I am also grateful to my students at Georgetown, especially Matthew Doyle and Linda Powers who helped check my facts against recent research and who suggested how the story of the negotiations could be presented to a generation for whom the Vietnam War is ancient history.

Preface

The American conception of negotiation is a process of bargaining and concession, the outcome of which is compromise. Americans expect to bargain, and we expect that a military stalemate will cause our adversaries to do the same.

In the case of the Vietnam negotiations, this expectation proved unwise and frustrating. Hanoi used negotiations as a tactic of warfare to buy time to strengthen its military capabilities in South Vietnam and weaken the will of those on the side of Saigon. Rather than serving as an alternative to warfare, consequently, the Vietnam negotiations were an extension of it.

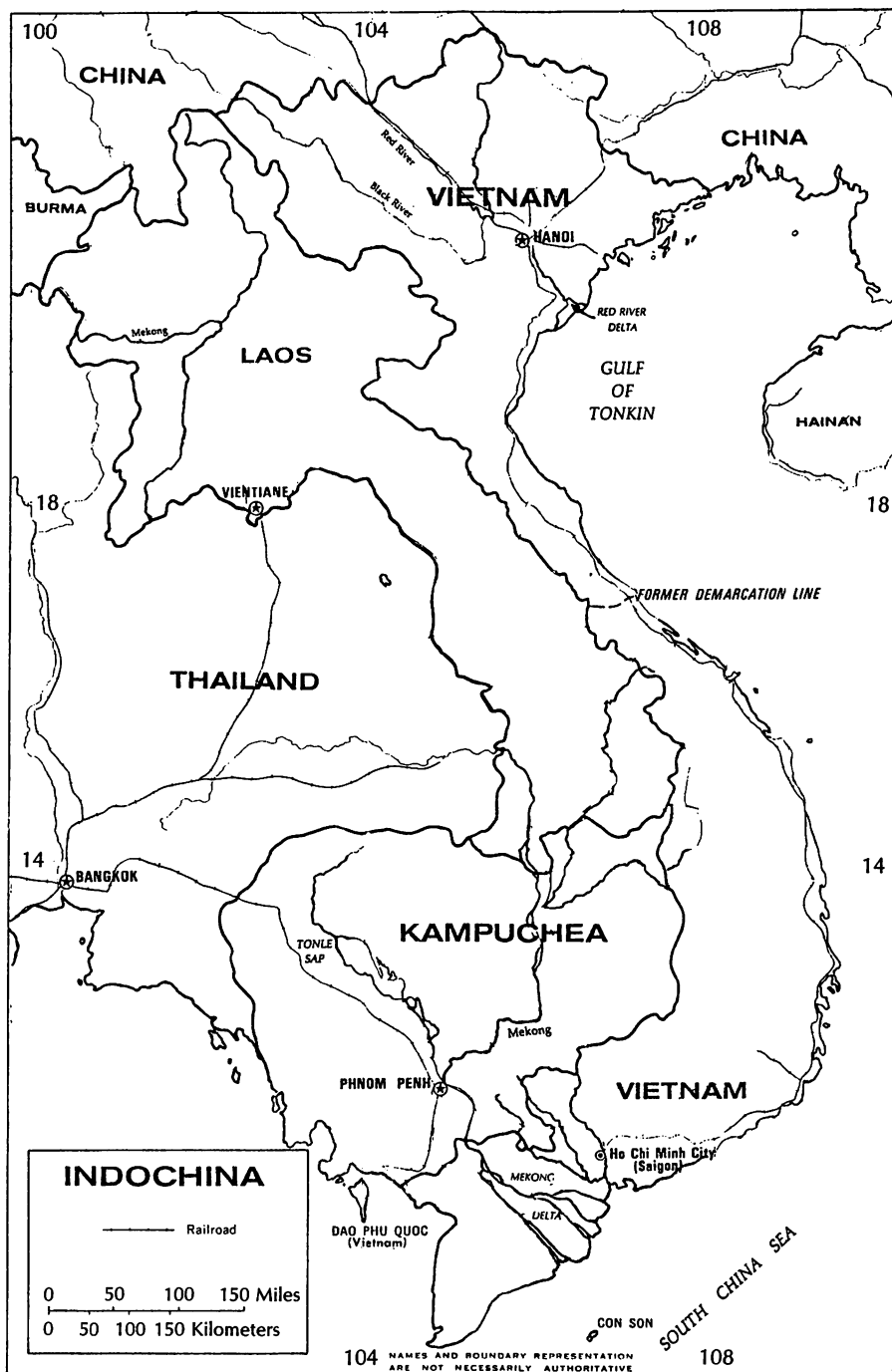
In describing the decade-long search for a negotiated settlement of the Vietnam War, it was not my original objective to develop or test theories of negotiation. Looking back today on the experience—and in light of the course I now teach at Georgetown's School of Foreign Service on the theory and practice of international negotiation—I do find that in each phase of the negotiations there is considerable support for the theories of bargaining that underscore the importance of adroit public diplomacy and internal policy coordination to effective international negotiation. Where the U.S. government, in particular, fell short on these qualities—and why—is highlighted in the chapters that follow.

But it is also important to remember that many American policy makers knew at the time that they were negotiating under less than optimal conditions and in ways that raised doubts about the efficacy of U.S. strategy and tactics. Vietnam, thus, is not a case where American diplomats were all too eager to sacrifice vital interests for the sake of an agreement; as U.S. presidents repeatedly demonstrated, they were not after a settlement at any price. Instead, the United States consistently sought the status quo ante bellum (though frequently lowering our expectations of what Hanoi was required to give to attain that condition).

Preface

The experience suggests, moreover, that even a high degree of negotiating skill is not a sufficient condition for success. For a negotiated settlement might still have been unattainable even if U.S. policy had been better coordinated, or more adroit at countering Hanoi's tactics, or better able to retard the rapid rise of domestic and international public sentiment against the war. This is not a case of a negotiation where some commonsense formulas for effectiveness and success should have been applied and weren't. The Vietnam War was just plain difficult to end by diplomacy in the first place, and this most U.S., South Vietnamese and North Vietnamese negotiators knew. In the end, they got in the Paris Agreement a set of terms that allowed each party to continue to try to win by force what they realized they could not achieve through diplomacy.

The account that follows is based on interviews in 1974 and 1975 with decision makers in Washington and Saigon and a review of the government documents, officials' memoirs, and academic literature that have appeared since. The reader will note that I draw especially heavily on interviews conducted with virtually all of the U.S. and South Vietnamese officials who participated in the Vietnam negotiations. At these officials' request, the interviews were off the record. I find that even a decade later, I cannot yet identify the source of the quotations without violating the conditions under which I had access to such officials and their viewpoints. Of the more than 75 persons interviewed, only one has died (Ambassador Henry Cabot Lodge); many are still on active duty or are quite involved in the politics of the expatriate Vietnamese communities where they now live in exile. However, I did make a memo of conversation after each interview, and these are contained in twelve notebooks on deposit at the Hoover Institution archives where they can now be inspected by scholars on the condition that they agree not to identify any living person mentioned. In addition, I donated all of the material on which *Lost Peace* was based to this archive, where it has been catalogued and extensively indexed to facilitate others' research.



I

1962–1965: First Contacts

The first diplomatic contacts between Washington and Hanoi did not go well. To avoid giving an impression of weakness, both sides stressed their readiness to fight if talking proved fruitless. Each badly misjudged the other's response to such hard-line rhetoric. Hanoi, in addition, miscalculated that political instability in South Vietnam would dampen U.S. support for Saigon. But the ease with which these misperceptions could lead to war was not apparent when the United States first approached North Vietnam about negotiations.

By July 1962, when the first contact with Hanoi was made, the overriding U.S. objective in Indochina was to limit involvement in what President Kennedy and Secretary of Defense Robert McNamara believed was essentially a Vietnamese civil war. Thus, as the Geneva Accords providing for Laos' neutrality were signed in 1962, President Kennedy asked the secretary of defense to initiate plans for a phased withdrawal of U.S. advisors from South Vietnam and a scaling down of the military assistance program.

President Kennedy also authorized W. Averell Harriman and his deputy William Sullivan (later a deputy assistant secretary of state deeply involved with negotiations during the Johnson and Nixon administrations) to approach the North Vietnamese delegates at the Geneva Conference with an offer of secret talks. The president wanted Hanoi to know that Washington regarded the conflict in South Vietnam as an internal Vietnamese affair. Harriman and Sullivan were to suggest that the accords on Laos serve as a model for an agreement guaranteeing Vietnam's neutrality.

This diplomatic overture to Hanoi had to be kept secret because, as one of Washington's emissaries put it, "To broadcast our meeting with North Vietnam would have alarmed the South Viet-

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namese who opposed such contacts. We knew if we were successful with Hanoi, we would have to bring Saigon around." The meeting and the site were arranged by the foreign minister of a neutral country attending the conference, and Harriman and Sullivan took an elaborate detour through Geneva alleyways to avoid being seen by any of their South Vietnamese colleagues en route to the meeting. They met with the foreign minister of North Vietnam, Ung Van Khiem, and his military assistant, Colonel Ha Van Lau, who, like Sullivan, later participated in the secret Paris talks.

Harriman opened the ninety-minute session by observing that he was the same age as Ho Chi Minh and, like Ho, shared the dream of enjoying old age with Vietnam at peace. A step in that direction could be taken this day, Harriman suggested. If an agreement was possible on Laos, one should be no less possible on Vietnam.

The representatives from Hanoi responded that the Four-Point Manifesto of the National Liberation Front (NLF) was the only basis for peace in Vietnam. This manifesto in part called for the immediate withdrawal of all "personnel of U.S. satellites and allies" and the establishment of a "national coalition government to guarantee peace, organize elections, promulgate democratic liberties, release political prisoners, and abolish all monopolies." If the United States wanted peace in the region, the North Vietnamese declared, it only had to withdraw its personnel from Vietnam and end its support to the Diem government. Because from Hanoi's viewpoint the United States was illegally supporting an illegitimate government, there was nothing to negotiate. "I don't think they believed that we would stand firm or commit more troops than the 16,000 we already had in South Vietnam," one of the Americans at the meeting later told me in an interview. "They thought then that South Vietnam would be theirs in a matter of months or years and that, therefore, there was no need to enter negotiations to get what would certainly come through our default." Hence further U.S. efforts to engage the North Vietnamese in talks were rebuffed.

For the next eighteen months Hanoi expected the Saigon government to collapse. By the end of 1962 the Communist leadership could see that the Diem government's tenuous hold on the countryside was slipping and Saigon's inefficient army was no match for the NLF's mobile guerrilla teams or for the small conventional

units that could lure government of Vietnam (GVN) troops into carefully planned ambushes. By 1963 Hanoi thought that political developments in Saigon could well be a prelude to a Communist-dominated South Vietnam. GVN repression of urban Buddhist dissidents had provoked a crisis between that group and the Catholic elite. Such repression alienated the Americans who, already upset with the inability of the Diem government to initiate long-promised administrative and political reforms, encouraged a coup against Diem in November. Once in power, the coup leaders could not agree on who should head the government or on how the army could be mobilized into an effective fighting force. The Communists expected the Americans to be further alienated by the squabbles among these South Vietnamese politicians and, consequently, to distance the U.S. from Diem's successors.

Erosion of U.S. support would demoralize Saigon, provoking another political crisis and permitting the NLF to take the initiative in creating a coalition government the Communists could dominate. The consolidation of Communist power in South Vietnam would be complete when South Vietnam's nationalists (their ranks thinned by assassination of anti-Communist leaders) adapted to a life within a Communist-dominated state and began talks with the Democratic Republic of Vietnam (DRV; i.e., North Vietnam) about unification.

Nothing that America or its South Vietnamese ally subsequently did by force or through diplomacy shook Hanoi's confidence that these events would occur.

Johnson's Negotiations through War

The assassination of presidents Kennedy and Diem in 1963 deprived the United States of an alternative to becoming more deeply involved in Vietnam. President Johnson did not encourage policy debate while Saigon bordered on anarchy—anarchy brought on, in Johnson's view, by the internal divisions within the U.S. government that had led to U.S. support of the coup against Diem. Lacking any debate outside of the White House and discouraging it within, President Johnson believed he had inherited a commitment, not the responsibility to decide if a commitment should be made.

The president thus believed that the issue for decision was whether Americans should fight a war for victory or whether they

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should fight for the negotiation his predecessor had tried to start. If the United States sought military victory, Americans themselves might have to fight a land war in Asia; if negotiations were sought, the United States had little guarantee in 1964 that Hanoi would be more willing to compromise in its struggle to liberate the south and unify Vietnam than it had been in 1962. Indeed, to Hanoi the "correlation of forces" (the North Vietnamese term for the simultaneous effects of their social, political, and military assaults on South Vietnamese society) from 1962 to 1967 was probably viewed as unfavorable for negotiations. This did not mean that Hanoi was stalemated militarily or that the government in Saigon had developed the administrative or military capability or the political support necessary to compete effectively with the NLF. Rather, Hanoi's refusal to negotiate reflected dissatisfaction with its own military capabilities, especially the meager extent of the NLF's political control in the countryside.

To many of the president's advisors, Hanoi's intransigence was not entirely unwelcome. "That Saigon could have survived a negotiated settlement," one later told me in an interview, "seemed to us then inconceivable. We were in a terrible bind: if we started to negotiate, Saigon would refuse to stand and fight. Our first instinct was to build up their morale because we knew that weak states would be swallowed up by communism after the negotiations were over."

By the new year, the knowledge among key officials that the GVN could not sustain a neutralization solution like that of Laos ruled out negotiation as a policy option. In March 1964 the order implementing the phased withdrawal of the Kennedy administration was rescinded. At that point the urgency of the situation was such that an Inter-Agency Vietnam Committee was prepared to recommend to the president that "American personnel... be integrated into the Vietnamese chain of command, both military and civil. They should become direct operational components of the Vietnamese governmental structure."¹ Washington assumed that Hanoi would negotiate out of fear of both U.S. capabilities and the costs to the

¹ *The Pentagon Papers*, Senator Gravel ed., 4 vols. (Boston: Beacon Press, 1972), vol. 2, p. 319.

north of a prolonged war. But timing was the chief problem: the GVN had to be strong enough militarily to survive a cease-fire and organized enough politically to compete with the NLF. Either there had to be a favorable balance of forces when the negotiations began, or Washington would have to create one before they ended.

U.S. Allies: Hanoi's Whipsaw

Hanoi believed that any negotiated settlement would fall considerably short of what could be achieved by frustrating the Americans militarily. Most officials in Washington did not believe U.S. military power could be so easily stalemated. As a result, in 1964 and 1965 Washington and Hanoi were telling each other they would fight to prove their point. At the same time, U.S. allies were telling Washington that a non-Communist South Vietnam might not be worth a war.

Many world leaders believed it crucial that Washington and Hanoi talk out their differences. U.N. Secretary-General U Thant, for example, thought that Hanoi and Washington equally misunderstood each other's resolve and that each perceived it was the action of the other that left it with no choice but to fight rather than negotiate. In October 1964 U Thant sought to arrange secret talks between the two governments. Hanoi claimed it agreed to talks in November but received no response from Washington for more than five months. When an answer was finally given it was negative: U.N. Ambassador Adlai Stevenson told U Thant that Washington had been assured that Hanoi was not interested in secret talks.

A year later U Thant told President Johnson of his dismay that the initiative had not been followed. But the president never had heard of Hanoi's offer or of U Thant's efforts to arrange secret talks. Administration officials contend that the president was not informed of U Thant's initiative because it was considered spurious; other indications Washington had about Hanoi's intentions suggested no interest in negotiations. Hanoi later confirmed Washington's assessment by denying that U Thant was told that North Vietnam was willing to engage in secret talks with the U.S. This was the first time Hanoi used the whipsaw technique of bargaining—a tactic that involved one North Vietnamese official telling an intermediary something that another Vietnamese official would contradict in discussions

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with another intermediary.

In this case, while U Thant and others pressed the case for negotiations and assured U.S. officials that Hanoi was ready for talks, J. Blair Seaborn, head of the Canadian delegation to the International Control Commission (ICC), made five trips to Hanoi between June 1964 and June 1965 and reported just the reverse. The channel he established between President Johnson and DRV Premier Pham Van Dong remained open for nearly a year and always contradicted what U Thant and other UN-based peacemakers alleged they were told by Hanoi.

Seaborn was briefed to tell Pham Van Dong that the United States had limited objectives in Vietnam. The U.S. commitment was to the independence and territorial integrity of South Vietnam so that the people there could freely and peacefully choose their form of government. U.S. military activities in Vietnam were not aimed at North Vietnam, but rather at helping a duly constituted government respond to a threat from forces of another government that was violating a demilitarized zone established by international agreement. Seaborn was also instructed to say that Washington believed Hanoi controlled the military operations of the NLF, as evidenced by the nearly complete cease-fires that had occurred on Hanoi's orders at the Tet (the lunar new year holiday) in 1963 and 1964. Washington, consequently, wanted Hanoi to cease and desist in its military support to the NLF. If Hanoi chose to persist, Seaborn was instructed to say that President Johnson's patience was wearing very thin and that he would stand up to aggression. "In the event of escalation," Seaborn told premier Pham Van Dong, "the greatest devastation would...result from the DRVN itself as a result of the air and naval activities that would be taken against North Vietnam." These themes were repeated during Seaborn's second visit to Hanoi in August 1964, when he was instructed to warn Pham Van Dong that the Tonkin Gulf Resolution should serve as further evidence that the U.S. could be provoked into war.

Seaborn was also to convey Washington's willingness to endorse a political settlement if Hanoi ceased supporting the NLF's armed struggle. Washington's negotiating offer to Pham Van Dong included: (1) obtaining Saigon's agreement to a resumption of north-south trade, (2) providing PL480 (Public Law 480) food aid directly

to the DRV, (3) lifting all foreign assets controls on the DRV currency held in the United States, (4) reducing all trade restrictions to only those in effect for the Soviet Union, (5) according diplomatic recognition, (6) removing all U.S. forces from South Vietnam except for the 350 advisors permitted under the Geneva Agreement, and (7) announcing a GVN amnesty for all members of the NLF. Washington also offered Hanoi the choice of announcing all of these U.S. concessions either at once or over a three-month period.

Viewed against the backdrop of South Vietnam's political instability and the weakness of its army, U.S. government experts on Vietnam warned that, if Hanoi accepted these concessions, communism would triumph in a matter of months. As one put it, "The NLF would not have to fire a single shot. Saigon politicians would do the job." But the president was convinced that if the South Vietnamese were left alone and American economic aid continued, the GVN would remain an independent and non-Communist government.

Pham Van Dong did not reject Washington's offer outright; he did so by countering that since the Geneva Accords had stipulated that Vietnam would be free of all foreign military forces, the United States was an aggressor; the NLF were engaged in a legitimate defense of the sovereignty and territorial integrity of Vietnam. To avoid war, therefore, the U.S. must leave Vietnam and end all support to the Saigon government. There was, Pham told Seaborn, nothing to negotiate.

And Then There Was War

"After 125 Americans were wounded in the attack on Pleiku," one U.S. official recalled, "I knew we were into something big and something that would get much bigger. It was a war." The February 1965 raid on the American advisors' barracks at Pleiku resulted in a decisive change in Washington's attitude toward the conflict. Until the attack, it had been possible for the president's advisors to press the case for not going to war over Vietnam. The Pleiku incident changed all this. North Vietnamese Army (NVA) attacks on U.S. forces in Vietnam during 1965 provoked a series of reprisal air strikes conducted over North Vietnam. The strikes were intended to protect U.S. forces, discourage Hanoi from continuing such attacks, and compel Hanoi to negotiate. Plans were made also to land the first

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U.S. combat troops in Vietnam. In 1965 President Johnson incorrectly believed that time and force were on his side and that, rather than risk either devastation of the north or losing the war in the south, Hanoi would eventually negotiate.

II

1965–1968: The Search for Negotiations Protracts the War

The search to open negotiations with Hanoi between 1965 and 1968 is one of the most fruitless chapters in U.S. diplomacy. White House sources estimate that during this period as many as 2,000 individual efforts were made to initiate talks. In his memoirs, Lyndon Johnson noted that there were some seventy-two negotiation initiatives he personally followed. He regarded those listed in Table 2.1 as the most significant. "As I look back," Johnson said of these efforts to start negotiations, "I think that we perhaps tried too hard to spell out our honest desire for peace.... These numerous appeals through so many channels may well have convinced the North Vietnamese that we wanted peace at any price."¹ Johnson was, in fact, pessimistic about a negotiated settlement from the start, believing that Hanoi would seek negotiations only to end the bombing and not the war.

What follows is a year-by-year account of the most significant efforts during the Johnson presidency to initiate negotiations between Washington and Hanoi. The who, what, when, and how of each initiative is examined. I have also tried to explain the reasons for the collapse of each initiative and its consequences for protracting and escalating the war.

1965: Failure of Bombing and Diplomacy

Initially Washington's bombing of North Vietnam was designed to reduce Hanoi's capability to wage war in the south, not as a bargaining chip designed to affect Hanoi's willingness to seek a negotiat-

¹ Lyndon Baines Johnson, *The Vantage Point* (New York: Holt, Rinehart, and Winston, 1971), p. 250.

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Table 2.1
Johnson's Assessment of the Major Initiatives

June 1964– June 1965	Seaborn missions	Hanoi showed no interest in discussions.
May 1965	Five-day bombing pause (Project Mayflower)	Hanoi called the pause a trick. Just after the pause ended, North Vietnamese officials approached the French and discussed Hanoi's position on a peace settlement. French officials said this could "not be regarded as a valid offer of negotiations."
Aug. 1965– Sept. 1965, Nov. 1965, Jan. 1966	Unofficial U.S. representative meets with Mai Van Bo in Paris	Hanoi was unresponsive.
Dec. 1965– Jan. 1966	Thirty-seven-day bombing pause	Prime Minister Pham Van Dong in Hanoi called the U.S. peace effort a campaign of lies.
March and June 1966	Ronning missions	Hanoi authorities were totally negative with regard to any response on their part to a halt in the bombing. Hanoi repeated its insistence on the four points.
June–Dec. 1966	The government of Poland extends good offices to arrange direct talks (Project Marigold)	On December 13 the Poles informed the United States that Hanoi was not willing to have talks; on December 15 the Poles terminated conversations on the possibility of direct talks, allegedly at Hanoi's insistence.
Oct. 1966– Feb. 1968	The government of Rumania extends good offices to report Hanoi's attitude toward talks	Hanoi's response was negative.

1965–1968

Feb. 8–13, 1967	Wilson-Kosygin hold talks on extending the Tet bombing pause	Hanoi called the pause another trick.
July–Oct. 1967	Four French friends of Henry Kissinger travel to Hanoi to present what later became known as the San Antonio formula: the United States would stop bombing when such cessation would promptly lead to productive negotiations	Hanoi gave final rejection in mid-October and increased offensive actions in Vietnam.

SOURCE: Adapted from "Major Peace Initiatives," in Lyndon B. Johnson, *The Vantage Point* (New York: Holt, Rinehart and Winston, 1971), pp. 579–89.

ed settlement. Civilian officials in the Office of the Secretary of Defense and in the Central Intelligence Agency, however, argued that the bombing was not effective in reducing the flow of soldiers and supplies into South Vietnam or in persuading Hanoi to negotiate. World War II bomber pilots who had become generals by 1965 and 1966 argued that bombing could not reduce infiltration unless all target restrictions were removed. Intelligence analysts estimated that more than three-quarters of the north's war-related industries and military supply systems had been insulated from air attack by the administration's restrictions. State Department officials argued that removing target restrictions would bring China and possibly the Soviet Union into the war. Air force strategists insisted that the bombing would never persuade Hanoi to come to the negotiating table unless it were kept up around the clock until negotiations began. Allies in touch with Hanoi argued that only by stopping the bombing would Hanoi negotiate.

President Johnson thus had to find a balance between bombing for purposes of fighting the war and for persuading the North Vietnamese to negotiate. He opted for a strategy of escalation. Spared targets were rationalized as reminders to Hanoi of what North Vietnam still had to lose. Pauses in the bombing were considered essen-

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tial to give Hanoi time to calculate the costs of continuing to refuse to negotiate. Such pauses also were intended to show both the North Vietnamese and the president's critics that the United States was genuinely committed to negotiating an end to the war and not to destroying North Vietnam.

But, from the start, Hanoi offered only nonnegotiable demands, repeatedly telling Washington that the bombing had to stop before there could even be talks about talks. Washington insisted that talks begin unconditionally, an indication of the president's unwillingness to stop the bombing, the bargaining chip he hoped to cash in for a political settlement.

Hanoi's basic position—the four points—was presented by Premier Pham Van Dong in a speech to the DRV National Assembly on April 8, 1965.

1. Recognition of the basic national rights of the Vietnamese people: peace, independence, sovereignty, unity, and territorial integrity. According to the Geneva Agreements, the U.S. Government must withdraw from South Viet Nam all U.S. troops, military personnel and weapons of all kinds, dismantle all U.S. military bases there, and cancel its "military alliance" with Saigon. It must end its policy of intervention and aggression in South Viet Nam. According to the Geneva Agreements, the U.S. government must end its war acts against the North and definitely end all encroachments on the territory and sovereignty of the Democratic Republic of Viet Nam.
2. Pending the peaceful reunification of Viet Nam, while Viet Nam is still temporarily divided into two zones, the military provisions of the 1954 Geneva Agreements on Viet Nam must be strictly respected: the two zones must refrain from joining any military alliance with foreign countries, and there must be no foreign military bases, troops, and military personnel in their respective territories.
3. The affairs of South Viet Nam are to be settled by the South Vietnamese people themselves, in accordance with the programme of the South Viet Nam National Front for Liberation, without any foreign interference.
4. The peaceful reunification of Viet Nam is to be settled by the Vietnamese people in both zones, without any foreign interference.²

² George C. Herring, *America's Longest War: The United States and Vietnam* (New York: John Wiley and Sons, 1979), pp. 132–133.

The four points represented the minimum that had to be achieved in any negotiations with Washington. While Washington understood this in theory, it tended in practice to treat the four points as maximum demands, subject to modification through either tacit bargaining or formal negotiation.

This stand linked ending the war to a political settlement of the struggle over power in South Vietnam. Hanoi's insistence that the political and military issues could not be separated meant that, if negotiations were to end the war, Washington had to replace with a coalition the government in Saigon that it was trying to save from collapse. Hanoi maintained that U.S. intervention in 1964 and 1965 had dramatically affected the political situation in the south: the GVN had not been allowed to collapse as had been expected, and thereafter, the NLF had lost ground politically as well as militarily. By seeking both a political and a military settlement, Hanoi sought to restore to the Communist movement in the south the momentum it had lost. This the United States was unprepared to permit.

Washington's diplomacy aimed at providing Hanoi (through pauses in the bombing of North Vietnam) chances to back down from the four-point stand and reformulate, either in public or in secret, its settlement proposals. The theory was that, once Hanoi had backed down enough to make it possible for the United States to enter talks, bargaining would ensue. But President Johnson never believed that those who advocated negotiations understood Hanoi or were realistic in their assessment of the chances that such unilateral initiatives as stopping the bombing would actually lead to negotiations and a settlement. "If I were Ho Chi Minh," the president repeatedly told aides, "I would never negotiate."

The president's skepticism had such an effect on the search for negotiations that, as one aide put it, "every time we entered into a bombing halt, every time some third party reported to us that there might be a chance for talks with Hanoi, and every time Hanoi encouraged American citizens visiting North Vietnam to believe that it was willing to enter into productive talks, the president would just figure the odds. He never once saw a moment when, if he had been Ho Chi Minh, he would have responded positively to our effort to start negotiations. But we had to have some bombing pause to show our critics at home and abroad that we were willing to take risks for

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peace and that Hanoi, not us, was putting up the obstacles.”

The first bombing pause came in May 1965, some three months after regular air operations had begun over North Vietnam, and lasted for only five days. In a telegram to Ambassador Maxwell Taylor in Saigon, the president summarized his purposes in the following terms:

I have learned from Bob McNamara that nearly all ROLLING THUNDER [the code name for the air war against North Vietnam] operations for this week can be completed by Wednesday noon... This fact, and the days of Buddha's birthday, seem to me to provide an excellent opportunity for a pause in air attacks which might go into next week and which I could use to good effect with world opinion. My plan is not to announce this brief pause but simply to call it privately to the attention of Moscow and Hanoi as soon as possible and tell them we shall be watching closely to see whether they respond in any way. My current plan is to report publicly after the pause ends on what we have done.³

U.S.-drafted settlement terms—a set of propositions to which Hanoi could indicate agreement—were not offered during pauses; instead, Washington offered Hanoi a chance to respond by modifying its four points or by de-escalating the war. Average monthly indicators of the level of combat and of North Vietnamese military activity were established so that policy makers could determine if Communist military activity did indeed taper off in response to U.S. initiatives. These statistics were seasonally adjusted to take into account the normal patterns of combat in the dry and rainy seasons.

Hanoi denounced the May 1965 bombing pause and all subsequent pauses, claiming that they were designed only to justify subsequent escalation of the war.

A few hours after the United States resumed bombing of North Vietnam, however, Mai Van Bo, the highest ranking North Vietnamese diplomat accredited to a non-Communist government, asked the French foreign minister to convey the following message to Washington: “Premier Pham Van Dong's Four Points of April 1965 should not be considered as prior conditions, but rather as working principles for negotiations.” What Bo had to say was significant, if

³ *Pentagon Papers*, vol. 3, p. 366.

ambiguous. Blair Seaborn had just returned from Hanoi convinced that the DRV was not interested in negotiations. Washington was slow to respond because as one U.S. official involved in monitoring negotiation efforts put it, "We just couldn't believe that what Mai Van Bo was telling us was more authoritative than what the premier of North Vietnam himself had said to Seaborn." By midsummer, and after several conversations between Bo and the French, the State Department nevertheless selected an unofficial representative to meet with Bo in Paris. His job was to convey Washington's desire to start talks and avoid escalation, and to add the view of a private citizen that, unless talks began soon, there would be substantial U.S. domestic sentiment for widening the war.

At the first substantive meeting in the Paris apartment of Mai Van Bo, and after each side had communicated to the other the gravity with which the war was viewed in its respective capitals, the U.S. representative proposed changes in the wording of the four points so that they could be used as the basis for negotiations.

The U.S. modification of point one aimed at making the following issues subject for "immediate, international discussions without conditions": (1) the phased and balanced withdrawal of all foreign military and quasi-military personnel from North and South Vietnam, (2) the dismantling of foreign military bases in North and South Vietnam, and (3) the military alliances in contravention of the Geneva Accords. With respect to point two, Washington substantially agreed with the military provisions of the Geneva Accords respecting Hanoi's formulation but argued that compliance could now be achieved only with greatly improved inspection mechanisms.

Hanoi's third point concerned the political future of South Vietnam. Washington proposed substituting the phrase "in accordance with the programme of the South Vietnam National Front For Liberation" with only a general reference to "principles of self-determination." The program of the NLF called for, among other things, the overthrow of the government in Saigon, the imposition of a coalition, and the recognition of the NLF as the sole representative of the South Vietnamese people. To thus recognize the NLF in advance of negotiations, U.S. officials argued, would concede something that Hanoi had been unable to achieve either on the battlefield or in the political arena. Hanoi's fourth point called for "the peaceful

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reunification of Viet Nam to be settled by the Vietnamese people in both zones without any foreign interference." Although Washington desired to change the wording of this point, there was no disagreement with it in principle.

Washington hoped that a modified version of the four points could serve as a basis for unconditional discussions with Hanoi in a Geneva Conference-type forum. By the end of his second meeting with the U.S. representative, Mai Van Bo agreed, in principle, with the idea of holding such a conference. But U.S. officials had difficulty in squaring Hanoi's private forthcomingness with what Ho Chi Minh had just said in an interview in *Le Monde* on August 15: "The U.S. government must give tangible proof that it accepts the four-point stand...it must immediately stop the air attacks against DRV territory, stop forthwith the aggressive war against the south of our country, and withdraw from there all U.S. troops and weapons." Given that definition of the significance of the four points—one clearly at variance with the flexibility Mai Van Bo suggested was possible—the U.S. representative wondered aloud if there was any point to further meetings. Bo answered that another meeting should indeed be held; he had not yet read the Ho interview in *Le Monde*, and he hinted that there might be some changes in Hanoi's position that would make negotiations possible.

The third meeting took place three days later. To Washington's very great surprise, Bo began by saying that his position, not the one outlined by Ho Chi Minh in *Le Monde*, was the official DRV position. However, Bo emphasized that Hanoi required tangible evidence (the end of the bombing of North Vietnam) that Washington accepted the four points in principle. The U.S. officials monitoring the talks in Paris realized the significance of how far the Bo formulations, if authoritative, had gone to meet Washington's basic objectives on mutual troop withdrawal and reunification.

Nonetheless, there remained fundamental disagreements on the conditions under which the bombing of North Vietnam would cease and on whether the political future of South Vietnam could be decided by a process other than the one specifically called for in the NLF program. "These differences were not trivial," one U.S. official later told me in an interview, "but all of us thought that we had at least arrived at a point where negotiations were conceivable."

The closer Washington's and Hanoi's positions appeared in private, however, the further apart they appeared in public. At the end of August, while the secret talks in Paris were in recess, Pham Van Dong gave a particularly hard-lined National Day address in which he reiterated Ho's views as they had been expressed in *Le Monde*. The premier called for Washington's acceptance of the DRV's four points before a settlement could even be contemplated. He stressed that "no difficulty whatsoever could force our people to retreat, and no enemy whatsoever could intimidate us." He impugned the motives of President Johnson: "In a word, while President Johnson talks about peace the more he steps up the war." Then Pham Van Dong referred to an important lesson the DRV had learned in its efforts to reach a negotiated settlement with the French.

Soon after the DRV's founding and even after the outbreak of the resistance war in South Vietnam, we entered into negotiations with the French colonialists on many occasions and concluded with them several agreements and a *modus vivendi* in an effort to preserve peace. But to the French colonialists the signing of agreements was only a move designed to gain more time and to prepare military forces and make plans for further aggressions. It was only when our victories had made it clear to them that they could never conquer Vietnam and subdue our people and that further military adventures would only result in still heavier defeats that peace could be restored on the basis of the recognition of our national rights. This is a clear lesson of history and a lesson on relations with the imperialists that our people will never forget.

When Mai Van Bo and the U.S. representative convened for a fourth meeting Bo said Pham's speech was now the authoritative DRV position: "Washington must accept the four points, U.S. troops must totally withdraw from South Vietnam, and the bombing of North Vietnam must stop."

A fifth scheduled meeting was never held; the U.S. representative was informed that Bo was ill, and no substitute date for a meeting was suggested. Washington, however, kept this channel open for at least a year and replaced the original U.S. representative, who had to return to the United States, with a retired diplomat who had been persuaded to take his pension in Paris. The new representative did meet once with Mai Van Bo and twice with his deputy, but Hanoi's position did not change. Washington had its first taste of Hanoi's leapfrogging between public and private positions.

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President Johnson and his advisors believed that Hanoi used the secret talks to determine what the U.S. would concede in order to start negotiations. Hanoi's objective, official Washington believed, was to get the bombing stopped in exchange for "talks," something which meant far less than bargaining in the Communists' lexicon. Consequently, these officials recognized that there was an immediate need to make certain that the search for a basis for negotiation would not restrict the American ability to fight the war, especially when the bombing of North Vietnam was essential from a military point of view.

Hanoi did appear to learn how far the United States was prepared to go in private to reach a negotiated settlement because the North Vietnamese leaders thought the U.S. modification of the four points was far more conciliatory in substance than the Johnson administration's public position. But Hanoi misjudged this as a sign of considerable flexibility to and growing war weariness associated with Washington's position. And the Communist leaders did not appreciate that while Washington could be made to soften its terms in private, once those terms were spurned, the president realized that he had been "had." This not only discredited those who advocated negotiations in the future but also hardened U.S. terms. When Hanoi realized this, some of its leaders concluded that the forays into diplomacy only proved that the United States would have to be defeated militarily before it would be willing either to sign the kind of agreement Hanoi was prepared to offer or to withdraw its troops unilaterally. Indeed, what had been learned in the 1965 contacts with Washington probably reinforced the view of those in the North Vietnamese leadership that there might be no alternative to war.

Thus, efforts to start negotiations actually reinforced the view on both sides that the basic conflict could be settled only by fighting.

The thirty-seven-day pause that began on December 24, 1965—the next major U.S. negotiation initiative—followed the pattern that had been set in May. The pause was appended to a holiday. Every possible channel through which Hanoi could respond was explored. High-level U.S. officials traversed the globe in a peace offensive, explaining U.S. aims to 115 governments and asking for help in bringing Hanoi to the negotiating table. Again, Washington did not offer Hanoi a new proposal for ending the war; it offered

Hanoi a chance to indicate its interest in negotiating one.

Hanoi branded the bombing pause a "deceptive peace campaign." "The facts have shown," a January 4, 1966, Hanoi radio broadcast pointed out, "that every time the U.S. authorities want to intensify their aggressive war they talk glibly about peace. The present U.S. peace efforts are also a mere attempt to appease public opinion at home and abroad." The radio broadcast once more stated that peace would come only when the United States accepted the four points and signaled their acceptance by stopping "unconditionally and for good" the bombing of North Vietnam.

"After this bombing pause initiative collapsed," one of Mr. Johnson's advisors recalled in an interview, "'the president said that as far as he was concerned the search for negotiations was pointless. 'We were fighting a war in Vietnam,' he would say, 'not trying to mediate a dispute.'"

1966-1967: Good Offices Breed Bad Faith

Throughout 1966 and 1967 Hanoi stonewalled on the issue of unconditional talks. North Vietnamese officials, however, led at least eleven heads of state or high foreign ministry officials to believe that Hanoi would enter talks with Washington without insisting on prior acceptance of the four points if the bombing were stopped.

To America's allies, talking seemed preferable to fighting. In countless meetings with U.S. officials foreign diplomats pointed out that, with such a preponderance of power on Washington's side, the risk that Hanoi could take any appreciable advantage of an end to the bombing would be low. More important, they argued, if Washington refused to appear interested in negotiations and continued the bombing, world opinion would portray the United States, not Hanoi, as the aggressor. The intense efforts of Washington's allies in 1966 and 1967 to start negotiations—negotiations U.S. officials regarded as unlikely (and unwise because of the impact they would have on GVN morale)—played right into Hanoi's hands. The net effect of these efforts was to increase domestic and international pressure on the United States to stop the bombing, which, in turn, appeared to reward Hanoi for its intransigence.

The first third-party initiative occurred when Chester Ronning traveled to Hanoi in March and June of 1966 as a special representa-

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tive of the Canadian government, ostensibly to get new terms of reference for Canada's participation in the International Commission for Supervision and Control. With official Washington approval (though nearly everyone involved in staffing the "Ronning channel" was pessimistic), Ronning was, as he put it in testimony during the Pentagon Papers trial, "an explorer to find out whether or not there was any possibility of bringing the two sides together for direct talks, but we had no function whatever in mediating or acting as an arbiter between the two sides."⁴

In Hanoi, Ronning met with Pham Van Dong, who told him: "We will come unconditionally to the peace table, unconditionally of the four points, two of which [we know] are absolutely impossible of acceptance by the U.S. We will come unconditionally to the conference table if the U.S. will stop unconditionally the bombing of North Vietnam."⁵

Flabbergasted at what the North Vietnamese premier had said, Ronning asked that it be repeated. He then repeated what he had heard to make certain he remembered the statement correctly. But Washington regarded Pham's statement as a ruse designed to put pressure on the United States to stop the bombing in return for "talks" the object of which would only be Washington's acceptance of Hanoi's four points. Nevertheless, a second Ronning visit was authorized for June. This time the North Vietnamese refused to let Ronning see Pham Van Dong and accused the Canadian government of abetting a U.S. "peace offensive" which, Hanoi believed, only was designed to justify further escalation of the war.

"Marigold" was the code name for the next abortive attempt to arrange peace talks between Washington and Hanoi. In this episode, Janusz Lewandowski, the chief of the Polish delegation to the International Commission for Supervision and Control, and the Italian ambassador to Saigon approached Washington (appearing to U.S. officials to be concerned about the widening of the war) with a reworded version of the U.S. position that, Lewandowski said, would be acceptable to Hanoi as a basis for secret talks in Warsaw. It now appears that Lewandowski's strategy was to establish a negotiating

⁴ United States v. Ellsberg and Russo, vol. 91 (March 15, 1975), p. 16,021.

⁵ Ibid., pp. 16,016-19.

agenda incorporating those elements acceptable to both sides in the long run and then to rely on direct negotiations between them to resolve their differences over implementation.

The origin of Lewandowski's initiative lay in a conversation he claimed to have had with Ho Chi Minh in late June 1966. The details of the conversation were later leaked by Polish sources to the U.S. press but were never confirmed by the North Vietnamese. Ho, according to Lewandowski, indicated that the DRV would agree to talks if the United States suspended the bombing and agreed to have the NLF participate in the talks. This, Lewandowski recognized, was an offer Washington would be hard-pressed to refuse: Hanoi had previously insisted that the bombing stop and that Washington indicate its acceptance of the DRV's four point stand. Ho now appeared to be saying that the bombing only had to be suspended and talks would begin. But this contradicted what Washington had learned from other contacts with Hanoi. To President Johnson, "the simple truth was that the North Vietnamese were not ready to talk with us."⁶ This view was later confirmed by Communist sources. A high-level Eastern European Communist who defected to the West indicated that Lewandowski was acting on his own, and Australian journalist Wilfred Burchett, who Washington knew had close ties with Hanoi, said in an interview that the Lewandowski initiative was an invention of "well meaning friends" of North Vietnam who sought to draw up what might be acceptable to the United States and then sell it to Hanoi.⁷

Secretary of State Dean Rusk saw Lewandowski's proposals as leading to a Communist victory through diplomacy. Suspending the bombing would, according to Rusk, legitimize U.S. antiwar protesters, who would then call for total cessation of bombing, regardless of how forthcoming Hanoi actually was in negotiations or whether talks were begun at all. In addition, to permit the NLF a role in negotiations would legitimize those who Washington and Saigon were portraying as terrorists under the command of Hanoi. With these concerns in mind, Henry Cabot Lodge, the U.S. ambassador in Saigon, was instructed to pursue the Lewandowski-Ho "contact" to establish

⁶ Johnson, *Vantage Point*, p. 252.

⁷ Stanley Karnow, *Vietnam: A History* (New York: Penguin, 1984), p. 493.

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both the extent to which Lewandowski was acting on Hanoi's specific instruction and what Hanoi would do to reciprocate for a suspension of the bombing of North Vietnam.

By the end of July 1966, officials in Washington believed that Marigold was moribund. Lewandowski—who was believed by then to be acting on the instructions of his government, rather than that of North Vietnam—changed his tone and informed Lodge that nothing of a substantive nature could be discussed until the bombing of North Vietnam was suspended. For the next two months through a series of parallel conversations between Lodge and the Italian ambassador in Saigon, and between the latter and Lewandowski, Washington learned, in fact, that Hanoi was not interested in entering negotiations as an end to the war; it was interested in entering negotiations as a way of altering the political situation in the south faster than it could alter it through warfare at that time.

Nevertheless, Washington continued to press Hanoi publicly to end the war by negotiations in the hope that the North Vietnamese leadership would respond in some channel to U.S. proposals. At the end of September Arthur Goldberg, U.S. ambassador to the United Nations, indicated in a widely publicized speech to the General Assembly that the United States was "prepared to order a cessation of all bombing of North Vietnam—the moment we are assured, privately or otherwise, that this step will be answered promptly by a corresponding and appropriate de-escalation by the other side."

At the October conference attended by the United States, the GVN, and the countries contributing troops to the defense of the GVN, U.S. terms were once again made clear. The seven-nation Manila Declaration, issued on October 25, 1966, underscored the fundamental objective of the non-Communist participants in the conflict: "Our sole demand on the leaders of North Vietnam is that they abandon their aggression." This could be achieved, the declaration continued, "through discussion and negotiation or through reciprocal actions by both sides to reduce the violence." The essential elements of peace, concluded the declaration, were cessation of aggression, preservation of the territorial integrity of South Vietnam, freely chosen reunification, resolution of internal political problems once the war stopped, removal of allied military forces ("as North Vietnam withdraws, infiltration ceases, and the level of violence thus

subsidies"), and effective international guarantees for "any negotiations leading to the end of hostilities."

Washington also proposed that there be two separate phases to mutual de-escalation; this proposal later became known as the Phase A/Phase B formula. In Phase A, Washington would suspend the bombing. After a specific, mutually acceptable interval, Washington and Hanoi would start Phase B, during which U.S. and North Vietnamese forces would begin to withdraw, NLF attacks against populated centers would be curtailed, and U.S. and GVN military pressure against the NLF areas would lessen. But before any of these steps could be taken, Washington had to know concretely, if privately, of the precise steps Hanoi would take in response to a bombing suspension.

At the beginning of December, Lewandowski suggested a series of propositions designed to express the U.S. position in terms most likely to be acceptable to Hanoi. Lewandowski's formulation affirmed both Washington's interest in peacefully settling the conflict and its pledge not to establish a permanent military presence in Indochina; it also reaffirmed its support for a neutral South Vietnam, its willingness to abide by a peaceful reunification process, its support for an electoral process in South Vietnam that would permit all political forces to participate, and its unwillingness to indicate acceptance of Hanoi's four point stand as then formulated. On the face of it these propositions were acceptable to Washington.

But there were doubts over the modalities associated with the Lewandowski propositions. The de-escalation process Lewandowski proposed to present to Hanoi as Washington's position (which, Lewandowski assured U.S. officials, was already acceptable to Hanoi for the purposes of initiating talks) involved not only ending the bombing but also dropping any insistence by Washington that there had been infiltration by the NVA into South Vietnam. Of equal concern to Washington was a statement that set the negotiation process in context. To assure Hanoi that a negotiated settlement would not be tantamount to negotiated surrender, Lewandowski proposed that Washington make clear that it expected negotiations would require a change in the political situation then prevailing in South Vietnam—possibly through the creation of a coalition government.

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Given the Johnson administration's publicly declared policy that the U.S. would have to know precisely what Hanoi would do in response to the end of the bombing, it is not surprising that these privately made proposals were unacceptable. Washington was not able to discern just what Hanoi was prepared to concede if talks occurred or what Hanoi had done vis-à-vis its military activities in the south to warrant any U.S. flexibility in the first place. Moreover, Washington thought that several of Lewandowski's points could be subject to vastly different interpretations. Consequently, Lewandowski was asked to inform Hanoi that several of the points in the proposal—and especially those relating to de-escalation and the political evolution of South Vietnam—were bound to lead to different interpretations. These issues, Washington wanted Hanoi told, would obviously surface in the negotiations. Hanoi's position, as reported by Lewandowski, was that Washington should state its objections precisely and in advance of any talks.

Despite doubts about Lewandowski's veracity and intentions, Marigold might have continued as a possible channel to negotiations had it not been for a resumption of bombing near Hanoi. Whether a pretext was needed or not, these bombings precipitated the termination of the intermediary role played by the government of Poland.

For two days in early December, targets in an area ranging from five to sixteen nautical miles from the center of Hanoi were struck as part of the Rolling Thunder program. In the total picture of the air war, these raids on the petroleum, oil, and lubricants storage and transport facilities were routine. But to Hanoi the attacks appeared to be part of a pattern—coming just before and after the United States announced its desire for negotiations—that “revealed” Washington's duplicity and especially the Johnson administration's insincerity in the search for peace. Reconstructing the event from interviews with the principals, I learned that the bombing was the subject of a careful review by both State and Defense—a review conducted in an atmosphere filled with doubt about the Marigold initiative. Policy makers in Washington believed that Hanoi should have expected the bombing as an inevitable result of a situation in which fighting was conducted simultaneously with efforts to start negotiations. That December, they pointed out later in interviews with me, both sides attacked Vietnamese cities.

When the Polish government informed Washington that there would be no direct talks and that the use of the good offices of Poland would be terminated in light of the previous day's attack on Hanoi, Washington replied that the bombing was inevitable as long as Hanoi kept up the fighting but that the United States was prepared to suspend all bombing within a circle with a radius of ten nautical miles from the center of Hanoi—an area of more than 314 square miles. However, Washington demanded that Hanoi respect a similar area surrounding Saigon and refrain from conducting rocket, mortar, and terrorist attacks against it. Setting such a condition for reciprocity brought the issue at the heart of Marigold full circle: Washington would not budge on the bombing without getting a de-escalatory action of equivalent value from Hanoi, and this Hanoi was not prepared to give.

President Johnson pessimistically surveyed the prospects for further diplomacy in the wake of the collapse of Marigold. He was convinced, he told aides then, that Ho Chi Minh was not interested in negotiating. He was wary of offers of help in arranging negotiations. He questioned the motives of many who sought to promote direct Washington-Hanoi talks (accusing some of them of having Nobel Prize fever) and doubted the credibility of others.

Johnson also saw a pattern to Hanoi's behavior vis-à-vis negotiations, and this pattern reinforced his cynicism. When secrecy was assured—that is, in direct contacts—Hanoi was intransigent. But in public and with third parties, North Vietnamese diplomats hinted that they would be flexible in negotiations if the United States stopped the bombing. Johnson called this Hanoi's whipsaw.

What had Hanoi learned from Marigold? It had learned the ease with which the slimmest straw in the wind concerning negotiations could lead to serious consideration in Washington; this suggested that the United States was anxious to end its involvement. Hanoi also learned that, as details of an unsuccessful effort at diplomacy were leaked to the press—the collapse of Marigold began to be reported only a month after the contact was terminated—it was Washington's intransigence over the bombing, not Hanoi's intransigence over reciprocity, that was reported as the apparent reason for the failure.

1967: With Victory at Hand

During 1967, despite the growing size and significance of the antiwar movement, the official Washington view about who was winning the war would change. Partly because many of the pessimists resigned and partly because Saigon appeared to begin the economic and political development essential to competing with the NLF, official Washington was becoming convinced that there was light at the end of the tunnel. As a result, the search for negotiations with an intransigent adversary became less urgent in 1967.

Most visitors to Saigon during this period, including this writer, were initially struck with the sense of confidence exuded by the Americans and their Vietnamese counterparts. Those officials deeply involved in the secret efforts to get negotiations started felt, as one put it, "an air of confidence that victory and not a negotiated settlement was at hand." "The prospect of winning the war complicated the effort to end it by negotiations in 1967," another official told me. "It meant we had to prove to LBJ that what we could get at the conference table was better than what we could get on the battlefield."

By February 3, 1967, President Johnson was prepared to offer Hanoi not better terms but rather a range of ways in which to signal interest in negotiations. However, as the details of the Marigold initiative began to leak out at Washington cocktail parties, the president did strike a more conciliatory tone in his press conferences. Hanoi, the president said, could take "just almost any step" toward reciprocating for a suspension of the bombing, and the negotiations that would ensue could take any of a variety of forms.

We would be glad to see the unconditional discussions to which I referred in my statement of April 1965 at Johns Hopkins. We would participate in preliminary discussions which might open the way for formal negotiations. We are prepared today to talk about mutual steps of de-escalation. We would be prepared to talk about such subjects as the exchange of prisoners, the demilitarization of the demilitarized zone, or any other aspect which might take even a small step in the direction of peace.

We should be prepared to discuss any points which the other side wishes to bring up along with points which we and our allies very much want to raise ourselves, or there could be preliminary discussions

to see whether there could be an agreed set of points which could be the basis for negotiations.⁸

British Prime Minister Harold Wilson took Lyndon Johnson at his word. British interest in promoting negotiations between Washington and Hanoi had long been evident, and the Wilson government believed that the key might lie in joint action with the Soviet Union. On February 6 Soviet Premier Alexei Kosygin began a week-long visit to London, during which Vietnam was discussed extensively. Prime Minister Wilson would later say in the House of Commons that, during that week, "peace was in... grasp."

While Wilson and Kosygin were discussing Vietnam, a secret letter from President Johnson to Ho Chi Minh proposing negotiations was accepted for transmission to the North Vietnamese leader by Hanoi's embassy in Moscow. Both initiatives were made to reinforce what U.N. ambassador Arthur Goldberg had pledged in a New Year's Eve letter to U.N. Secretary-General U Thant: "My Government is prepared to take the first step toward peace: specifically, we are ready to order a prior end to all bombing of North Vietnam the moment there is an assurance, private or otherwise, that there would be a reciprocal response toward peace in North Vietnam." Washington was pushing its Phase A/Phase B proposal, which Hanoi had not yet specifically rejected and which the British supported.

But the conditions of the A/B proposal had changed since November 1966 when it first had been made known to the British. Then, the Phase A/Phase B formulation required that Washington receive an authoritative pledge from Hanoi that, in return for an end to the bombing, NVA infiltration would stop. In his letter to Ho, however, the president wrote that the bombing of North Vietnam would be ended "as soon as I am assured that infiltration into South Vietnam by land and by sea *has stopped* [my italics]." To the president, such a change seemed essential in light of the alarming buildup of North Vietnamese forces; two new NVA divisions had arrived just north of the demilitarized zone (DMZ) in December, and a third division appeared ready to move south. These signs, while not necessarily indicative that an offensive was imminent, did alarm the president, who saw Hanoi in position to take advantage of the interval between Phase A and Phase B to attack the northern half of

⁸ President Lyndon B. Johnson, press conference, February 2, 1967.

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South Vietnam.

Since the bombing was clearly not hurting the North Vietnamese, U.S. officials feared that any interest in negotiations on Hanoi's part might be purely tactical. Indeed, in early 1966 North Vietnamese officials began to spell out the merits of entering a fighting-while-negotiating stage in the war, and this line was disseminated to party and army cadres. The clearest publicly available statement of the tactical advantage to be gained from fighting while negotiating occurred in 1966 in a speech by the NVA's chief of staff, General Nguyen Van Vinh: "Fighting while negotiating is aimed at opening another front with a view to making the puppet army more disintegrated, stimulating and developing the enemy's internal contradictions and thereby making him more isolated in order to deprive him of the propaganda weapons, isolate him further, and make a number of people who misunderstand the Americans clearly see their nature."⁹

Washington's suspicion that the British initiative would come to naught was heightened by the fact that, previously, the Soviet Union had been entirely unwilling to play intermediary. Only four months before, Moscow had declined to convey to Hanoi precisely what Wilson was going to offer again: the Phase A / Phase B formula.

To assure that he would not be discussing a subject without full knowledge of what had already transpired in the secret search for negotiations, Wilson asked President Johnson "to send a representative in whom he had confidence to put me fully in the picture before Mr. Kosygin arrived." The president sent Chester Cooper to brief the prime minister and, at the latter's request, to remain in London throughout the talks to facilitate communications with Washington. According to Wilson, Cooper described the U.S. position as follows:

The American Government was hoping to pass proposals [the Phase A / Phase B formula]... to the DRV at a secret rendezvous, "under a palm tree," arranged for some eight or ten days hence, when the Tet truce became effective. But, and the President confirmed this to me direct, they wanted me to do all I could to get the Russians behind the

⁹ Reported in Joint U.S. Public Affairs Office (Saigon), "The Position of North Viet-Nam in Negotiations," *Viet-Nam Documents and Research Notes*, no. 8 (October 1967).

proposals and, if the omens looked right, to get Mr. Kosygin himself to pass them on the DRV administration.... Our hope was that Mr. Kosygin, with his special contacts with Hanoi, could impress on the North Vietnamese leaders the importance of giving the Americans a firm sign, during Tet, of a readiness to make a positive and visible response to a cessation of bombing.¹⁰

Chester Cooper's account, however, contradicts Wilson's with respect to President Johnson's enthusiasm for the initiative. In considering the following observations drawn from Mr. Cooper's book, the crucial element to remember is that LBJ's skepticism was not communicated to Wilson. Cooper writes:

Wilson's enthusiasm might have been somewhat dampened if he had known that President Johnson, Walt Rostow, and a few people in the State Department took a rather dim view of his eagerness to discuss Vietnam with Kosygin. There was a sense that the British Government was pushing hard, perhaps too hard, to undertake the role of mediator. To be sure, the British could claim both a right and responsibility to assume such a role; they and the Russians were co-chairmen of the 1954 Geneva Conference and of the 1961-62 Laos Conference. But some of Wilson's American cousins felt his underlying motivation was to bolster his own and England's prestige.... There was another, less articulated but more deeply felt attitude about Wilson's imminent meeting that cooled Washington's interest and perhaps even contributed to the failure of the talks. After all the recent frustrations and disappointments of Warsaw and Moscow, the prospect that Wilson might be able to use American chips to pull off peace talks was hard for the President and some of his advisers to swallow. If the time was now ripe to get Hanoi to talk, Johnson, not Wilson, should get the credit.¹¹

Central to the misunderstanding that led to the collapse of his initiative was that Wilson was not only unaware of the prevailing mood in the White House but also did not know of the letter from President Johnson to Ho Chi Minh. Chester Cooper was in London to prevent just such a collapse and, though aware that a letter might be sent to Ho, he "left Washington... without knowing whether Johnson had approved [a version of the letter Cooper had seen]... or

¹⁰ Harold Wilson, *The Labour Government, 1964-1970* (London: Weidenfeld and Nicolson, 1971), pp. 346-47.

¹¹ Chester Cooper, *Lost Crusade* (New York: Dodd, Mead, 1970), pp. 355-56.

whether Johnson had decided to communicate directly and personally to Ho Chi Minh."¹² And when Cooper should have received instructions based on the Johnson-Ho letter—that is, as he sought a routine confirmation of the A / B terms Wilson was preparing to offer Kosygin in writing—he did not. Given the president's attitude toward the Wilson-Kosygin talks, Washington-based officials did not expect them to develop into a contact with Hanoi and, hence, monitored their progress less carefully than they monitored the fate of the president's letter to Ho Chi Minh.

For the most part, the president's letter was written in a straightforward style and read well in Vietnamese. It began with a reference to a problem Washington knew Hanoi shared: the number and conflicting purposes of intermediaries' motivations. Johnson observed:

There is one good way to overcome this problem and to move forward in the search for a peaceful settlement. That is for us to arrange for direct talks between trusted representatives in a secure setting and away from the glare of publicity. Such talks should not be used as a propaganda exercise but should be a serious effort to find a workable and mutually acceptable solution.

In the past two weeks I have noted public statements by representatives of your government suggesting that you would be prepared to enter into direct bilateral talks with representatives of the U.S. Government, provided that we ceased "unconditionally" and permanently our bombing operations against your country and all military actions against it. In the last day, serious and responsible parties have assured us indirectly that this is in fact your proposal.

But in terms not likely to increase the chance that Hanoi would agree to talks, Mr. Johnson went on:

Let me frankly state that I see two great difficulties with this proposal. In view of your public position, such action on our part would inevitably produce worldwide speculation that discussions were under way and would impair the privacy and secrecy of those discussions. Secondly, there would inevitably be grave concern on our part whether your Government would make use of such action by us to improve its military position.

¹² *Ibid.*, p. 354.

With these problems in mind, I am prepared to move even further towards an ending of hostilities than your Government has proposed in either public statements or through private diplomatic channels. I am prepared to order a cessation of bombing against your country and stopping of further augmentation of U.S. forces in South Vietnam as soon as I am assured that infiltration into South Vietnam by land and by sea *has stopped* [my italics].

The problem generated by this letter, once the British had been informed of it and had to pass its contents on to Kosygin, was that the U.S. position appeared to stiffen. Every public statement by U.S. officials placed the Phase A / Phase B formula in the terms Wilson had originally passed on to Kosygin. According to Wilson's memoirs, these original terms were that "the U.S. were willing, over and beyond the two-phase formula previously discussed, to stop the build-up of their forces in the south if they were assured that the movement of North Vietnam forces from the north to the south *would stop* [my italics] at the same time. Essentially, therefore, the two stages [i.e., the unilateral halt in the U.S. bombing of North Vietnam and the steps described above] were kept apart. But, because the United States Government would know that the second stage would follow, they would therefore be able first to stop the bombing."¹³

Wilson believed what had happened "was, simply and tragically, a victory for the hawks," and he discounted the explanation that the change in wording was either a mistake or the result of bureaucratic confusion. "Such action," Wilson went on, "could only have the worst possible effect on the Russians. For the first time since the Vietnamese fighting had begun, they had shown willingness to use their good offices in Hanoi."¹⁴ Now, Wilson said, Moscow might lose whatever influence it had had over Hanoi, and the actual evidence of a hardening of U.S. terms would weaken the position of those in Moscow and Hanoi who were arguing for a peaceful settlement of the conflict. Wilson cabled President Johnson directly: "You will realize what a hell of a situation I am in for my last day of talks with Kosygin. . . . I have to reestablish trust because not only will he have

¹³ Wilson, *Labour*, p. 351.

¹⁴ *Ibid.*, pp. 357-58.

doubts about my credibility, but he will have lost credibility in Hanoi and possibly among his colleagues."¹⁵

Washington, by now less and less convinced that the Wilson-Kosygin talks or the direct letter to Ho Chi Minh would produce a forthcoming North Vietnamese response, wanted Wilson to understand that the change of tenses—from "would stop" to "has stopped"—was a conscious decision necessitated by the menacing military situation. The three NVA divisions poised above the DMZ had to be prevented from taking advantage of the prospect of talks to infiltrate into South Vietnam without fear of bombing. Washington also considered that the proposal it had authorized Wilson to make—along with the change of tense—actually represented a step beyond the simple A/B formulation; namely, the United States was agreeing not only to end the bombing but to also stop augmenting the U.S. troops in South Vietnam. These two concessions required the assurance that NVA infiltration had stopped before the bombing would be halted. Presumably, Washington implied to Wilson, Hanoi could still have the offer that Washington was making in public—the bombing would stop in return for an assurance that infiltration would stop, with no cessation of the U.S. troop augmentation program. In fact, Washington's public and private proposals were not inconsistent, and the harder-line but more comprehensive proposal was made in private to facilitate Hanoi's acceptance. However, this permitted Hanoi subsequently to demand in public what the U.S. had already rejected in private; and by leapfrogging its public and private positions, Hanoi could call for an end to the bombing and all other acts of war, including augmentation of U.S. forces, in return only for talks. This practice made Washington appear the obstacle to talks; yet Hanoi actually was the party opposed to talks at this stage in the war.

Dealing with the immediate problem of the negotiations, Wilson informed President Johnson that "to meet his [Johnson's] expressed fear that, between the cessation of the bombing and the stopping of infiltration, the DRV would rush three or four divisions through the DMZ, I proposed that the 'prior two-way assurance' [essential to implementing the A/B proposal] should contain a time-

¹⁵ *Ibid.*, p. 359.

table, if possible underwritten by, or at any rate communicated through, the Russians, under which the DRV would agree in advance to stop the infiltration, say, six hours later, or an even shorter timetable if necessary."¹⁶ This message was drafted and sent in the early hours of the morning of February 12; later that day, Wilson was to see Kosygin at a state dinner at which the communique on their visit was to be signed. It would be the last occasion on which they could act in concert as intermediaries. The details of that day are well known through both Mr. Wilson's memoirs and Mr. Cooper's book.

Wilson had pressed President Johnson to delay resumption of the bombing so that there could be one last effort to get a response from Hanoi to the new terms embodied in the Johnson-Ho letter and to the message Kosygin had sent to Hanoi. Washington's final position, cabled to Wilson, was that the bombing would not resume if before 10:00 A.M. London time (only nine hours after the cable had been received) Washington could have an assurance from North Vietnam that the infiltration of its troops and supplies had ceased. Wilson characterized it thus: "It was a formulation somewhere between the American Friday statement [demanding assurances that NVA infiltration had stopped]...and my own proposals [suggesting that the bombing stop in return for an assurance that NVA infiltration would stop within a specified few hours]. Given time, it might have been a basis for a move forward. But in my view, it was certain to founder on the utterly unrealistic time-table."¹⁷ Kosygin shared Wilson's pessimism. The latter sought an extension from the president and received a grudging six hours, but it was to no avail. Hanoi failed to respond either to the offer stemming from the Wilson-Kosygin talks or to the one contained in the letter from Johnson to Ho Chi Minh.

Chester Cooper later learned some of the factors that contributed to the collapse of the Wilson-Kosygin initiative.

It was clear that Washington officials actually had little real interest in the London episode; they regarded it primarily as a sideshow to the main event they were trying to get under way in Moscow. My message [seeking what Cooper thought would be routine confirmation of

¹⁶ *Ibid.*, p. 360.

¹⁷ *Ibid.*, p. 364.

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the A/B formulation] had reached the State Department early Thursday evening; no one seemed to take it seriously enough to address himself to it, or even to flag it for priority attention.... When my message was finally brought to his attention, Johnson reportedly blew sky high. A group of advisors were quickly assembled. The meeting was held against a background of concern about the North Vietnamese troop movement. Indeed, Washington had been in a state of near panic during the previous several days. Perhaps this explains why the President's letter to Ho had been drafted in haste by Johnson and a few others at 2 o'clock in the morning.¹⁸

Bitterly, Cooper recalls, on the very day when the Phase A/B formulation was changed in private, U.N. ambassador Goldberg was making a speech emphasizing that U.S. policy was what Wilson had originally told Kosygin: "The United States remains prepared to take the first step and order the cessation of all bombing of North Vietnam the moment we are assured, privately or otherwise, that this step will be answered promptly by a tangible response toward peace from North Vietnam."

Throughout this period, Hanoi's basic position remained unchanged from what its propaganda broadcasts had stressed during 1966. DRV foreign minister Nguyen Duy Trinh said in an interview with Wilfred Burchett on January 28, 1967: "It is only after the unconditional cessation of U.S. bombing and all other acts of war against the DRV that there could be talks." President Johnson saw this as but another indication of how steadfastly Hanoi was going to concentrate on the issue of ending the bombing. Trinh had said that talks *could* start if the bombing ended, not that they *would*. This was a risk the president was not going to take.

By the winter of 1967, five other channels of communication between Washington and Hanoi existed, each deadlocked over Washington's demand for reciprocity for a bombing halt and Hanoi's refusal to promise any. Four of these channels directly involved other governments—Rumania, Norway, Sweden, and Italy—one involved Henry Kissinger, then a Harvard professor, and all were viewed with skepticism by officials in Washington.

¹⁸ Cooper, *Lost Crusade*, pp. 367–68.

1965–1968

Significantly, Kissinger came away from the experience convinced that the differences in the thought processes of the two adversaries were so fundamental that it was impossible for either to imagine a negotiated—that is, compromise—settlement. Moreover, he believed that, as long as Washington and Hanoi were convinced that the war was winnable, the search for negotiations would be fruitless.

III

1968: Fighting while Negotiating

The year 1968 marked the beginning of a new phase in the search for a negotiated settlement. This was due to the dramatic impact of the Tet offensive, which, Henry Kissinger observed,

marked the watershed of the American effort. Henceforth, no matter how effective our actions, the prevalent strategy could no longer achieve its objectives within a period or with force levels politically acceptable to the American people. This realization caused Washington, for the first time, to put a ceiling on the number of troops for Vietnam. Denied the very large additional forces requested, the military command in Vietnam felt obliged to begin a gradual change from its peripheral strategy to one concentrating on the protection of the populated areas. This made inevitable an eventual commitment to a political solution and inaugurated the quest for a negotiated settlement.¹

U.S. officials in Saigon pointed out that Tet was a setback, not a defeat, and that Tet indicated how severely hurt the NVA had been by allied combat and pacification operations in the summer of 1967.² The NVA lost more than two-thirds of the troops it had committed to the Tet attacks. Communist cadres were told that Tet was to be accompanied by a general uprising of political forces against the GVN. This, U.S. officials pointed out, did not occur. Instead, representatives of hitherto antigovernment organizations formed their own self-defense units and worked closely with GVN officials in reconstruction and recovery efforts. With additional U.S. support, these officials pointed out, the GVN would recover.

¹ Henry A. Kissinger, "The Vietnam Negotiations," *Foreign Affairs* 47 (January 1969), pp. 215-16.

² For a detailed account of the Tet attacks and their aftermath, see Don Oberdorfer, *Tet!* (Garden City, N.Y.: Doubleday, 1971).

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But in the United States, Tet offered vivid proof that the United States could not win the war and that a non-Communist government in South Vietnam would never be worth the price already paid in American lives. "What we wanted could be achieved neither through fighting nor negotiating," one of the president's senior advisors later observed in an interview. "If Tet convinced us that our force was not working against Hanoi, surely negotiations could not bring what force did not: the stability and permanency of General Thieu's government."

As the war thus entered the fighting-while-negotiating stage, the gap between the supporters of the war and its opponents within the U.S. government widened, as did the gap between Washington and Saigon. The turnaround in public and congressional support for the president and the war forced the United States to end the bombing of North Vietnam in return only for Hanoi's vague agreement to enter talks, not negotiations. From Hanoi's perspective, Tet confirmed the value of shifting to a fighting-while-negotiating strategy. Henceforth, attacks would be designed to have maximum impact on the war-weary American public and to capture territory that could later be given up as concessions should there actually be a need to reach formal agreement—that is, an agreement providing the United States a face-saving opportunity to withdraw from the war and abandon Saigon.

The Politics of the Bombing Halt

Tet also ended a year-long debate within the administration that had led to the resignation of Secretary of Defense Robert McNamara. This debate had centered on the pros and cons of a unilateral end to the bombing of North Vietnam. Those in favor agreed that a bombing halt would promote negotiations; those against, that it would prove too great a risk to take with the lives of American soldiers. Before Tet, the hawks and doves had been accommodated by varying the pace and intensity of the war. When there were prospects of secret contacts leading to negotiations, the president had curtailed the bombing of North Vietnam; when such initiatives had collapsed, the bombing was intensified. In early 1968 a systematic study on the "Political-Military Implications in Southeast Asia of the

Cessation of Aerial bombardment and the Initiation of Negotiations''³ was undertaken within the Pentagon by the Joint Staff and Office of International Security Affairs (which was both the center of dissent on bombing policy within the Pentagon and the office most influential in shaping the Vietnam views of both Secretary McNamara and his successor, Clark Clifford).

The study's findings were significant in two respects. First it was suggested that, after two years of the air war, North Vietnam could, within two months, recover almost completely from the damage done to its strategic lines of communication (LOCs), and that, within half a year after the bombing ended, the DRV could gain the advantage in the military balance in the south. Second, the study was not sanguine about the prospects for productive negotiations, suggesting that while negotiating Hanoi could calibrate its fighting so that a level of violence would be kept up just below the threshold at which Washington might resume bombing. Hence, Hanoi could essentially continue those military actions that contributed most to the erosion of the Army of the Republic of Vietnam (ARVN) and of the American will. The study concluded that, from both a diplomatic and a military point of view, a bombing halt would be of doubtful benefit.

This finding was confirmed by the "A to Z" assessment of the U.S. role in the war that President Johnson had ordered the new secretary of defense, Clark Clifford, to undertake. The agencies responsible for drafting the report tended to agree that negotiations were likely to prove fruitless; that, because Hanoi was uninterested in negotiations, a bombing halt should not be expected to produce them; and that, in any case, the United States would not be entering talks from a position of strength. Clifford was appalled at the outcome of what was supposed to be an agonizing reappraisal of Vietnam policy. He later recalled:

I had the opportunity to discuss with the Joint Chiefs and with other top people in the Defense Department the request of the military to send another two hundred and six thousand troops. So I had a number

³ Harry McPherson, *A Political Education* (Boston: Little, Brown, 1972), p. 422. For an excellent account of Tet's impact on the U.S. domestic scene, see Thomas Powers, *The War at Home* (New York: Grossman, 1973).

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of questions, and we spent days at it. And that's all I did my first few days over there. I would ask the Joint Chiefs of Staff, "If we sent another two hundred and six thousand, is that enough?" They didn't know. "Well, if we send that, will that end the war?" "Well, nobody knows." "Well, is it possible that you might need even more?" "That's possible." "Will bombing the North bring them to their knees?" "No." "Is there any diminishing will on the part of the North to fight?" "Well, we're not conscious of it." Then finally, "What is the plan?" There wasn't any. I said, "There isn't any?" "No. The plan is that we will just maintain the pressure on the enemy and ultimately we believe that the enemy will capitulate." Well, that wasn't good enough for me after all the years we had been in there at enormous expense. I reached the conclusion that it was the kind of war that we were not ever going to win.⁴

And it was this conclusion, formed in the wake of the Tet offensive, rather than the conclusion embodied in the final report of the "A to Z" assessment that Clifford pressed home to the president.

Talks about Talks

On March 31 President Johnson announced that U.S. air attacks on military targets in North Vietnam would henceforth be confined to targets south of the twentieth parallel. "Even this very limited bombing of the north could come to an early end," the president declared, "if our restraint is matched by restraint in Hanoi."

Hanoi denounced the partial bombing halt on April 14 with a propaganda blast which, however, declared "readiness to send its representatives to make contact with U.S. representatives to decide with the U.S. side the unconditional cessation of bombing and all other war acts against the DRV so that talks could begin." Hanoi, in essence, was ready to talk about talks, not about the mutual de-escalation of the war.

Why Hanoi responded so quickly and to only a partial bombing halt remains a matter of speculation. As one U.S. official later observed, "Agreeing to talks cost the North Vietnamese four more years of war. While they achieved a bombing halt, the new administration would have done this anyway since public opinion was so opposed

⁴ "A Conversation with Clark Clifford—Vietnam and its Aftermath," program transcript for "Bill Moyers' Journal: International Report," WNET (New York), April 10, 1975, p. 11.

to continuing the air war. But the fact of negotiations and the gradual withdrawal of our forces made continuing the war at a lower level much more acceptable in the U.S. Hanoi soon not only had to fight us in South Vietnam, but in Cambodia and Laos as well." Most analysts of the then prevailing battlefield situation tended to agree that Hanoi's chief purpose in agreeing to talks was to end the bombing. This was necessary, these analysts point out, not because it had hurt Hanoi but because after the Tet offensive Hanoi had decided to fight a more conventional war. Fighting a conventional war with regular NVA soldiers in the south required long, secure supply lines, and this meant that the bombing of North Vietnam had to be stopped.

There ensued a month of bickering over where the talks would be held; and when the Official Conversations, as they were called, between the United States and the DRV began in Paris, the atmosphere could not have been worse. The site for the talks themselves had been a compromise—and a poor one from the U.S. point of view. U.S. diplomats involved in the discussions over the conference site would have preferred another capital. "The reason was simple," one later told me. "When we were in Paris we were dependent on the French, and the whole effort gave the appearance of one defeated colonial power arranging for a defeated imperialist power to extricate itself from Vietnam. Many of us believed, moreover, that de Gaulle wanted us out on worse terms than he had had to settle for."

The Official Conversations between North Vietnam and the United States that began on May 13 were sterile. "Our objective," said Averell Harriman, the head of the U.S. delegation, "can be stated succinctly and simply—to preserve the right of the South Vietnamese people to determine their own future without outside interference or coercion." For this to be achieved, Harriman suggested, the North Vietnamese should respect the demilitarized zone so that it could function as the Geneva Accords intended—that is, as a buffer zone between two hostile political forces rather than as a barrier separating two societies. There should be mutual troop withdrawals so that the level of violence could subside in the south and the bombing of the north could be halted completely. Finally, Harriman suggested that the neutrality of Laos and Cambodia would be respected as far as the United States was concerned.

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Hanoi's position was that no substantive talks could begin until the bombing of North Vietnam and all other acts of war against its territory were stopped.

From the start, the United States attempted to initiate secret talks. Harriman selected U.S. ambassador to Laos, William Sullivan, for this task. Sullivan, who had been hand-picked by Harriman to be the deputy head of the U.S. delegation to the Geneva Conference on Laos in 1962, flew to Paris, and he and Harriman worked out a plan to start secret negotiations. But in the midst of Sullivan's efforts, a student uprising swept through France's universities and immobilized Paris. Sullivan became ill and could not get his malady diagnosed and treated by French doctors because they had gone on strike in sympathy with the students. The French foreign office officials who had promised to assist in arranging secret talks were suddenly engaged in negotiations with the local police to get their children released from prison. By early July, Sullivan had left Paris en route to a hospital in the United States.

As formal talks continued, the NVA launched an offensive that brought sharp warnings from U.S. spokesmen, a hardening of the president's position with regard to the risks involved in announcing a total bombing halt, and a deep suspicion of the negotiating-while-fighting process by the GVN. North Vietnamese statements stressed the familiar line that any end to the conflict had to be based on their four-point stand. The U.S. stand, despite the dramatic turnaround of Clark Clifford, sounded remarkably like that of 1965 rather than 1968. Government spokesmen from Secretary of State Dean Rusk on down declared that Hanoi must cease and desist in its efforts to take over the south by force, respect the 1952 Accords on Laos by ceasing to use Laotian territory to infiltrate troops into South Vietnam, and allow its neighbors to live in peace.

By July, Harriman and Vance were convinced that the Official Conversations would never get down to matters of substance without a total end to the bombing of North Vietnam. In July there was the usual lull on the battlefield. The Joint Chiefs argued that this was traditionally a time of regroupment for the NVA; Harriman and Vance wanted the president to declare that this was the restraint that Washington had been insisting on for so long, and therefore the end to the bombing of North Vietnam was justified. "Harriman later ex-

plained that he was trying 'to pull a Tommy Thompson.' During the Cuban missile crisis, Thompson, the veteran Kremlinologist, had recommended to President Kennedy that he ignore the tough rhetoric in a Khrushchev message and respond only to the hopeful hints of a possible settlement; in other words, to take the optimistic track, assume the enemy wants peace, and help him achieve it."⁵

But there was to be no bombing halt that July.

Clifford, of course, backed Harriman and Vance, as did Vice President Humphrey, who was about to be nominated for the Presidency and chafed more each day at the burden of defending the war. Moreover, *The New York Times* published an editorial on July 29 in which it advocated a similar tactic. The President, always quick to sniff a conspiracy, evidently persuaded himself that Harriman and Vance...were using the *Times* to put public pressure on him. He rejected the plan without further consideration.⁶

Harriman and Vance believed that the longer it took to reach an agreement, the more antipathy would build. So they started regular secret meetings with the North Vietnamese. They proposed that in return for a total bombing halt (though not an end to aerial reconnaissance of North Vietnam) the DRV agree to stop violating the DMZ and to cease rocket and mortar attacks against South Vietnamese cities. An understanding to this effect was actually achieved by Cyrus Vance's reading from a talking paper that spelled out these terms.⁷ As one of the participants in these talks recalled, "Hanoi impressed us as sincerely wanting to repair their war-damaged economy and to regain their independence from China and Russia, on whom they were dependent for aid." But, my source continued, "it turned out that our most difficult negotiations were with Washington and not Hanoi. The military would say that the bombing was essential to protect American lives. And we just couldn't convince the president that summer."

Advocates of a total bombing halt did prevail by fall, and President Johnson, against all his instincts and convinced that Hanoi

⁵ Reported in Marvin Kalb and Elie Abel, *Roots of Involvement* (New York: Norton, 1971), p. 260.

⁶ *Ibid.*

⁷ Reported in Stuart H. Loory, "Secret Bomb Halt Sessions Revealed," *Los Angeles Times*, March 9, 1969.

would not respond by reaching an agreement, consented to announce, on October 15, a total halt to the bombing of North Vietnam. Mr. Johnson also insisted that four-party talks be held within twenty-four hours at the end of the bombing of North Vietnam.

Saigon, however, balked.⁸ The GVN asked for more time in which to assess the military situation. Then Hanoi demanded that before talks begin, the United States sign a secret "minute" stating that it had stopped the bombing unconditionally. Johnson refused. Hanoi had secretly agreed to cease its military use of the DMZ and its rocket attacks on Saigon and other cities in return for the end of the bombing, and the president simply refused to give Hanoi the chance to, as one aide put it, "re-write history." Two days later, Hanoi dropped its demand.

On the eve of the scheduled announcement of the bombing halt Saigon telegraphed the White House to say that it required additional time—three days—to organize a delegation and dispatch it to Paris. The president was furious at the prospect of further delays, but announced that expanded talks would now begin in Paris on November 6. The NLF delegation arrived early but no one from Saigon arrived; no one did until the South Vietnamese mercurial vice-president, Nguyen Cao Ky, taking up a form of exile, arrived to head the GVN delegation. Still talks did not begin. Ky refused to sit at a four-sided table because, he argued, that would imply that the NLF was separate from the DRV. The shape of the table was only agreed on four days before President Johnson was to cede the White House and the country to Richard Nixon.

As the negotiations dragged on, chances diminished for an agreement to end the war along the lines of the one Harriman and Vance had proposed in the summer. To Clifford, Harriman, and Vance, the GVN's continued objections to the negotiations eroded the atmosphere they thought had been established with Hanoi. In congressional testimony Harriman observed:

Even after President Thieu some weeks later at last permitted his representatives to join the talks in Paris, the opening of the negotiations was delayed further by Saigon's raising of fantastic procedural ques-

⁸ See "Behind the Bombing Halt: An Account of Bargaining," *New York Times*, November 11, 1968.

tions, such as the shape of the table. When these matters were finally settled before I left Paris in January 1968, we then expected serious negotiations to commence. My associate Cyrus Vance, at considerable personal inconvenience, remained in Paris to assist in smoothing the rug from under the negotiations. He announced that his representatives would not take part in private meetings with the NLF, claiming that would give them undue prestige, although he knew full well that it was only in the private meetings that any progress could be made. Two months later he was finally persuaded to agree to participate, but at the same time he announced that he would not in any circumstances agree to a coalition government or permit the Communists to become a political party in South Vietnam. By then the NLF refused to sit down privately with his representatives, and it has stubbornly maintained that position.⁹

Other U.S. negotiators suggest that the election of Richard Nixon also contributed to eroding the chance for a military settlement in the fall of 1968. As one put it in an interview: "President-elect Nixon made his own approach to Hanoi by sending his personal representative to the talks with the message that a negotiated agreement would have to be more than a simple armistice [in sharp contrast to what Harriman and Vance were offering]. The whole tone of the talks with Hanoi changed thereafter. They realized that President Johnson wasn't going to make an agreement he knew his successor did not favor. Our talks then went dead."

Perhaps the most significant lesson from Tet and the "negotiations" that ensued were drawn, not in Washington or Hanoi, but in Saigon. While the bombing halt was viewed in the United States as a worthwhile risk for peace, high officials in the Saigon government told me it signaled the beginning of U.S. withdrawal. President Johnson's actions foreshadowed the shape of an eventual agreement based on concessions by North Vietnam that were far short of those Saigon had sought. "At the highest level," one member of the South Vietnamese cabinet told me later, "we began to suspect that Washington might not insist on the withdrawal of the NVA from South Vietnam. If domestic pressure had forced President Johnson to give

⁹ U.S. Congress, Senate, Committee on Foreign Relations, *Legislative Proposals Relating to the War in Southeast Asia*, 92nd Congress, First Session, April and May 1971, pp. 502-503.

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away the bombing bargaining chip for nothing in order to get 'talks,' another president might be forced to accept less than we wanted in order to get an agreement."

IV

1969–1972: The Nixon Administration's Search for a Negotiated Settlement

A precipitous withdrawal of U.S. forces from the war was an option President Richard Nixon and his National Security Advisor Dr. Henry Kissinger ruled out before they entered the White House. In their view, such a withdrawal would demoralize the GVN, encourage Communist aggression elsewhere, and cause allies to question the credibility of U.S. commitments. Furthermore, the administration would be vulnerable to charges from its conservative supporters that it was not hardheaded enough in its dealings with Communists. And, unless the administration could appear tough, it would be practically impossible for Nixon to transform relations with Moscow and Peking from confrontation to cooperation and détente.

Nor was a military victory an option, not because it was inconceivable to Nixon as it was to Kissinger, but because both agreed that it would deepen and prolong domestic division in the United States. A negotiated agreement was, therefore, essential. As Kissinger later explained: "One reason why the president has been so concerned with ending the war by negotiation, and ending it in a manner that is consistent with our principles, is because of the hope that the act of making peace could restore the unity that had sometimes been lost at certain periods of the war, and so that the agreement could be an act of healing rather than a source of new division."¹

In the search for that agreement, Nixon and Kissinger both believed that the only trump card the United States had left was its preponderant military power. "No matter how irrelevant some of our political conceptions or how insensitive our strategy, we are so

¹ Henry Kissinger, press conference, October 26, 1972.

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powerful that Hanoi is simply unable to defeat us militarily. By its own efforts, Hanoi cannot force the withdrawal of American forces from South Vietnam. Indeed, a substantial improvement in the American military position seems to have taken place. As a result, we have achieved our minimum objective: Hanoi is unable to gain a military victory. Since it cannot force our withdrawal, it must negotiate about it."²

To Kissinger, however, what would determine when an agreement could be signed was not when the GVN was militarily or politically capable of surviving it, but when Hanoi agreed to separate political from military issues. As one of Kissinger's aides told me in an interview:

Henry was prepared to move as soon as Hanoi indicated any give, any change in its formulation of the issues such that the political problems could be negotiated separately from military problems. He wanted an agreement and he always believed one was around the corner, no more than six months away. Every time Hanoi agreed to meet with us secretly, Henry used to say, "This may be it." Every time, he was disappointed. Our biggest problem at first was to convince Henry that the North Vietnamese were not going to change what they had been insisting on for the better part of a decade simply because Henry was talking with them.

Nixon, in contrast, sought something more and operated with a longer timetable in mind. He repeatedly told his aides and the American public that he wanted to achieve a peace, not an armistice—a peace that would last, a peace that would justify the sacrifices already made by the Americans who died in Vietnam. This required developing the capability within South Vietnam as American troops were withdrawn for the GVN's armed forces to handle what would be an obviously serious threat from the north for some time to come.

And this required reducing U.S. casualties as quickly as possible (as was done by withdrawing the bulk of the forces engaged in actual combat within six months) and then tapering off the withdrawals so that the GVN could adjust gradually.

Throughout this period, however, both Nixon and Kissinger believed that the selective use of force was essential for compelling Hanoi to negotiate despite the U.S. troop withdrawals. Thus there

² Kissinger, "The Vietnam Negotiations," p. 230.

was no disagreement between them on the necessity for the secret bombing of Cambodia in 1969, on the subsequent military operations in Cambodia and Laos in 1970, and on the 1972 mining of Haiphong Harbor and the Christmas bombing of Hanoi. But while Nixon saw these actions as improving Saigon's survival chances, Kissinger saw them only in relation to his secret negotiations with Le Duc Tho.

Kissinger Prepares for Secret Negotiations

For Kissinger's diplomacy, the almost predictable sterility of the official Paris talks was compounded by the difficulty of dealing with two adversaries for whom acceptance of the other's minimum demands would, in their view, be tantamount to defeat. Tables 4.1 and 4.2 reconstruct and summarize the gaps existing in Washington's negotiating positions with Hanoi and Saigon, respectively, as Kissinger saw them. In addition, the deep divisions within the U.S. government over what could be achieved on the battlefield in South Vietnam made it nearly impossible to hope for agreement on what Washington's minimum position would be. It was essential in Kissinger's view, therefore, to set up a secret means of communication with North Vietnam through which the United States could propose compromises without having them denounced by Saigon, Hanoi propagandists, or the hard-line factions in Washington, and through which threats could be made without Hanoi dismissing them as war-mongering. The deadlocked talks in Paris, used as a propaganda platform by each side, consequently were to be avoided in the search for a negotiated settlement.

Kissinger also believed, as one of his aides recalled in an interview,

that he really faced three obstacles in the negotiations: the first, of course, was Hanoi. The North Vietnamese had to have a reason to sign an agreement. This would come when they were stalemated on the battlefield. The second obstacle was Saigon. Thieu wanted not a negotiated settlement but Hanoi's surrender. He wanted their troops to leave South Vietnam, he wanted the Viet Cong disbanded, and he didn't trust us to hold out for these basic demands. So our strategy was to give Thieu the maximum amount of time possible to get ready for an agreement and the maximum amount of support to defend himself. But, when we could get an agreement, we were going to be firm with Thieu. We also did not tell Thieu what progress we had made

FIGURE 4.1
HANOI VS. WASHINGTON: MINIMUM AND MAXIMUM POSITIONS ON KEY ISSUES IN THE NEGOTIATIONS

	<i>For Talks/Negotiations</i>	<i>For Negotiated Agreement on:</i>	
		<i>Cease-fire</i>	<i>Political Settlement</i>
Hanoi's maximum	For negotiations: Stop bombing permanently and unconditionally; accept four points	<i>Cease-fire not separable from political settlement</i> U.S. withdrawal; end to GVN aid; release of all prisoners—POWs and political; cease-fire thereafter	Replacement of Thieu with a coalition
Washington's maximum	Bombing will be stopped in return for an end of NVA infiltration and attacks against urban centers	Cease-fire, mutual troop withdrawal, and POW return	Status quo ante, pending plebiscite
Hanoi's minimum	For talks: Stop bombing permanently and unconditionally	U.S. withdrawal; cease-fire-in-place (revealed in October 1972)	Assurance that freedom of political organization and other democratic liberties would be respected by the GVN; National Council of Reconciliation and Concord (NCRC) to serve as coalition government of the transition
Washington's minimum	Bombing will be suspended if serious talks follow U.S. decision to suspend bombing, and if rocket attacks against Saigon cease	Cease-fire-in-place; prisoner exchange	Status quo ante pending NCRC formation

FIGURE 4.2
WASHINGTON VS. SAIGON: MINIMUM AND MAXIMUM POSITIONS ON KEY ISSUES IN THE NEGOTIATIONS

	<i>For Talks/Negotiations</i>	<i>Cease-fire</i>	<i>For Negotiated Agreement on: Political Settlement</i>
Saigon's maximum	For negotiations: Withdrawal of all NVA forces	Withdrawal of all NVA forces	Elections organized by a mixed electoral commission in which Viet Cong could participate if they renounced violence
Washington's maximum	Bombing will be stopped in return for end of NVA infiltration and attacks against urban centers	Cease-fire, mutual troop withdrawal, and POW return	Status quo ante, pending plebiscite
Saigon's minimum	For talks: Withdrawal of all NVA forces	Withdrawal of all NVA forces	National reconciliation for, and integration of, Viet Cong into political system once war ends and NVA withdraws
Washington's minimum	Bombing will be suspended if serious talks follow U.S. decision to suspend bombing, and if rocket attacks against Saigon cease	Cease-fire-in-place; POW exchange	Status quo ante, pending NCRC formation

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with Hanoi or the terms we were offering because we knew he would oppose them and then leak them to the press. This would imperil the process of negotiations with Hanoi that it had literally taken years to establish. The third obstacle was in Washington. The military never would support a compromise. They always believed that with just a little more time and money they could find the right formula to win the war. And like Thieu, if they didn't approve of what we offered Hanoi, then they would have leaked it to the press.

Given these obstacles, Kissinger thought that the key to a negotiated agreement was for the United States to avoid seeking to win at the conference table what could perhaps be won on the battlefield.

To the negotiators this meant, as one said in an interview, "convincing Saigon that by accepting an agreement it could lose nothing it already had and convincing Hanoi that unless it accepted an agreement it would have no chance of winning politically. Each had to believe that a negotiated agreement was an interim step toward victory." Implementing this strategy required both time to allow Thieu to get accustomed to fighting the war without U.S. forces and continued warfare so that Hanoi could not be certain that simply by waiting the war would wind down and Saigon would crumble and with it, the need to negotiate anything at all.

What Kissinger most wanted to avoid in the negotiations with Hanoi was the mistake that had been made in Korea—the restriction of military action to defensive operation while armistice talks continued. "By stopping military operations," Kissinger observed in a book written shortly after the Korean War, "we removed the only the enemy had]; we produced the frustration of two years of inconclusive negotiations. In short, our insistence on divorcing force from diplomacy caused our power to lack purpose and our negotiations to lack force."³ Consequently, another Kissinger aide told me, "Henry believed that, unless the U.S. showed Hanoi it was willing to threaten the absolute destruction of North Vietnam, they would never negotiate. He would often say that North Vietnam could not be the only country in the world without a breaking point."

³ Henry A. Kissinger, *Nuclear Weapons and Foreign Policy* (New York: Norton, 1957), pp. 50–51.

When Hanoi eventually said “uncle,” those I interviewed expected events to develop this way: Le Duc Tho would introduce into the secret talks a revision of the North Vietnamese stand, hinting that an agreement could be reached on military problems, and drop his insistence on reaching a political settlement prior to the cease-fire. Then negotiations would begin. Legal experts would be called in to draft the articles and protocols quickly, while Kissinger and Tho reached understandings about what each really thought the agreement meant. Until this stage was reached, Kissinger believed his primary job was to develop proposals for a long-term solution and present them in secrecy.

The Secret Talks

“The peace negotiations...have been marked by the classic Vietnamese syndrome: optimism alternating with bewilderment; euphoria giving way to frustration,” Kissinger wrote, in January 1969, of the Johnson administration’s efforts to negotiate with North Vietnam.⁴ This was to be no less true of Kissinger’s own secret search for a negotiated settlement with Hanoi. “There were waves of optimism,” one participant at the secret talks later recalled,

but they would always peter out on the shoals of Hanoi’s intransigence. Le Duc Tho would routinely begin a session by declaring that the subject on the agenda was not at issue because the U.S. position was generally acceptable to North Vietnam, but he would say that the real obstacle to an agreement was posed by another aspect of a settlement. We would then make a proposal we thought acceptable to them. They would then tell us what was wrong with our proposal from their point of view. We would then adjourn to study their remarks. We would make a counter-offer, and again they would tell us what was wrong with that. They never flatly rejected anything. Le Duc Tho would just say what we said was very interesting but we had to first stop all acts of war against the DRV and Thieu had to resign before negotiations could go further.

It was Kissinger’s belief that an agreement would be possible only if the negotiations were aimed not at changing Hanoi’s behavior—behavior that was incompatible with a long-term peaceful

⁴ Kissinger, “The Vietnam Negotiations,” p. 211.

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settlement of the conflict—but at changing Saigon's. Kissinger saw the need to limit warfare and then to encourage Saigon to be more forthcoming in offering a political accommodation to the Communists—the Provisional Revolutionary Government of South Vietnam (PRG). What Kissinger sought in his secret negotiations with Hanoi, then, was the beginning of a process of accommodation, not a clear-cut end to the conflict. "What had to be created," one of Kissinger's aides later told me, "was a way of talking to the North Vietnamese where we could try out various formulations for an agreement without them having to risk losing face in front of their people or their allies. Henry was profoundly disappointed when the North Vietnamese appeared to be using the secret talks for many of the same advantages they sought in the Paris talks: to probe how far the Americans would go in making concessions to the North Vietnamese position." Despite continued North Vietnamese intransigence, Kissinger remained hopeful that "even in Vietnam there must be some realities that transcend the parochial concerns of the contestants and that a point must be reached where a balance is so clearly established that if we can make generous and farseeing proposals... a solution may be possible."⁵

Secret talks began in the summer of 1969 when Jean Sainteny, one of France's Indochina experts who knew Ho Chi Minh, transmitted a letter from Nixon to Ho in July urging Hanoi to reconsider negotiations. "You will find us forthcoming and open-minded in a common effort to bring the blessings of peace to the brave people of Vietnam," the letter promised. Hanoi responded by agreeing to a secret meeting between Kissinger and Xuan Thuy to take place in Sainteny's Paris agreement on August 4. The exchange that took place was reminiscent of the one that had been held in Geneva some seven years before, when the secret search for negotiations had begun. "Hanoi was unyielding, clearly unready for serious negotiations," a participant later recalled. Three weeks later Ho Chi Minh's official reply to the Nixon letter reiterated what the U.S. negotiators had heard in secret: the U.S. troop withdrawal should be unconditional and a political solution should be negotiated solely on the basis of the proposals advanced by the Communist side.

⁵ Henry Kissinger, press conference, May 9, 1972.

Three days after Ho Chi Minh's letter was received in Washington, Ho was dead. With his death came the hope that his successors would be inclined to negotiate. But at Ho's funeral 250,000 mourners took an oath to continue the struggle for liberation of the south and unification of Vietnam that Ho had begun, and the new leadership that ran North Vietnam appeared less, rather than more, inclined to negotiate with the United States.⁶

The Nixon administration's search for meaningful negotiations with Hanoi thus was stymied from the outset. The dominant view in Washington was that the United States had to get tough. In a key speech in November 1969, Nixon highlighted the efforts of his administration to arrange secret talks with Hanoi, castigated Communist intransigence, and concluded:

The effect of all the public, private, and secret negotiations which have been undertaken since the bombing halt a year ago, and since this ad-

⁶ Throughout the war, official and academic experts in Vietnam and in the United States continually tried to identify which members of the Politburo favored which strategy in the war and the negotiations. Such knowledge was essential, many experts argued, to evaluating the sincerity of Hanoi's public and private offers in the negotiations and to gauging U.S. responses to North Vietnamese military actions. There were, however, so many conflicting interpretations of Politburo dynamics based on such slim evidence—since, as one intelligence specialist put it, “Nearly all we had to go on was the public statements of North Vietnamese leaders”—that an advocate for a negotiations initiative or one for an escalation of the war could find equally ample support for his case. An example of the imprecision of official U.S. assessments of the North Vietnamese Politburo can be seen in the differences between the U.S. intelligence agencies summarized in NSSM-1. Probably the most influential of the assessments available to both high U.S. officials and the general public can be found in Douglas Pike's excellent short book *War, Peace and the Viet Cong* (Cambridge, Mass.: MIT Press, 1969). See especially pp. 164–67.

The only things that can be reasonably concluded from the various attempts to fathom who in Hanoi favored what are that (1) each member of the Politburo probably had several different and not necessarily consistent opinions about the war between 1960 and 1975; (2) individual opinions always had to be accommodated within the Politburo as a whole; (3) the Politburo itself is striking as an institution for its tradition of political unity and the nearly total lack of any purges of its membership; and (4) each major decision about the war reached in Hanoi always was taken in part with the hope that it would produce U.S. concessions in the negotiations. For a detailed study of the publicly known positions of Politburo members on several key turning points in the war—one that is typical of those also available to U.S. officials—see Robert F. Rogers, “Risk Taking in Hanoi's War Policy: An Analysis of Militancy Versus Manipulation in a Communist Party-State's Behavior in a Conflict Environment” (Ph.D. diss., Georgetown University, April 1974).

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ministration came into office on January 20, can be summed up in one sentence: No progress whatever has been made, except agreement on the shape of the bargaining table.

Well now, who's at fault? It's become clear that the obstacle in negotiating an end to the war is not the president of the United States. It is not the South Vietnamese government. The obstacle is the other side's absolute refusal to show the least willingness to join us in seeking a just peace.

And it will not do so while it is convinced that all it has to do is to wait for our next concession, and our next concession after that one, until it gets everything it wants.

It was necessary, the president said, to develop an alternate means of ending the war, one that was not dependent on the good will of Hanoi, and this was the Vietnamization program. Vietnamization meant that the United States would withdraw its troops first from combat and ultimately from Vietnam, turning responsibility for the fighting and the war over to the GVN in a way designed to be least discouraging to Saigon and other U.S. allies and least encouraging to Hanoi. Nixon asked for the support of "the great silent majority" of Americans for the search "for a just peace through a negotiated settlement, if possible, or through continued implementation of our plan for Vietnamization, if necessary."

Nixon believed that he had discovered an untapped reservoir of support for himself and the war, primarily because U.S. casualties were being reduced. As a result, the president rejected an effort by a group of former White House officials and liberal Republicans to design a peace package that called for both a Christmas cease-fire to be continued indefinitely and a substantial withdrawal of U.S. troops. Instead, by mid-December the president ordered a withdrawal of only another 50,000 U.S. troops—and this only after he had received word from Cyrus Eaton, who had just met with Soviet leaders and Le Duc Tho, that the death of Ho had indeed caused the Politburo to consider secret negotiations again.

Le Duc Tho was henceforth to become a figure whose importance in the negotiations equaled Kissinger's and Nixon's. On the basis of his published statements, Tho was thought to favor reaching an agreement of the type that returned the NVA to a protracted-war footing, thus easing the drain of the conventional large-unit war on the DRV's economy. Tho was Kissinger's window on the North Viet-

namese Politburo, and from their many private (save for an interpreter) and informal meetings, Kissinger assembled enough data to explain to Nixon why Hanoi could conceivably be interested in a negotiated settlement. It was on the assumption that at least some elements in Hanoi genuinely wanted to negotiate that Kissinger continued to devote his energies to the secret talks and conducted them in a spirit of cordiality and trust. "He did not think Le Duc Tho was setting him up," one of Kissinger's aides told me, "or that, if an agreement was achieved, Hanoi would grossly and blatantly violate it. The president, in contrast, took a much harder line toward Hanoi and the negotiations and believed that, if Hanoi would not negotiate seriously in private, the costs of their intransigence should be increased."

Nixon saw his November speech also as a means of preventing Hanoi from hinting in public a willingness to reach an agreement it had ruled out in private, thereby creating the impression that the United States was the obstacle to negotiations. After he was convinced that secret initiatives produced no results, Nixon informed the American people of his efforts and provided an updated report of the progress of the Vietnamization program. Nixon did not want the public to forget that his administration was bringing U.S. soldiers home while it was striving for negotiations with Hanoi and strengthening the ability of the GVN to defend itself. In such speeches, a review of the administration's secret efforts for peace often was the peroration for an announcement either that the GVN had reached a milestone related to its own self-defense and, hence, more U.S. troops were being withdrawn, or that decisive military actions (such as the incursion into Cambodia, the extension of U.S. and South Vietnam operations into Laos, the mining of Haiphong Harbor, the Christmas bombing of Hanoi) had to be taken in light of Hanoi's intransigence at the conference table.

Initially Nixon's rhetoric did little to improve the atmosphere of the talks or to induce Hanoi to change its position. For example, in the second round of secret talks, which took place between late February and early April 1970, Henry Kissinger met with Le Duc Tho four times in Paris, and found that the North Vietnamese position had hardened. "Their belief in our sincerity was nil," one participant recalled, "and even the cordiality of the first meeting evaporated."

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Why did Hanoi spurn an agreement in 1969 and 1970? Ever since the 1968 Tet offensive, the need to reestablish and consolidate the Communist infrastructure that had been destroyed at Tet had been central to Hanoi's approach to the war. Internal PRG planning papers and assessments later captured by U.S. and South Vietnamese forces in Cambodia and Laos indicate that from Hanoi's viewpoint far too little progress had been achieved in these tasks to create the position of strength essential for substantive discussions with Washington. A related problem was the limited extent of the PRG's control over the population in the south; even the most generous U.S. estimates put the figure at less than 25 percent. These concerns by no means preoccupied the entire North Vietnamese Politburo, for some members presumably believed that Hanoi should never negotiate and, therefore, the question of achieving a position of strength for such a purpose was irrelevant. Members of the Politburo who subscribed to this view probably argued that what had not been won on the battlefield could not be won at the conference table. Other members of the Politburo presumably favored negotiations, but only insofar as a negotiated settlement provided the United States with a face-saving way to withdraw its troops and to end its support to the Thieu government.

Throughout this period, the Nixon administration appeared locked into an ever-widening war, with each new development on the battlefield reinforcing Hanoi's basic mistrust of Washington.

Of all the military campaigns of the war, the Cambodian incursion, lasting from April 20 to June 29, 1970, proved to be the most fruitless and the most embittering. Cambodia had been a secret front in the Vietnam war for some time because of the sanctuary that North Vietnamese troops were permitted in the provinces adjacent to South Vietnam. Operation Menu, the secret bombing of North Vietnamese supply centers in Cambodia, began in 1969, and South Vietnamese forces were known to conduct deep penetration raids routinely into Cambodia thereafter. Nevertheless, it was difficult to justify the Cambodian incursion in strictly military terms. (Cambodian and U.S. officials used the term "incursion" in preference to "invasion" because U.S. troops were invited by the Cambodian government to conduct operations against NVA sanctuaries.) During the period of the incursion, the ARVN faced its greatest threat from

North Vietnamese forces operating from a secure base in the northern part of South Vietnam that for two decades had been the home of one entire North Vietnamese division and of elements of several others. While the Cambodian incursion appeared to worsen the atmosphere for negotiations, President Nixon believed (and then saw subsequent events confirm his view) that the Cambodian incursion rather than widening the war actually hastened a settlement. He learned that surgical uses of massive American force could work to turn Hanoi away from the war and toward negotiations. He saw public denunciation of the Cambodian incursion not as criticism of the way he was handling the war but as a reaction—which he shared—to the needless loss of life at Kent State University, where four students had been killed by National Guardsmen at an antiwar demonstration. As one of his aides told me: “The president thought that there could never be meaningful negotiations unless U.S. power remained credible. And to do this, we had to take the war to the enemy every dry season just as they tried to take the war to us. The president was very mindful of Lyndon Johnson’s experience: the gradual application of pressure simply didn’t work on the North Vietnamese.”

By the end of 1970, the U.S. embassy, the GVN, and even the opposition to Thieu believed that a cease-fire should be arranged only after the withdrawal of all North Vietnamese forces from the south. Any other cease-fire arrangement would leave North Vietnamese forces in control of territory they would never relinquish.

Kissinger, however, had come to think that, short of dumping Thieu, a cease-fire—which, in the absence of clear front lines, permitted Communist forces to remain in place—was the only concession the United States could reasonably offer to get Hanoi to sign an agreement. From his secret talks with the North Vietnamese, Kissinger had become convinced that the course he originally recommended in his *Foreign Affairs* article—“a tacit de facto cease fire”—would not work. In Kissinger’s view, a cease-fire-in-place offered Hanoi a reasonable prospect of victory (the key inducement required if Hanoi were to sign an agreement), since it would grant specific territory in South Vietnam to the Communist forces as well as granting the NVA the right to be there. This would also be consistent with the principle that the Communists should not gain

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through negotiations that which they could not achieve on the battlefield, just as Saigon could not hope to achieve through negotiations what ten years of warfare had failed to provide: a South Vietnam free from any Communist presence.

As with all major negotiating initiatives, the decision to offer the North Vietnamese a cease-fire-in-place depended on the president. Kissinger believed any agreement had to be responsive primarily to Hanoi; Nixon saw things differently and operated on the premise that an agreement should be fundamentally in Saigon's interests. "Before the Cambodian invasion, Nixon agreed with the... view [held by U.S. ambassador Ellsworth Bunker and General Creighton Abrams] that a cease-fire-in-place would pose too great a threat to the Thieu regime. But after that sixty-day spectacular, he developed considerable respect for ARVN's capabilities, and changed his mind."⁷

Nixon's growing confidence in the ARVN probably was the key factor leading the president to authorize Kissinger to offer a cease-fire-in-place to the head of the North Vietnamese delegation in a secret meeting in Paris in September 1970. "We wanted to convey the impression," one U.S. participant told me in an interview, "that what we were offering gave Hanoi a fair crack at the south but that they could not expect us to abandon an ally of some twenty years and install a replacement government before our offer would be acceptable." Xuan Thuy, it was soon apparent, did not have instructions to go beyond accepting the U.S. proposal for transmission to Hanoi. A second meeting was held, ostensibly to hear Hanoi's response to the new U.S. proposal. It "was yet another occasion on which Thuy would restate Hanoi's public position: agreement on the political solution—the four points—before the modalities of a cease-fire could be discussed," Kissinger's aide continued. "Kissinger knew that Thuy's response indicated that Hanoi had not authorized him to negotiate. Kissinger later explained that only a member of the Politburo could negotiate. He told us 'In the future, I want to talk directly with Le Duc Tho.'"

Hanoi did not respond to the offer, and in October, consistent with Nixon's strategy of not keeping what was offered in the secret

⁷ Bernard and Marvin Kalb, *Kissinger* (Boston: Little, Brown, 1974), pp. 172–73.

negotiations secret indefinitely, Ambassador David Bruce, the newly appointed head of the U.S. delegation to the Paris talks, made public what Kissinger had offered North Vietnam: a cease-fire-in-place, an immediate and unconditional prisoner release, a total withdrawal of U.S. forces thereafter, and an international conference to guarantee the settlement. What the proposal did not do was guarantee that the PRG would dominate South Vietnam after the American withdrawal. In Hanoi's view, such a guarantee would require that, while it still had leverage over Vietnamese politics, the United States arrange for a successor to President Thieu who would organize a coalition government. The resignation of Thieu and the creation of a coalition government before the cease-fire were still as essential to Hanoi as U.S. troop withdrawal.

Hanoi's refusal to consider the American offer in private or public was consistent with its own sense of timing and strategy. Internal Communist documents from this period suggest that from the leadership in Hanoi down to the local cadres, the growing strength of the GVN and its increasing administrative presence throughout the countryside alarmed the PRG. Saigon's counterintelligence program was beginning to take its toll of the indigenous PRG left after the Tet offensive, and in general, the Politburo was dissatisfied with the weaknesses in its own movement. The significance of this is that, however much an agreement specified that there would be a peaceful political evolution after the U.S. withdrawal, Hanoi knew that Saigon would never implement it. "It would also be," one Communist diplomat told me, "absurd to expect that in a life-and-death struggle both sides would renounce the use of force if they appeared to be losing. Then what guarantee have we that the Americans will not reintervene?" Only through expansion and then consolidation of control in the countryside could the PRG be assured of a secure base of operations; this would take time.

Saigon accepted the cease-fire-in-place offer fatalistically. "The war for the cease-fire line was on," one GVN official told me after the United States had made public the offer to Hanoi. "Now the North Vietnamese would try to take as much territory as possible and when their control appeared at its maximum point, they would accept the cease-fire. Then the Americans would leave. And then the war would start all over again."

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In the spring of 1971, following the expansion of the ground war into Laos in a Cambodia-type incursion, Henry Kissinger began a new round of secret meetings with the North Vietnamese. Elaborating on the basic U.S. proposal of September 1970, Kissinger added two inducements. The U.S. settlement plan now not only called for a cease-fire-in-place, but also assured Hanoi that all U.S. forces would be out of Vietnam within six months of signing an agreement. This aspect of the proposal was intended to show Hanoi that the United States had no plans to keep a residual military presence in Vietnam. The second new feature provided for the resignation of South Vietnamese president Thieu thirty days before a plebiscite was to be held to determine the political future of South Vietnam. This was as far as the United States could possibly go, Kissinger told Hanoi, toward meeting North Vietnamese insistence on an agreement that embodied both a military and a political solution to the conflict. But, Le Duc Tho told Kissinger, Hanoi still insisted that "any proposal that did not include political elements could not even be negotiated."⁸

A month later the two negotiators met again for what was expected to be a routine discussion of the latest U.S. proposal. Instead, Le Duc Tho offered the following nine-point plan to end the war:

1. The withdrawal of the totality of U.S. forces and those of foreign countries in the U.S. camp in South Vietnam and other Indochinese countries should be completed within 1971.
2. The release of all military men and civilians captured in the war should be carried out in parallel and completed at the same time as the troop withdrawals mentioned in Point 1.
3. In South Vietnam the U.S. should stop supporting...[the GVN] so that there may be set up in Saigon a new administration standing for peace, independence, neutrality, and democracy. The Provisional Government of the Republic of South Vietnam will enter into talks with that administration to settle the internal affairs of South Vietnam and to achieve national concord.
4. The United States Government must bear full responsibility for the damages caused by the U.S. to the peace of the whole of Vietnam. The government of the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam demand

⁸ Ibid., p. 180.

from the U.S. Government reparations for the damage caused by the U.S. in the two zones of Vietnam.

5. The U.S. should respect the 1954 Geneva Agreements on Indochina and those of 1962 in Laos. It should stop its aggression and intervention in the Indochinese countries and let their people settle by themselves their own affairs.

6. The problems existing among the Indochinese countries should be settled by the Indochinese parties on the basis of mutual respect for the independence, sovereignty, territorial integrity, and noninterference in each other's affairs. As far as it is concerned, the Democratic Republic of Vietnam is prepared to join in resolving such problems.

7. All the parties should achieve a cease-fire after the signing of the agreements on the above-mentioned problems.

8. There should be an international supervision.

9. There should be an international guarantee for the fundamental national rights of the Indochinese peoples, the neutrality of South Vietnam, Laos, and Cambodia, and lasting peace in this region. The above points form an integrated whole and are closely related...⁹

To Kissinger, this nine-point plan was the first time since 1965 that Hanoi had actually proposed the text of an agreement rather than simply reject the American formulation of one. "Henry thought we could live with Hanoi's formulation," an aide later recalled. By formulation, Kissinger meant the essential points enumerated and the sequence of events that their order implied. He saw each as subject to adjustment and believed that as far as point seven was concerned, Hanoi knew that the United States would agree only if all other provisions were implemented simultaneously with a cease-fire. And he believed that Thieu's offer to resign in favor of elections was an acceptable counteroffer to what Hanoi wanted to achieve in the third point, which was, Kissinger believed, the beginning of a process that would set in motion a political accommodation between the GVN and the PRG. Kissinger thus left the secret meeting for Washington in a hopeful mood. He began, one of his aides later told me, "to have his first taste of peace." It was to sour shortly.

On July 1, 1971, four days after the DRV had made their proposal in private, the PRG representative at the Paris talks offered a seven-point proposal for settlement that pertained only to South

⁹ From the official DRV text.

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Vietnam. But the PRG proposal appeared to critics of the war in the United States to be a conciliatory step toward peace on the Communists' part, a step that made possible the return of all U.S. POWs if U.S. forces left Vietnam by the end of 1971. The PRG proposal contained the following elements:

1. The U.S. must "put an end to its war of aggression" in Viet-nam; stop Vietnamization; withdraw from South Viet-nam all U.S./allied troops, military personnel, weapons, and war materials; and dismantle all U.S. bases in South Viet-nam, "without posing any condition whatsoever." The United States must set a terminal date in 1971 for the withdrawal of all U.S./allied forces at which time the parties will agree on the modalities: (A) of the withdrawal in safety of all such forces; and (B) of the release of all military and civilian prisoners captured in the war (including American pilots captured in North Viet-nam). These two operations will begin and end on the same dates.

A cease-fire will be observed between the South Viet-nam People's Liberation Armed Forces (Viet Cong) and the U.S./allied forces as soon as the parties reach agreement on the withdrawal of all U.S./allied forces.

2. The United States must respect the South Viet-nam people's right to self-determination, end its interference in the internal affairs of South Viet-nam, and cease backing the Thieu government.

The political, social, and religious forces in South Viet-nam aspiring to peace and national concord will use various means to form in Saigon a new administration favoring peace, independence, neutrality, and democracy. The Provisional Revolutionary Government—PRG—(Viet Cong) will immediately enter into talks with that administration in order to form a broad three-segment government of national concord that will assume its functions during the period between the restoration of peace and the holding of general elections, and to organize general elections in South Viet-nam.

A cease-fire will be observed between the South Viet-nam People's Liberation Armed Forces and the Armed Forces of the Saigon administration as soon as a government of national concord is formed.

3. The Vietnamese parties will together settle the question of Vietnamese armed forces in South Viet-nam in a spirit of national concord, equality, and mutual respect, without foreign interference.

4. On reunification of Viet-nam and relations between the two zones:

- a. Reunification will be achieved step by step, by peaceful means on the basis of discussions and agreements between the two zones,

without constraint or annexation by either party, without foreign interference. Pending reunification, the two zones will reestablish normal relations; guarantee free movement, free correspondence, and free choice of residence; and maintain economic and cultural relations.

b. The two zones will refrain from joining any military alliance with foreign countries; from allowing any foreign country to have military bases, troops, and military personnel on their soil; and from recognizing the protection of any country, of any military alliance or bloc.

5. South Viet-nam will pursue a foreign policy of peace and neutrality, establish relations with all countries regardless of their political and social regime, maintain economic and cultural relations with all countries, accept the cooperation of foreign countries in the exploitation of the resources of South Viet-nam, accept from any country economic and technical aid without any political conditions attached, and participate in regional plans of economic cooperation. After the war ends, South Viet-nam and the United States will establish political, economic, and cultural relations.

6. The U.S. "must bear full responsibility for the losses and the destruction it has caused to the Vietnamese people in the two zones."

7. The parties will find agreement on the forms of respect and international guarantee of the accords that will be concluded.¹⁰

To many critics of the war, the proposal seemed to be the hoped-for breakthrough in the negotiations. Averell Harriman, for example, wrote in the *New York Times* summarizing the views of many U.S. diplomats and opinion leaders:

The Administration has previously justified its refusal to negotiate a definite date for withdrawal of all American forces on three grounds—the safety of our forces, the release of our prisoners of war, and giving the South Vietnamese "a reasonable chance."

Mrs. Binh's [the Chief PRG delegate at the Paris talks] seven-point proposal satisfies the first two reasons. The Administration should now explain what it means by giving South Vietnam "a reasonable chance," and what American vital interests are involved.¹¹

What Harriman did not know was that the North Vietnamese, in private, doggedly linked the cease-fire and the prisoner exchange to the overthrow of the Thieu government.

¹⁰ From the official PRG text.

¹¹ Reprinted in *The Congressional Record* (July 15, 1972), p. H6836.

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To those privy to the secret negotiations, however, the PRG proposal was not so much a negotiating document as a tactic to encourage doubts about the Nixon administration's sincerity in seeking an end to the war. When Kissinger called Le Duc Tho to clarify which of the two proposals now on the table should serve as the basis for future discussions, Tho replied that the secret proposal was the basis for future discussion. This confirmed the fears of Kissinger's aides that Hanoi would leapfrog between its public and private positions and whipsaw the Nixon administration in the process.

In mid-August, Kissinger and Tho met again in what Kissinger hoped would at last be a turning point in the negotiations. He was prepared to pledge U.S. neutrality in the October 3 South Vietnamese presidential elections in which Thieu's likely opponent would be General Duong Van Minh, a personality the Communists had long said would be an acceptable head of the Saigon government. Next, Kissinger promised that all U.S. forces would be withdrawn by August 1, 1972, if an agreement were reached by November 1, 1971. Kissinger finally stated that the United States was willing to agree to limit all future aid to the Saigon government if Hanoi's allies would do the same.

In response, Hanoi's representatives argued that a "favorable opportunity" to end the war would be created if Washington discouraged Thieu from seeking reelection. Xuan Thuy, speaking on *Face the Nation* a year later, revealed that that is what Le Duc Tho told Kissinger. Thuy also said the DRV had even promised that the POWs would be released if only the United States would set a specific withdrawal date. This, of course, was precisely what Kissinger proposed to Le Duc Tho in secret, and precisely what Tho rejected. In early July, Thuy told Anthony Lewis of the *New York Times*: "To show our good will, we can settle the problem of Point I [of the PRG proposal calling for the total withdrawal of all U.S. forces and the prisoner exchange] separately." This pronouncement increasingly fueled opposition to the administration's policy, giving rise to charges that an important chance both to end the war and to get the prisoners back was lost. What Thuy did not tell Lewis was that, in private, Le Duc Tho refused to discuss any part of his nine-point proposal separately. Tho would only say that the nine-point

proposal was an integrated whole and not an invitation to reach nine separate agreements.

On September 13 Hanoi informed Washington that it was ready to respond to Kissinger's latest offers. By then, all opposition to Thieu had withdrawn from the campaign; Hanoi merely noted that, in light of this, the U.S. pledge of neutrality in the election, then less than a month away, was meaningless. Hanoi was standing by its nine-point proposal, which was what Hanoi believed should be the outcome of the negotiations rather than their starting point. The North Vietnamese rebuffed an effort to hold another meeting in November.

Their refusal to continue the Kissinger-Tho dialogue was an ominous development. It was a clear signal that U.S. strategy was not working. Intelligence forecasts, too, were discouraging because, by the end of 1971, it appeared that Hanoi still had not been dissuaded from prolonging the war or from pushing for a military victory. Some said that Hanoi was preparing for another dry-season military offensive. In October 1971 Soviet President Podgorny renegotiated a comprehensive arms assistance agreement in Hanoi. With the benefit of hindsight, this Soviet assurance must have been crucial to Hanoi's military planners in deciding on the scope and intensity of the dry season offensive they were about to launch. Soviet assurances were, of course, matched by those Hanoi received from the Chinese.

By the end of 1971 Kissinger also foresaw a rather rapid and dramatic decline of congressional willingness to fund the war effort. As he told journalists in background briefings, the defeat of the foreign aid bill on October 29, 1971, "was only the beginning," and the vote, coming as it did in the midst of the secret negotiations, "might have led the North Vietnamese to believe that U.S. economic support for Saigon could be ended without concession by Hanoi in the Paris Peace Talks." As Kissinger assessed the situation, Hanoi had gotten an end to the bombing and a U.S. pledge to withdraw without making a single concession: only the ouster of Thieu remained to be achieved. Hanoi had begun to receive tangible proof that its allies—despite détente—were not going to abandon the struggle in Indochina; nor were they—because of détente—going to insist that Hanoi reach an agreement the terms or timing of which

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was not fully acceptable. Finally, Hanoi continued to be encouraged by the turmoil created in the United States by the administration's war policy.

Kissinger aides report that in mid-December of 1971 there was a brief moment of hope that the long-sought-after second track of the negotiations—negotiations between the Saigon government and the Communists—might be established. The former foreign minister of South Vietnam, Dr. Tran Van Do, received word from a French friend saying that Xuan Thuy, whom he had seen recently, had specifically asked that his "best and warmest regards" be passed on to Dr. Do. Tran Van Do thought this was perhaps a signal that the Communists were interested in reaching a compromise on the status of the Saigon government despite the fact that Thieu had won an uncontested election to a second term. With the approval of President Thieu, Do arranged to meet Thuy. When they met, Thuy spoke about the need for peace, but suggested terms that required, in essence, the surrender of South Vietnam.

One explanation for this apparently pointless meeting is that it was sought before the North Vietnamese Politburo had decided on the Easter offensive. Perhaps at that time Le Duc Tho and Xuan Thuy assessed the dynamics of the debate within the Politburo as slightly favoring a negotiation initiative over another military offensive. By the time the meeting was actually held, the Easter offensive was scheduled (intelligence analysts suggest that the decision to launch the Easter offensive was made in the first half of December), but some members of the Politburo may have thought going ahead with the Do-Thuy meeting might provide useful information on the mood of the Saigon intelligentsia concerning support for Thieu.

Convinced that the secret talks were deadlocked, and deeply disturbed over Hanoi's repeated offers of a POW exchange for U.S. troop withdrawal—offers that Le Duc Tho denied in private—President Nixon once again revealed that there had been secret negotiations. Declaring in a January 1972 television address that "just as secret negotiations can sometimes break a public deadlock, public disclosure may help to break a secret deadlock," the president told of Henry Kissinger's effort to negotiate an agreement to end the war with Hanoi. The president believed that, if Hanoi

could be discouraged from thinking that the American people, the Congress, and the forthcoming U.S. presidential election would obviate the need for any concessions, the negotiations would resume.

The day after the president's announcement Kissinger proposed another secret meeting to the North Vietnamese; several weeks later they accepted, suggesting a meeting for mid-March. But Hanoi kept postponing the session. When they finally did accept a date, they did so only three days before the Easter offensive began.

Later Kissinger would observe: "Hanoi 'had decided to go military' back in October 1971, when Le Duc Tho had developed his diplomatic 'illness' [and left Paris]. From that moment on... their problem was to gear the negotiation in such a way that it would support their military objectives. Their delays were carefully calculated. It was very smart, tough bargaining on their part."¹²

The War Resumes

In launching the Easter offensive Hanoi demonstrated that it could always fight the war at a level the GVN was unable to contain. The offensive taught the NVA that the GVN could not count on its soldiers to stand and fight. The fall of South Vietnam's Quang Tri province to advance elements of the NVA who occupied the province capital for three days with only a token force symbolized the tenuous nature of ARVN morale. But even the Communists were surprised at the rapidity with which the GVN defenses collapsed and the ARVN soldiers abandoned their ground. There was considerable anxiety in Washington and Saigon that Quang Tri would be only the beginning. At the time, some U.S. officials feared that the disorderly route of the ARVN defenders and their pillage of Hue city might not be stopped. This was precisely what happened three years later.

Politically, and of crucial importance for any future negotiations, the Easter offensive provided cover for the reorganization of the Communists' political infrastructure that began with the re-infiltration of experienced cadres during the attacks. ARVN units that had provided security to prevent precisely this from happening had to be rushed to the front, facilitating the PRG's, and with them Hanoi's, access to the Mekong Delta. By late summer 1972, and for

¹² Kalb and Kalb, *Kissinger*, p. 285.

the first time since the war began, internal Communist documents were beginning to sound as if the PRG had at last achieved the extent and depth of political control in the countryside that would permit acceptance of a cease-fire-in-place.

At the height of the offensive, President Nixon decided, with Kissinger's concurrence, that there was no alternative but to sharply increase pressure on the Soviet Union to stop its lavish support of the North Vietnamese offensive. Both men believed that the offensive could not have occurred without firm assurances from the Soviets that the materiel lost would be replaced. They wanted the Soviets to turn Hanoi toward negotiations by withholding future supplies. This was not as unreasonable a request as it may seem at first because Saigon, while it had launched a counteroffensive, was in no position to threaten seriously the North Vietnamese forces in the south, even with much of their heavy equipment (mainly tanks) destroyed. Kissinger's strategy was to blame the Soviet Union in public while offering further concessions to Hanoi if they would turn toward negotiations. This Kissinger would make clear when he met with Soviet leaders in Moscow at the end of April. Nixon and Kissinger also believed that Hanoi had to be shown that the United States would not shrink from retaliating for aggressive military actions in the future. Hanoi was warned that American air power would, in the words of the chairman of the Joint Chiefs of Staff, "inch northward" until the offensive stopped. By the beginning of the second week of the offensive, American warplanes were bombing targets in North Vietnam that had been on the restricted list ever since November 1967. B-52 raids were resumed, and by the end of the month, more than 700 B-52 sorties had been flown over North Vietnam; this included a weekend of attacks on Hanoi and Haiphong. The objective of resuming the air war over North Vietnam was explained by a Kissinger aide: "We are trying to compress the amount of time the North Vietnamese have to decide whether the offensive is worth continuing and whether they have the means to continue it."¹³

Both the president and Kissinger believed the war had to be ended in the current dry season (by summer 1972). To wait until the next dry season would take the issue of the war into the president's

¹³ Ibid., p. 291.

second term. They both also believed that Hanoi was orchestrating its military actions with the U.S. election very much in mind. If the president showed the slightest sign of weakness as November approached, Hanoi would continue to hope that the war was either going to defeat Nixon or at least push him into making further concessions to ward off a George McGovern victory.¹⁴ Consequently, the president decided on a policy of applying maximum diplomatic and military pressure on Hanoi to reach an agreement. The president wanted to signal three things: (1) increased Communist aggression would be countered swiftly; (2) the United States was ready to sign an agreement to end the war before the next dry season; after the U.S. election, the terms for a settlement were very likely to harden; and (3) Hanoi's allies saw the benefits of détente as so important that they were no longer willing to risk détente for the sake of the liberation struggle in Vietnam. "The president, after all, was not asking for Hanoi to surrender," one of the NSC staffers involved in the secret negotiations told me later. "He was asking them to permit an ending of the American involvement by lowering the level of warfare, and then to take their chances in a political struggle with Saigon."

In Moscow, Kissinger assessed the impact of the latest round of fighting in Vietnam—the Easter offensive and the resumption of the air war—on both Soviet willingness to pressure Hanoi into serious negotiation and the progress possible in Soviet-American relations if the war intensified. Kissinger told the Soviets that Washington no longer anticipated or required the eventual withdrawal of all North Vietnamese troops from South Vietnam—only those troops that had come into the south for the recent offensive should gradually be withdrawn. The U.S. position had changed from its maximum of a cease-fire-in-place with the expectation that most North Vietnamese forces would leave the south as the fighting wound down to the minimum of a cease-fire-in-place that left the North Vietnamese in position to continue the war if the progress made toward a political solution was satisfactory. Kissinger also suggested that the areas of the country in which the North Vietnamese troops were to remain

¹⁴ Le Duc Tho later told Kissinger that his Politburo colleagues never thought McGovern had a chance of being elected president.

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need not be regarded as regroupment zones but as the territory of the PRG.

Kissinger made these points clear to Brezhnev, who probably realized what was conceded to the Communists' side and that Washington had probably reached its limit on what was negotiable. At that time, one of Kissinger's aides told me, Brezhnev appeared to Kissinger to be both "the most understanding he had ever been of our sincerity in wanting to end the war, and not a little disappointed at Hanoi's intransigence." Kissinger made clear to Brezhnev that further Vietnamese offensive action would have most serious consequences. Kissinger concluded that this threat had been clearly understood in Moscow: "I do not believe that there could have been any doubt in the minds of the Soviet leaders of the gravity with which we would view an unchecked continuation of a major North Vietnamese offensive and of attempts by the North Vietnamese to put everything on the military scales."¹⁵

Kissinger also argued that the progress of détente should be decoupled from the war if Hanoi persisted in its efforts to impose a military solution. Positive Soviet pressure on Hanoi to negotiate now, of course, would facilitate even further progress on the agenda that he and Brezhnev had discussed for the forthcoming Moscow summit. Kissinger left Moscow with a pledge of Soviet cooperation in transmitting the changes in the U.S. position to Hanoi and with a clear feeling for the likely Soviet reaction if further U.S. military action became necessary in the weeks ahead. In all probability, Kissinger must have concluded that the Soviet Union was not prepared to cancel the scheduled summit if U.S. military pressure on North Vietnam intensified.

The détente diplomacy of April had little effect on Hanoi. On May 2, 1972, the day before Quang Tri province of South Vietnam fell to the NVA, Henry Kissinger and Le Duc Tho met secretly for the thirteenth time. The loss of the province was a major test of Vietnamization and a major defeat for Saigon. It could not have come at a worse time in the negotiations; if anything, it suggested to Hanoi that Quang Tri might be to the United States in 1972 what Dien Bien Phu had been to the French in 1954.

¹⁵ Kissinger, press conference, May 9, 1972.

Kissinger began the meeting by presenting the U.S. offer: If Hanoi would agree to a cease-fire and return the POWs, all U.S. forces in Indochina would be withdrawn no later than four months after an agreement was signed. But, as Kissinger was to tell the press only a week later: "We were confronted by the reading to us of the published Communist statement. It has [*sic*] taken us six months to set up the meeting... and when we got there, what we heard could have been clipped from a newspaper and sent to us in the mail."¹⁶

Two days after the secret talks broke down the plenary sessions of the Paris talks were suspended because of, as the U.S. delegation head William Porter put it, the "complete lack of progress on every available channel."

A week later, President Nixon told a nationwide television audience that secret talks had broken down once again. He then announced the mining of Haiphong Harbor and other interdiction measures that were to remain in effect until the day the Paris Agreement was signed. The United States sought, the president announced, an internationally supervised cease-fire-in-place throughout Indochina plus a POW exchange. When these terms were accepted by Hanoi, U.S. forces would begin their final withdrawal from Vietnam and complete it within four months. Both Nixon and Kissinger were certain that Hanoi was likely to be dismayed by the reaction of its allies. Both knew that the mining and blockade would have a direct impact on the war effort in the south: Hanoi needed long supply lines to keep its offensive rolling. The mining would assure that Quang Tri marked the end of the offensive, not the beginning of a GVN rout.

More than twenty-two thousand telegrams and messages supporting the mining of Haiphong Harbor flooded the White House mail room the next day. But to Nixon and Kissinger, the most important reaction to the mining took place in Moscow and Peking, not in the White House mail room. As one aide to Kissinger later recalled, "The whole tone of the internal debate over how to get Hanoi to negotiate changed. We were no longer worried about using force because the mining of Haiphong Harbor disproved the theories of those who had urged restraint for the sake of detente or because they

¹⁶ Ibid.

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feared Chinese or Soviet intervention. At last we had a free hand to use all our force to end the war."

V

From Breakthrough to Breakdown

By mid-July 1972 it appeared to those involved in the secret Kissinger-Thieu talks that Hanoi was on the verge of serious negotiations. Hanoi's tone in the secret meetings changed from hostility to the same level of cordiality that had marked the early sessions when Kissinger had been hopeful of reaching a settlement. This time, moreover, U.S. officials knew from intelligence reports and captured Communist documents that Hanoi had begun to instruct its cadres in South Vietnam to prepare both for a cease-fire and for competing politically with the Thieu government. To Kissinger this meant that Hanoi was eventually going to stop insisting on Thieu's ouster before an agreement could be signed. Finally, NVA prisoner interrogation reports indicated that the PRG's military leadership had planned a series of land-grabbing operations in the early fall in anticipation of a cease-fire-in-place. Nevertheless, as Kissinger later told the press, "between July nineteenth and October eighth...[Hanoi] constantly proposed various formulas for the institution of a coalition government which would replace the existing government in Saigon and which would assume governmental power."¹

So certain was Kissinger that an agreement was at hand that he visited Saigon in late July to brief President Thieu on the search for a negotiated settlement. This was done partly to reassure Thieu that the speculation in the press about what was transpiring in the secret talks was groundless, and technically, of course, this was correct. But Kissinger did not indicate to Thieu that he personally expected an agreement to be reached. Instead, he led Thieu to believe that while the Nixon administration might have to appear forthcoming in the negotiations for domestic political purposes, Hanoi's intransigence

¹ Kissinger, press conference, October 26, 1972.

would be punished after the election.

Kissinger probably believed he had no choice other than to mislead Thieu. The United States had already offered Hanoi a cease-fire-in-place and a tripartite governmental arrangement, and these Saigon had made clear it would reject. Trying to win Thieu's support before Hanoi was committed to a specific agreement would imperil the whole negotiating process that Kissinger expected would shortly bear fruit. Kissinger feared that Thieu would leak details of the expected agreement, rally public opinion against it, and denounce Hanoi. He thought Thieu would be easier to persuade if he were presented with a *fait accompli*, if he were given extensive military supplies before the agreement went into effect, and if the NVA were dealt a blow that assured there would be no offensive during the 1973 dry season. Kissinger doubted that Thieu would support the agreement without the above, even if the agreement were underpinned by understandings with Moscow and Peking that Hanoi would not be resupplied with the means to launch another morale-shattering offensive.

Kissinger and Tho met twice in August. For the first time in ten years of secret talks, the North Vietnamese were talking about the reality of a South Vietnam where there were "two armies, two administrations, and several political groupings." This was a further sign that Hanoi would not continue to insist on Thieu's ouster. Shortly after the second meeting ended, Tho returned to Hanoi for consultations. Kissinger believed that the Politburo would soon make a decision between war and peace. He again went to Saigon. It was then, Thieu's aides told me, that Thieu began to fear that Washington was very close to reaching an agreement with Hanoi. But, these aides suggested, Thieu believed Hanoi was still not inclined toward a negotiated settlement of the war. In a major speech to the National Defense College in Saigon in August 1972, Thieu set out what he thought was ahead: "There is only one way to force the Communists to negotiate seriously, and that consists of the total destruction of their economic and war potential. We must strike at them continuously, relentlessly, denying them any moment to catch their breath. . . . If our allies are determined, peace will be restored in Indochina. If they lack determination, the Communists will revert to their half-guerrilla-half-conventional warfare, and the war will go on in

Indochina forever."

In Saigon, speculation that the secret negotiations had entered a critical stage was intense. The most commonly reported rumor was that Kissinger had come to tell Thieu to resign so that a new government of national union could be established to negotiate with the PRG; then the fighting would stop. A surprisingly large and diverse cross section of political leaders in South Vietnam believed that such a scenario would be a prelude to a coalition that the Communists would dominate. Many of these leaders privately expressed the wish that the United States not force Thieu out. As one put it, "We are not yet ready for peace. We need a president who can lead us in war; we need to win more battles against the NVA. After that, we will find a president who can lead us into peace." While, I suspect, nearly all South Vietnamese wanted the war to end, many were uncomfortable with the idea of a negotiated settlement because they did not trust the North Vietnamese to honor it. "When the Americans leave," one close Vietnamese friend (whom I thought at the time was overly pessimistic) said, "the North Vietnamese will start planning again for war. Your troops did not prove to them that they would lose, you know, and our troops did not prove to them that we would win."

By 1972, then, the gap between Washington's and Saigon's expectations with respect to when, and on what terms, a negotiated settlement should be achieved was so wide that it could not be bridged. Kissinger sensed this during his discussions with Thieu, but he refused to consider the possibility that, when an agreement had been reached, Thieu would refuse to sign, or that President Nixon would permit Thieu to block a chance to have a negotiated settlement before the November election. Kissinger thought back to the Johnson-Thieu dispute over the bombing halt and the shape of the table in 1968. He could see why it had been important to act in concert with Thieu as the talks began. But surely, he reasoned, when an actual agreement was within reach, Thieu would have little basis on which to refuse to sign it, and Richard Nixon would have no qualms about signing even if Thieu balked.

Another indication that Hanoi was ready to reach a negotiated settlement came on September 11. On that day the PRG released what it described as an "important statement on ending...the

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war...and restoration of peace." The essence of that statement was the following proposal:

If a correct solution is to be found to the Viet Nam problem, and a lasting peace ensured in Viet Nam, the U.S. government must meet the two following requirements:

1. To respect the Vietnamese people's right to true independence and the South Vietnamese people's right to effective self-determination; stop the U.S. war of aggression in Viet Nam; stop the bombing, mining, and blockade of the democratic republic of Viet Nam; completely cease the Vietnamization policy; terminate all U.S. military activities in South Viet Nam; rapidly and completely withdraw from South Viet Nam all U.S. troops, advisors, military personnel, technical personnel, weapons, and war materials and those of the other foreign countries in the U.S. camp; liquidate the U.S. military bases in South Viet Nam; stop supporting the Nguyen Van Thieu stooge administration.

2. A solution to the internal problem of South Viet Nam must stem from the actual situation: there exist in South Viet Nam two administrations, two armies, and other political forces. It is necessary to achieve national concord: the parties in South Viet Nam must unite on the basis of equality, mutual respect, and mutual nonelimination; democratic freedoms must be guaranteed to the people. To this end, it is necessary to form in South Viet Nam a provisional government of national concord with three equal segments to take charge of the affairs of the period of transition and to organize truly free and democratic general elections.²

Kissinger detected in the PRG's proposal a willingness to settle for a cease-fire first, leaving the solution of internal political problems to evolve. He queried Brezhnev, himself fresh from talks with Le Duc Tho, and was assured that the PRG announcement signaled the end of deadlock in the negotiations. Kissinger believed that the breakthrough was a direct result of the May 1972 Moscow Summit at which Kissinger indicated to Soviet foreign minister Gromyko that Washington was at last prepared to be responsive to Hanoi's insistent demand that any agreement embody a political as well as a military solution. Kissinger said the United States was willing to sign an agreement calling for the creation of a tripartite commission to govern South Vietnam after the war.³ This idea permitted Le Duc

² From the official PRG text.

³ This account closely parallels the one in Tad Szulc's "How Kissinger Did It:

Tho to propose creating a three-party "National Council of Reconciliation and Concord" (see below) with little fear that it would be rejected by Washington.

Kissinger's staff did not dispute this explanation, but they were divided over why Hanoi, acting through the PRG, had turned toward the idea of an agreement now. Some believed that the president's interdiction measures against North Vietnam were having an effect on Hanoi. They argued that Hanoi would feint toward an agreement (perhaps even sign one) in order to have those restraints lifted. Then the war would resume. As support for their argument, they cited intelligence reports that Hanoi was already instructing its cadres on how to violate the anticipated cease-fire-in-place. Kissinger's Vietnam experts argued that an agreement based largely on momentary and tactical considerations would constitute nothing more than a face-saving way for the United States to withdraw before Hanoi went all-out to achieve a victory through force of arms. "We would have spent all of those years and all of those lives and within months of having signed the agreement found that it had brought neither South Vietnam peace nor the United States honor," one member of Kissinger's staff recalled.

When Kissinger and Tho met on September 15, Kissinger made a personal plea for progress in the negotiations. As it stood, Kissinger said, the PRG proposal was not acceptable to President Nixon because it still implied that the United States and not the South Vietnamese people would remove Thieu from office. If the North Vietnamese could be flexible on that point, Kissinger urged, they would find the president never more inclined to reach a negotiated settlement than at that moment. But, he warned, after the election the president's position might very well harden, the prospects of negotiations dim, and the war go on.

For reasons that will probably never be known with certainty, at the next secret meeting (September 26, 1972) Le Duc Tho broke the deadlock. In response to the U.S. proposal for a tripartite com-

Behind the Vietnam Cease-Fire Agreement" (*Foreign Policy*, no. 15 [Summer 1974], pp. 21-69), reflecting the fact that we both interviewed many of the same sources. I have constructed my story from these interviews rather than from the Szulc article because we differ in emphasis and interpretation.

mission, Tho proposed creating a tripartite National Council of Reconciliation and Concord (NCRC) that, while composed of the three equal segments, was not to be considered a government (something the PRG wanted) and would operate on the principle of unanimity. Kissinger realized that this would be acceptable to President Nixon and it should be far more acceptable to Thieu than Kissinger's own tripartite commission proposal. Prophetically, however, only three days later in a speech to Saigon University students Thieu declared: "If the United States accepts to withdraw its troops unconditionally [without insisting that Hanoi do the same], the Communists will win militarily. If we accept a coalition, we will lose politically." Thieu never wavered in his conviction that, despite whatever the North Vietnamese called the organization to be created as part of a political settlement, it was a disguised coalition. Kissinger's staff never lost their suspicion that the United States was rushing too quickly into an agreement with Hanoi that Hanoi would later violate. But Kissinger, suddenly facing the first North Vietnamese concession in the negotiations, believed that peace could be at hand.

From Breakthrough to Breakdown

Kissinger and Tho met again on October 8. One of the U.S. negotiators described that meeting to me in the following terms:

The session began without one hint that it would be any different from the others. Each side continued to ask the other for clarification of the latest proposals. I was let down, and expected that we would adjourn with nothing on the table than more questions. I was disappointed in Tho: he seemed more on the attack again as far as the Thieu issue was concerned, and he was insistent that there be a political solution before there could be a military solution. When the U.S. side had finished, and it appeared that we were about to conclude the proceedings, however, Le Duc Tho asked if he might be permitted to make an additional statement. He also asked for a brief recess. Kissinger agreed.

Tho returned and began by saying that this had been a long war and had brought untold suffering to the Vietnamese and American people. He said there had been many opportunities to end the war, but the American government continually chose escalation. The DRV side had presented the U.S. with many sound and equitable proposals, Tho said, but always the U.S. refused. Then Tho said that his government was now going to make one last effort to end the war and restore peace

through negotiations. This effort was in the form of a draft agreement Hanoi was prepared to sign. Tho then handed us an English-language version of his proposal.

The proposal called for an immediate cease-fire and prisoner exchange, a withdrawal of U.S. forces from South Vietnam, and an end to all acts of war against the DRV, and prohibited the augmentation of the South Vietnamese armies (the NVA/PRG forces and the ARVN) that remained. Hanoi also agreed to separate the military from the political aspects of a settlement: while the proposed agreement addressed both types of problems, a cease-fire would come first and proceed according to a timetable that was not dependent on the progress made by the GVN and PRG toward a political settlement. A meeting was scheduled for the next day when the formal American response would be presented. This meeting had to be postponed twice because Kissinger had to negotiate not only with the North Vietnamese but also with his own delegation.

There was no argument within the U.S. negotiating team that a breakthrough had been achieved, but no member of Kissinger's staff dreamed that anything but several more months of hard bargaining lay ahead. The draft had been presented in English but described in Vietnamese. "The Vietnamese language was far more concrete and hard line than the way the text read in English," one of the American participants recalled, and as a result, when he sat down to draft what he thought would be the American reply he

felt that unless we worked on every word, Hanoi was going to try to put over an agreement that sounded reasonable in English but would send Thieu and most South Vietnamese up a wall. Of greatest immediate concern was the fact that, in the point that called for the creation of an administrative structure to achieve national reconciliation and concord, the words for "administrative structure" in Vietnamese suggested that a parallel *governmental authority* would be set up. So we set to work on a very hard response to protect our position and the GVN's. Point by point we went over the implied ambiguities in English that had double or possible hidden meanings in Vietnamese. During this time, we did not see Kissinger. He had gone to telephone the White House to get the president's reaction to the proposal.

When Kissinger returned and read our draft of a reply to the North Vietnamese proposal, he was furious. He dismissed most of our arguments as nitpicking and said that we failed to realize that after nearly

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four years of searching for a breakthrough, the last thing he was going to do was turn it down flat, as our draft response pretty much implied we would. "You don't understand," he shouted. "I want to meet their terms; I want to reach an agreement; I want to end this war before the elections. It can be done and it will be done."

Kissinger believed that Hanoi's formulation of an agreement permitted Washington and Hanoi to "agree on some very general principles within which the South Vietnamese parties could then determine the political evolution of South Vietnam." Recounting to the press the significance of Hanoi's proposal, Kissinger observed that Hanoi

dropped their demand for a coalition government which would absorb all existing authority. They dropped their demand for a veto over the personalities and the structure of the existing government. They agreed for the first time to a formula which permitted a simultaneous discussion of Laos and Cambodia. In short, we had for the first time a framework where, rather than exchange general propositions and measure our progress by whether dependent clauses of particular sentences had been minutely altered, we could examine concretely and precisely where we stood and what each side was prepared to give.

Hanoi wanted the agreement signed by the end of the month, and Kissinger said he would do his utmost to comply.

We believed that this was such an important step on the part of the North Vietnamese, that took into account so many of the proposals that we had made, and such a significant movement in the direction of the position consistently held by this administration, that we had an obligation, despite the risks that were involved, of working with them to complete at least an outline of an agreement, and we spent four days, sometimes working sixteen hours a day, in order to complete this draft agreement, or at least the outline of this draft agreement.⁴

Nearly every member of Kissinger's staff in Paris felt that the negotiations were moving far too rapidly. "There were still ambiguities and unresolved details," one recalled later, "that Henry wanted to include in the protocols or believed were just not important." Other advisors at the talks were alarmed at intelligence reports indicating that Hanoi was already instructing PRG cadres to prepare for a

⁴ All quotations are from Kissinger's press conference, October 26, 1972.

cease-fire any time after October 15 by seizing as much land as possible in the forty-eight-hour period before and after the cease-fire date was announced. The advisors believed that the draft agreement's provisions for inspection and supervision had to be considerably strengthened. However, another staffer recalled, "Virtually no one thought that Thieu would balk at the agreement. But he would have to be fully briefed while we were putting the finishing touches on the agreement. We were sure Thieu would realize that the agreement permitted him to remain in power and allowed for the continuation of military and economic assistance to the GVN." But neither the South Vietnamese ambassador in Paris, nor Thieu himself, had been briefed in any but the most general terms, and both said they had not been told that the United States and North Vietnam had actually gone so far as to have exchanged a draft of an agreement. Kissinger and Tho concluded their negotiations over the draft on October 12, and Kissinger headed for Washington with a fifty-eight page document for the president, the secretary of state, and a handful of Vietnam experts in the CIA and the Department of State. Five days later, on the seventeenth, Kissinger was back in Paris with instructions to tighten up the draft's language and to proceed with getting it into final form. "Kissinger told us that he had assurances from Nixon," one of Kissinger's aides told me, "that the agreement was fine in principle, that we would sign it, but its ambiguities should be clarified." The Americans returning to Paris on October 17 (see Appendix) considered that the negotiations thus had moved, as one put it, to the "mopping-up phase." North Vietnamese negotiators later said that on the seventeenth, Kissinger and Tho worked a twelve-hour day: "Both parties studied the text of the accords, chapter by chapter, article by article, sentence by sentence, word by word. This is why we think that there are no more questions of language or differences between the Vietnamese and the English [draft]."⁵ "Article by article, phrase by phrase," one of the U.S. negotiators told me, "the agreement was reviewed and adjustments made. The president was fully informed of every step, every change, term by term."

But by the time Kissinger had to leave Paris for Saigon, two outstanding issues remained. These issues concerned (1) the degree

⁵ DRV press spokesman Nguyen Thanh Le, press conference, November 1, 1972.

of supervision to be applied over the replacement of war materiel once the agreement entered into force and (2) the relationship between the release of U.S. prisoners of war and of those Vietnamese civilians who had been detained in Saigon's jails as political prisoners. In his instructions, Xuan Thuy apparently did not have the negotiating flexibility that would allow him to resolve these problems without first consulting Hanoi; but Kissinger could not wait past 10:00 P.M. on the seventeenth if he was to reach Saigon in time to win Thieu's agreement and still initial the agreement by October 22. Kissinger was confident that the problem on these issues stemmed from Thuy's lack of instructions (Kissinger had run into this problem before with Xuan Thuy) and believed that the final details could be worked out by cable or possibly in Hanoi itself before the agreement was initialed. On October 19, 1972, Kissinger presented Thieu with an English draft of the agreement and a three-and-one-half-hour explanation of its importance. He was, one of the South Vietnamese officials who attended these meetings later told me, "like a professor defending a thesis." Kissinger wanted Thieu to understand three things: (1) that he had negotiated the agreement with Hanoi in good faith, keeping Saigon's and Washington's interests uppermost in mind; (2) that the agreement was realistic in terms of both its basic provisions and the understandings with China and Russia that made it possible; and (3) that it, along with U.S. support, provided Saigon with an excellent chance to survive the period ahead. "We told Thieu," one of the U.S. representatives at this first meeting told me later, "that we frankly felt it remarkable that Hanoi had itself proposed the National Council of Reconciliation and Concord idea that gave the Thieu government a full veto over any of the action that the council might take." The meeting ended, Americans who had been there told me, with no hint that the agreement was unacceptable to Thieu. "But the next day," another participant recalled, "our meeting took a turn for the worse. Saigon did not agree with our interpretation of the agreement and did not see it in the least to their advantage to accept it. They read between the lines of each provision to find evidence of Hanoi's perfidy," just as, it will be recalled, Kissinger's staff had done when they first read the Vietnamese version of the draft Le Duc Tho had handed to Kissinger on October 8. The comments of the U.S. interpreters and Thieu's closest advisors

are remarkably similar when each group recalled its initial objections to the Vietnamese text. For example, Hanoi's draft called for the Vietnamese word for Paris to be the one that had come into vogue after the French defeat in 1954. In the provisions concerning troop withdrawal, the term for U.S. soldiers was actually slang that one Vietnamese official told me, "any kid on the street could tell Dr. Kissinger meant 'dirty yankee soldier.'" The formulation of many of the articles was such, in the South Vietnamese view, that the onus of the agreement seemed to rest entirely on the United States and the GVN. The provisions concerning inspection were weak. Of greatest concern was the absence of any reference to the status of the demilitarized zone and of any provision for what would happen if the two South Vietnamese parties were unable to reach a political settlement within the prescribed ninety days.

The technical, procedural, and linguistic objections of the GVN were compounded by the anti-Americanism of Thieu's two closest advisors. "We were being accused of both sabotaging an ally and of stupidity in letting the North Vietnamese sucker us into signing such a vile agreement," one of the U.S. participants told me. Within a day, Thieu's advisors had discovered some 129 textual changes that were "essential" before the document could be signed by the GVN.

Saigon also had fundamental objections to the principle of cease-fire-in-place on which the agreement rested. Although Thieu had long suspected that Washington was willing to settle for such a cease-fire, he was no more inclined to accept it in 1972 than he had been when his suspicions had first arisen in 1969. "The agreement requires the North Vietnamese to give up nothing; it rewards their aggression," Thieu was reported to have said over and over again.⁶ "They can stay in South Vietnam and do what they please behind their lines. They will not give the people democratic freedoms, yet they demand that we release the Communist agents from our prisons, that we must permit the VC to live freely in our cities. But our cadres would be killed by the VC if they went to live behind their

⁶ For a point-by-point representation of the GVN's view of the weaknesses of the draft agreement, written by a South Vietnamese who was shortly to enter Thieu's cabinet, see Nguyen Tien Hung, "Settling the War on Hanoi's Terms," *Washington Post*, Outlook Section (November 19, 1972), p. 1.

lines." Thieu saw the agreement as almost guaranteeing that there would be continued warfare over precisely where the front lines were. One South Vietnamese participant at these meetings told me that "whenever Thieu raised this issue, Kissinger would ask what we were afraid of: we had a million-man army that was well-trained and well-equipped. But we would reply that we were a nation of only eighteen million people and that to maintain such a large defense force would mean we would have no resources for development and would always have to depend on U.S. aid. Kissinger only replied that he would try to do the best he could for us with the U.S. Congress." Thieu also was deeply suspicious of the administrative structure to be set up by the NCRC, and several times called it a disguised coalition.

As Thieu was considering turning down the draft agreement, Nixon was cabling Hanoi that "the United States side appreciated the goodwill and serious attitude of the DRVN. The text of the agreement can now be considered complete." The Nixon message also contained the caveat that the agreement would be signed only with Saigon's approval, which it was still expected Kissinger would get. Hanoi had repeatedly asked, when the negotiations got serious, if the United States was negotiating for Saigon as well as for Washington, and was repeatedly told that Saigon would have to approve the agreement when it was finally drafted. One U.S. negotiator described what was happening: You see, by this time we were all comfortable with talking past each other. They asked us to answer one question, and we would answer another slightly different question. Then the negotiations would continue. At base, I believe that Hanoi never really took Saigon seriously. To them, Saigon was merely a puppet—at times mischievous, but nonetheless a puppet—that in the final analysis could not stymie signing the agreement."

For the remainder of his visit, Kissinger tried a step-by-step approach in the negotiations. He treated each of the South Vietnamese objections to the agreement individually and made considerable progress in narrowing the scope of the controversy. Paring the more than one hundred changes Saigon desired down to a list of some twenty-six, Kissinger strove to build credibility. By October 21 Kissinger had narrowed U.S.-GVN differences to six issues, but these were so fun-

damental and so crucial to the sovereignty of the GVN that, Kissinger's aides realized, Thieu would need time to digest them. "But, at that point, we still thought Thieu would sign," one of the U.S. negotiators later recalled.

Then Thieu produced a transcript of an interview that had been held between North Vietnam's premier Pham Van Dong and *Newsweek's* senior editor Arnaud de Borchgrave in Hanoi on October 18. In this transcript, Thieu had all the ammunition he needed to torpedo the agreement.

Pham Van Dong began the interview with references to the failure of Vietnamization and the great victory the Easter offensive symbolized; he described the United States from that point on as being forced to liquidate its commitments to Saigon. When asked if South Vietnamese president Thieu could participate in the process of political settlement that would follow the war, Pham replied: "Thieu has been overtaken by events." De Borchgrave asked what would happen after a cease-fire. Pham replied: "The situation will then be two armies and two administrations in the south, and given that situation, they will have to work out their own arrangements for a three-sided coalition of transition."⁷

"The reference to a coalition was the final straw for Thieu," one of the U.S. negotiators recalled. "We had told him that the political settlement was not a disguised coalition, and now the premier of North Vietnam had said it was. Further argument would be fruitless."

In the face of such overwhelming evidence of North Vietnamese intent, Thieu regarded the agreement as a sellout and refused to sign it. As one official who represented South Vietnam in every international negotiation since 1954 later reflected on what had happened: "We have watched the Communists win at the negotiating table what they could not on the battlefield. We have seen agreement after agreement guaranteed by the great powers fail to be honored. We have seen the Communists time and time again draft articles that read to the rest of the world as equitable, just statements, but that in Vietnamese were propaganda victories. And most important of all, we have seen the great powers come to negotiations ex-

⁷ "Exclusive from Hanoi," *Newsweek*, October 30, 1972, p. 26.

hausted and ready to give in while the Communists came knowing that they had won or were about to win a great victory. We did not want this to happen again."

When Kissinger left Thieu's office, Saigon's objections to the agreement centered on these basic issues: (1) that the NCRC was a disguised form of coalition; (2) that the presence in South Vietnam of the NVA after the cease-fire was unacceptable; and (3) that the security and neutrality of the DMZ had to be established in order for any cease-fire to work. "The essence of our objections was this," one high official explained. "As surprised as we were that the demand for an NVA withdrawal had been dropped, we were even more surprised that none of the counterbalancing measures we had discussed with Washington from time to time were included. These were, for example, provisions for respecting the DMZ and for the autonomous inspection forces. We were not unwilling to see reality—we knew that the NVA would not leave of its own accord—but we wanted some provisions built into the agreement to provide us a way to deal with the problems that a cease-fire-in-place raised." Soon the number of basic objections would grow as all of the principals began to have second thoughts about the agreement.

On October 23 Kissinger called the president for fresh instructions and suggested that two steps be taken without delay. The first, suspension of all bombing north of the twentieth parallel, was designed as a gesture of goodwill toward Hanoi who would very soon learn that the original timetable for signing the agreement could not be kept. The second, cessation of all U.S. air support to the ARVN, was designed to put maximum pressure on Thieu. The president—for the first time in the entire negotiations process—made it clear to Kissinger that he was not about to make a separate peace with Hanoi. He told Kissinger to cable Hanoi both that the bombing was being suspended and that the U.S. side had encountered a delay in Saigon. But air support to the ARVN was to continue.

Kissinger (and later Nixon) and nearly all members of the U.S. delegation believed that Thieu was playing a dangerous game, holding out his approval of the agreement for as much as he could get in terms of concrete commitments of further U.S. support. Thieu and high South Vietnamese officials deny that this was their intention, and they took great pains in 1974 and 1975 to make clear that they

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had serious and valid objections to the way the agreement was formulated. As one GVN official put it, "It was not unreasonable to distrust the North Vietnamese, especially when the premier of North Vietnam gave an interpretation to the proposed agreement that was totally at variance with what Kissinger had characterized to be the North Vietnamese position."

The sense of urgency that Kissinger had brought to the negotiations with Hanoi and Saigon over the past several weeks was not, he learned back in Washington, shared by the White House. Kissinger was concerned that a delay extending beyond a few days might cause Hanoi to rethink the whole agreement. He believed Hanoi had insisted on the timetable it did both because it felt an agreement concluded by the end of October would leave the NVA in a relatively strong military position and because the DRV leadership did not trust Nixon to hold to the offer of an agreement once he was reelected. Kissinger learned that the president was satisfied with the agreement as it stood, but he insisted that Thieu agree as well. One of Nixon's aides later told me, "The president was looking at a timetable that stretched from the end of October until inauguration day."

Kissinger left the White House convinced that there was an effort afoot to sabotage the agreement he had negotiated. The culprits, he suspected, were H. R. Haldeman (the White House chief of staff) and John Erlichman (Nixon's chief domestic advisor). Both, Kissinger knew, took a harder line toward the North Vietnamese than he did, and both were increasingly distressed that he was getting nearly all the publicity from the negotiations. What Kissinger feared most was a delay that would encourage every agency still seeking military victory in Vietnam to critique the agreement and bring to bear pressure (which he knew would be well orchestrated by Haldeman and Erlichman) on the president to push for more than the North Vietnamese had already agreed to. If he had to face Le Duc Tho in November with a list of changes requested by Saigon and by Washington, Tho would lose face within the Politburo, and the North Vietnamese might refuse to sign any agreement at all.

"In twenty-four hours," one NSC staffer later recalled, "the bottom fell out." On October 24, as Kissinger was briefing the president on his negotiations with Thieu, Thieu, in a series of speeches and meetings with political leaders, began to release por-

tions of the draft agreement, denouncing it as a ruse by the North Vietnamese designed to provide themselves time in which to recover from the failure of the Easter offensive, to resupply their troops, and to get ready to "strike the last blow" once the United States had withdrawn. That morning, a Saigon daily newspaper ran the following commentary outlining Thieu's reaction to the draft agreement:

President Thieu disclosed to the delegates from political parties what he said he has never disclosed to anyone. He cited the conditions put forth by the North Vietnamese Communists for a cease-fire: to force the Americans to withdraw completely, to stop their blockade, and to stop providing South Vietnam with all kinds of support. Meanwhile, the North Vietnamese Communists would seize the opportunity to restore their potential so as to strike the last blow.

In the political field President Thieu also disclosed the North Vietnamese Communists' conditions: that the entire southern administration resign, not just "Mr. Thieu" individually; the formation of a three-segment government and the "Viet Cong government," and that this government exist for approximately 6 months and after that a general election be held. The North Vietnamese Communists' intention definitely is to abrogate the constitution and to draft a new constitution, such as the constitution of the fourth French Republic, so as to create political disturbances aimed at seizing power. President Thieu also disclosed another detail: the Communists also demand the elimination of such organs as the national police and the Rural Construction Organization, demand freedom and democracy, and the return of all people to their native lands, meaning that there will be no war refugee problem.

President Thieu stated that the reason why the North Vietnamese Communists demand a cease-fire is that approximately 70 percent of their war potential has been lost, a cease-fire would benefit them, and would give them time to strengthen their forces and, after being a member of a three-segment government for 6 months, to resume the war with a deadly blow.⁸

That afternoon Thieu went on radio to further amplify his opposition to the draft agreement and to make clear his basic stand: North Vietnam had to withdraw its forces from South Vietnam. Only then could an internationally supervised plebiscite take place. Thieu proposed that Saigon and Hanoi negotiate directly to settle

⁸ *Chinh Luan* (October 20, 1972), p. 1.

military problems and that Saigon and the PRG negotiate to arrange a political settlement. Thieu also declared, "We should make preparations so that if a cease-fire takes place, now or in a few months, we will not be in a disadvantageous position. Therefore we have planned measures to win over people and protect our land, wipe out enemy forces and ensure safety along communication lines...as well as security in the villages and hamlets....I have also ordered that all Communist schemes to sow disturbances and foment uprisings must be nipped in the bud, that the Communist infrastructure must be wiped out quickly and mercilessly."

This declaration of war was not without impact on Hanoi. After negotiations marked by misunderstanding and mistrust, the little that had been achieved between Kissinger and Le Duc Tho was not sufficient to withstand the impact of Washington's request for yet another delay in initialing the agreement. In the early evening of the twenty-fourth, Radio Hanoi had alerted its listeners to be ready for an important announcement. Some seven hours later, while Washington slept, Hanoi released a summary of the basic points in the draft agreement, outlined the timetable for approval that had been set up, and then blasted the Nixon administration for sabotaging a chance to end the war.

VI

From the Breakdown to the Christmas Bombing

From October 26 onward, Kissinger found that he had to conduct negotiations at three levels: between himself and the Washington-based bureaucrats who opposed the terms of the agreement, between himself and Thieu in Saigon, and between himself and Hanoi.

Negotiations with Washington

In the fall of 1972, U.S. officials who dealt with Vietnam were uniformly appalled at and psychologically unprepared for the nature of the agreement Kissinger had negotiated with Le Duc Tho. There was cautious optimism that the war was again becoming winnable for the GVN, now that the United States had taken decisive action against North Vietnam by mining Haiphong Harbor. The NVA's Easter offensive had ground to a halt, and the Saigon command had mobilized a counterattack. The early rout of South Vietnamese forces in the northern provinces worked to Hanoi's immediate disadvantage; some of the most corrupt and incompetent ARVN generals were disgraced, fired, and replaced by those with a feel for the region and for their commands. The south's recovery of morale as a result of this offensive was dramatic compared with the aftermath of the 1968 Tet offensive, and never before had the NVA lost so much materiel that could not be easily replaced. These developments were all in the background as the draft agreement was being evaluated in Washington.

The more President Nixon focused on the agreement and considered it against the emerging battlefield situation and the prognoses of his military commanders, the more he thought a token withdrawal of North Vietnamese forces should be sought.

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Nixon's growing dissatisfaction with the October draft centered on three key issues. First, intelligence reports confirmed that Hanoi had instructed its cadres in South Vietnam to launch a series of offensives against GVN positions in contested areas in order to expand PRG control as the cease-fire-in-place went into effect. Hanoi's strategy, these reports revealed, was to let the inspection mechanism (which in the October draft was only a token force of observers with limited mobility) decide who actually held control. Such inspection teams would take weeks to reach disputed areas, thus providing time for the PRG to consolidate its control. Nixon wanted the GVN to have time to prepare a defense against such operations and he wanted a more substantial supervisory and inspection mechanism created before the cease-fire agreement was signed.

Second, like Thieu, Nixon was disturbed that Pham Van Dong had called the NCRC a coalition government. There could be no hint of coalition. And other ambiguities had to be pinned down as well. As Nixon put it:

Now, there are some who say "Why worry about the details? Just get the war over!"

Well, my answer is this: My study of history convinces me that the details can make the difference between an agreement that collapses and an agreement that lasts—and equally crucial is a clear understanding by all of the parties of what those details are. We are not going to repeat the mistake of 1968, when the bombing-halt agreement was rushed into just before an election without pinning down the details.

We want peace: peace with honor, a peace fair to all, and a peace that will last. That is why I am insisting that the control points be clearly settled, so that there will be no misunderstandings which could lead to a breakdown of the settlement and a resumption of the war.¹

Third, Nixon did not want to be accused, as one of Kissinger's aides later recalled, of having "flushed Thieu down the election drain," by appearing to win reelection through breaking with an ally.

Kissinger regarded the Nixon reservations with increasing bitterness when he learned that Haldeman and Erlichman had begun to circulate a rumor that he had actually overstepped his negotiating instructions and reached a deal with Tho that Nixon would not sup-

¹ "Look to the Future," Radio Address to the Nation, November 2, 1972.

port. The increasing confidence that Kissinger's aide, General Alexander Haig (then deputy assistant to the president for national security affairs), had won with Nixon did not help matters since Haig reportedly felt that in the negotiations Kissinger had been too forthcoming with Hanoi while giving President Thieu, an ally of many years, short shrift.

Most of the NSC staff and the members of the negotiating team sided with Kissinger. Although they had thought that the agreement was negotiated too rapidly, they believed that reopening issues of substance would imperil the whole process. In the atmosphere of the Nixon White House, Kissinger's staff began to think that the president's objections to the agreement (particularly when negotiations with North Vietnam resumed in November) were based more on the Haldeman-Erlichman-Kissinger rivalry than on what was in the interest of either the United States or the South Vietnamese. While sources close to Nixon maintain that the president worked carefully over the draft agreement, sources close to Kissinger dispute this. As I was told by one NSC staffer who had been involved in the secret negotiations since they began: "Nixon hardly focused on the agreement, and we were frankly offended when he would continually say in public that he had been too busy working on peace terms so that he didn't have a moment for domestic politics. Bullshit. He was in there all the time with Haldeman and Erlichman talking politics. His only concern was that an agreement be reached. I don't think he even read the GVN's detailed reactions to the draft agreement."

Outside the White House, the agreement was read from fault to fault. As one high State Department official told me, in terms that were echoed by officials of every agency involved: "It was a typical bureaucratic reaction. Everybody tried to protect his position against the ambiguities of the agreement. The result was that everyone was calling for substantive changes in the terms of the agreement or a postponement of the signing." This reaction, in contrast to Nixon's, was not a surprise to Kissinger. Indeed, it was for this very reason that Kissinger had preferred to conduct all of the negotiations secretly and then present Washington with a *fait accompli*. Some bureaucratic reactions were also anti-Kissinger. Having had Kissinger ask their high officials for advice at one point in the fall, and then having discovered that this advice was not taken, the offices and agencies

asked to coordinate the draft agreement harked back to their original positions.

The basic reference point was NSSM-1 (National Security Study Memorandum 1). All agencies in varying degrees subscribed to what the Joint Chiefs of Staff referred to in NSSM-1 as "the essential conditions for a cessation of hostilities," namely, "an effective cease-fire, verified withdrawal to North Vietnam of all North Vietnamese personnel (including those in Laos and Cambodia), verified cessation of infiltration, substantial reduction in terrorism, repatriation of U.S. prisoners, agreement to reestablish the demilitarized zone with adequate safeguards, no prohibition against U.S. assistance to ensure that the RVNAF is capable of coping with the residual security threat, and preservation of the sovereignty of the GVN." Not all of these conditions, the JCS explained, might be achieved in the initial negotiations to end the war. Maintaining the option to continue to assist the GVN militarily, despite any agreement that might be reached, was therefore essential.

Critics of the October draft agreement made the strongest possible representations to the president that a stepped-up program of arms delivery ought to be instituted. This was necessary, the military argued, to assure that GVN forces were supplied and equipped at a high enough level so that the "one-for-one replacement" provision in the agreement would not unduly handicap ARVN operations.

Like so many U.S. assistance programs to Saigon, Operation Enhance and Operation Enhance-Plus (the crash programs that in six weeks' time provided the South Vietnamese with \$2 billion in supplies, materiel, and weapons) were designed not for what the South Vietnamese system could absorb and effectively maintain, but with reference to what North Vietnam would likely receive if the Soviets and the Chinese undertook a massive resupply effort to North Vietnam in 1973 and 1974. It was the Pentagon's way not of buying off Thieu, but of ensuring that, if congressional support for future military assistance began to wane, it would not be possible for our allies elsewhere to think that the South Vietnamese had been abandoned and left defenseless.

Operation Enhance was greeted with mixed emotions by the negotiating team. Clearly, it did not reassure the North Vietnamese that the United States was sincere in its efforts to end its involvement

in the war. It also created problems for the Soviets and the Chinese, who no doubt were asked to provide Hanoi with equivalent aid in 1973 to offset the effect of Operation Enhance. But it did help in the negotiations with Saigon by making it harder for Thieu to oppose the agreement Kissinger wanted.

Negotiations with Saigon

"We were the prisoners of our own illusion," one NSC staffer told me. "After having said for years that the GVN was a sovereign, independent government, we now resented it acting that way by opposing what was from their point of view—and legitimately, I think—a poor agreement." The GVN did not want simply to end the war; it wanted to win the war. Saigon did not want to negotiate with Hanoi about when the Communist soldiers would leave the south; it wanted the NVA to leave before negotiations began. Saigon did not want to separate the military and political issues involved in the conflict; for, as GVN officials repeatedly told their U.S. counterparts, an effective cease-fire would depend on a meaningful political settlement. If a negotiated agreement did nothing to resolve the problems that had caused the war in the first place, then the war would go on.

Most South Vietnamese governmental and political leaders were also suspicious that the United States would ultimately seek a separate peace with Hanoi if domestic pressure became unbearable and most, including Thieu himself, believed that the United States would not hold out for a North Vietnamese troop withdrawal if that could not be forced by the course of the war. But in the fall of 1972, critics and supporters of Thieu alike rallied behind him, as they had in 1968 when he had initially refused to participate in the Paris talks.

Not surprisingly, the essence of Thieu's position was that the GVN was still too weak to survive a cease-fire-in-place. Thieu flatly refused to consider even preparing a map distinguishing between GVN and PRG zones of control based on a generous projection of the ARVN's defensive perimeters—an exercise that Kissinger said Hanoi had suggested. One American who participated in the negotiations with Thieu summarized the dynamics of the debate this way: "Thieu would say that the Communist infrastructure was still strong; the embassy would have to argue that it was weak. Thieu would say

that Vietnamization was not yet fully effective and we would have to say (despite the fact that the ARVN was bogged down all over South Vietnam with full division trying to dislodge NVA companies) that it was a success. Thieu would say that the Communists would violate the cease-fire and there would be a bloodbath of terror; and we, ironically, would have to say that there would not be a bloodbath because the GVN's police force was strong and effective. We knew Thieu had the better case."

Thieu wanted three basic changes in the substance of the agreement. First, he objected to calling the National Council of Reconciliation and Concord an administrative structure since the Vietnamese words for this term implied that the council would actually be a governmental structure; Pham Van Dong, moreover, had even called it a coalition of transition. Thieu also objected to having the NCRC composed of three equal segments (the GVN, the PRG, and a neutralist third force) since he believed that there were only two political tendencies in South Vietnam: the Communists and the non-Communists (the PRG and the GVN). Over and over again Thieu would say, "There is no third force," and U.S. Vietnam experts tended to agree that the collection of anti-Thieu intellectuals, dissident religious leaders, and exiled politicians who called themselves a third force had little popular support. Thieu's fear was that officially recognizing a third force would permit the Communists to dominate two-thirds of the NCRC and claim that the GVN was a minority that opposed the will of the majority of the political forces in Vietnam.

"Creating three political forces where there were only two," one of Thieu's advisors told me in an interview, "was an old Communist trick. They would quickly dominate the third force and then try to isolate us. Kissinger was saying not to worry because the NCRC could operate only on the basis of unanimity. But if our side continually vetoed what the NCRC wanted to do, then we and not the Communists would appear to be the real obstacles to peace." In the final text of the Paris Agreement the reference to the NCRC as an administrative structure was deleted and the extent to which this body would exist or be established outside the capital at local levels was left to further negotiations between the two South Vietnamese parties. But the NCRC did retain a tripartite composition.

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Thieu's second major objection to the draft agreement was that it contained no specific reference to the status of the demilitarized zone. For Thieu, this was essential to the protection of both the cease-fire and the sovereignty of his country, the Republic of Vietnam, as a separate political entity pending the reunification of Vietnam. For both purposes, the DMZ had to be "airtight": no troops or supplies could pass through it, and if Hanoi agreed to this, then it de facto would have to recognize the sovereignty of the government in the south over that portion of the territory of Vietnam south of the DMZ line. These objections were finally met in the Paris Agreement by references to the demilitarized nature of the zone and a pledge by the signatories to respect it.

Third, Thieu objected to the method by which the agreement was to be signed. He refused to sign a document that specifically mentioned the PRG and that would require its signature along with that of the GVN. This, he felt, would have the effect of conferring governmental status on the PRG, something the GVN assiduously sought to avoid. Consequently, when the Paris Agreement was finally signed, there were actually two ceremonies: one in which the United States and the DRV signed an agreement that mentioned the four belligerents by name and another that referred only to the "parties participating in the Paris conference" that all four participants signed.

Thieu remained fatalistic about the cease-fire-in-place. He consistently maintained that such a settlement simply perpetuated the war. Thieu was realistic about what could be achieved once it was clear that President Nixon wanted to sign the agreement. So Thieu's strategy was to push for changes with respect to the DMZ, the NCRC, and the language of the agreement while trying to secure a specific commitment from President Nixon on the nature and extent of future U.S. aid to the GVN.

Thieu tried to achieve this in several ways. Initially, he refused to deal with Henry Kissinger and insisted on negotiating directly with Nixon, believing at first that Nixon and Kissinger were divided over the agreement. Nixon sent General Alexander Haig to Saigon twice—in November and then in December—to reassure Thieu by pointing out that signing the agreement would make it easier for the United States to continue support to the GVN. Participants at these meetings told me that the way Haig delivered his message was as im-

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portant as what was said: "Rabidly anti-Communist himself, Haig won Thieu's confidence but misrepresented the extent of U.S. support for the GVN." This occasioned one U.S. general later to say that this had been a mistake. "Haig misled Thieu into thinking that the American attitude toward Vietnam wouldn't change once this agreement was signed." Haig was also continually in touch with the embassy in Saigon as Ambassador Bunker and the White House worked out the differences with Thieu. "Haig's calls," one participant in the process recalled, "always stressed that the president was for the agreement, wanted the agreement. I guess Haig wanted to make sure that we gave no hope to Thieu that there was an exploitable difference between Nixon and Kissinger on the cease-fire-in-place issue or that, with the election over, the president would change his mind about wanting the agreement."

Nixon followed up Haig's November visit with a personal letter to Thieu in which he made clear for the record that the United States was set on "remaining within [the] general framework" of the October draft. "As General Haig explained to you," the letter continued, "it is our intention to deal with this problem [the status of the NVA in the south...by seeking to insert a reference to respect for the demilitarized zone in the proposed agreement and, second, by proposing a clause which provides for the reduction and demobilization of forces on both sides in South Vietnam on a one-to-one basis and to have demobilized personnel return to their homes." Nixon urged Thieu to look at the "big picture":

Above all we must bear in mind what will really maintain the agreement. It is not any particular clause in the agreement but our joint willingness to maintain its clauses. I repeat my personal assurances to you that the United States will react very strongly and rapidly to any violation of the agreement. But in order to do this effectively it is essential that I have public support and that your government does not emerge as the obstacle to a peace, which American public opinion now universally desires.²

Still not satisfied with the absence of a specific pledge of future aid, Thieu sent his personal advisor, Nguyen Phu Duc, to see Nixon

² All quotations are from a text of the Nixon letter made public by a former GVN cabinet minister and printed in the *New York Times*, May 1, 1975.

in Washington. Again no specific commitment was forthcoming. Nixon consistently told Thieu—by letter and through General Haig—only that the United States would continue to give Saigon the aid it needed and would not stand idly by if the North Vietnamese engaged in a wholesale violation of the agreement. Thieu, however, thought that Nixon's emissaries were underestimating the difficulties they were likely to face in trying to get additional aid from Congress.

After the Paris Agreement was signed, Thieu continued to press his case for a fixed-aid commitment when he met with Vice-President Agnew in Saigon in February 1973 and with President Nixon in San Clemente that April. But even then, Nixon would go no further than to say, as he did in the joint communique issued at San Clemente on April 3, 1973, that it was "the United States' intention to provide adequate and substantial economic assistance . . . during the remainder of this year and to seek congressional authority for a level of funding for the next year sufficient to assure essential economic stability and rehabilitation as . . . [South Vietnam] now moved from war to peace." Based on his discussions with Agnew and Nixon, one of Thieu's aides told me, "President Thieu came back to Saigon convinced he had already been abandoned by the United States."

Negotiations with Hanoi

Kissinger initially expected to sign the agreement before election day, as he later explained:

We had a public broadcast from Hanoi that was revealing in a slightly edited version some essential agreements which we had reached and demanding that we sign the agreement five days later on October 31. We had Saigon put itself into a position of opposition to the agreement, and what we had to make clear and make clear rapidly was, first, that we were not going to sign on October 31, but nevertheless we were not kicking over the agreement; that the agreement was essentially completed as far as we were concerned; and that it could be completed in a very brief period of time.

When we said "peace is at hand," . . . we told Hanoi that we were fundamentally sticking to the agreement. We were telling Saigon that the agreement as it stood was essentially what we would maintain.

. . . we thought it could be negotiated in four or five days.³

³ Kissinger to "Today Show" hostess Barbara Walters on NBC-TV, February 25, 1973.

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What had gone wrong?

In his theory, Kissinger was right: Hanoi would accept an agreement that embodied less than its publicly articulated demands. The case for this view was later publicly summarized by the editor of Hanoi's *Vietnam Courier*, Nguyen Khac Vien, who observed: "It is certain that on our part, from the moment there was a workable agreement allowing us some advantages, we would end the war. Even if it were a compromise, so long as it allowed us to progress. Our most ambitious objective was to make the U.S. leave and to overthrow the Saigon regime. But on a practical level, at a given time, one must accept this or that according to the balance of forces."⁴

But, Le Duc Tho told Kissinger when they resumed talks in November, the Politburo had again put the issue of an agreement to a vote. All the years of mistrust and the enmity of warfare produced a decision that not only decommitted Hanoi from an agreement but also required Le Duc Tho to reopen issues that had been settled in the October negotiations. From Hanoi's vantage point, October 31 represented a firm deadline, in part because so many Viet Cong units revealed themselves in the rush to claim insecure (for them) territory to enlarge what the Communists would control with a cease-fire in place. The North Vietnamese also feared that Washington would try through delay to strengthen significantly Saigon's war-fighting capability; Operation Enhance was sufficient proof of U.S. perfidy. The Hanoi leadership apparently concluded that it would have to assess how drastically the military balance had changed before any agreement could be signed.

In the weeks ahead, Washington and Hanoi were deadlocked over a number of key issues that still had to be negotiated either because of the ambiguities in the draft or because they had not been included in the original. When negotiations resumed in November, they did so in an atmosphere of hostility and mistrust, resulting, according to Kissinger, in a series of "sterile exchanges."⁵ Le Duc Tho was now wary of Kissinger and his authority, thinking Kissinger had negotiated an agreement that exceeded his instructions. Tho's Polit-

⁴ *Jeune Afrique*, February 10, 1973.

⁵ *White House Years*, p. 1427.

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buro colleagues distrusted Nixon who obviously, from their point of view, was going to shift the balance of forces as much in Saigon's favor as possible through Operation Enhance. The U.S. side was increasingly alarmed about Communist plans to use the first few days and weeks of postagreement confusion as a screen for attacks against the GVN.

The Kissinger-Tho talks resumed on November 20 with Kissinger describing issues that had to be resolved. One set of issues, Kissinger told Tho, the United States was introducing for President Thieu; these issues represented Thieu's demands for linguistic and other changes in the agreement. Kissinger read sixty-nine such changes into the record, and then withdrew half before the North Vietnamese had a chance to respond. "So from the start," one U.S. official at these talks told me, "we encouraged Hanoi not to take Saigon seriously."

The other set of issues Kissinger was introducing represented the minimum demands of the United States: unless they were satisfied, Kissinger told Tho, an agreement could not be signed. These demands centered on the problems likely to occur in the next few weeks and months that the agreement was in force, problems raised by expected military operations aimed at extending PRG territorial control. It was essential that the cease-fire supervisory mechanism be in place and able to operate effectively when the agreement was signed. Equally essential was the clarification of the military status of the DMZ, an issue that Thieu wanted raised as a matter affecting the sovereignty of the GVN. Kissinger's approach was to downplay the sovereignty aspect of this issue and to discuss the DMZ in terms of its role in assuring that there would be a cease-fire. Consistent with its objective of retaining an unimpaired capability to resume the military struggle if the political evolution specified in the agreement did not occur, Hanoi had sought only the loosest of references to the DMZ.

Finally, Washington and Hanoi differed over the size and capability of the cease-fire inspection and supervision force—the International Commission for Control and Supervision (ICCS). Hanoi wanted the ICCS to be a relatively small force (no larger than 250 men) without independent communication or logistics, and, as Kissinger described it later in a press briefing, "dependent entirely on its au-

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thority to move on the party it was supposed to be investigating." Kissinger also pointed out that "over half of its personnel were supposed to be located in Saigon, which is not the place where most of the infiltration that we were concerned with was likely to take place." The cease-fire inspection force provided for in the Paris Agreement clearly reflected U.S. preferences, and to the U.S. negotiators the ICCS that was created increased their belief that the cease-fire would last.

In addition, the United States sought concrete assurance from Hanoi that the cease-fire would be respected. The United States, consequently, pushed for a token withdrawal of NVA forces from South Vietnam. This harked back to the previous May when Kissinger had asked Brezhnev to convey to Hanoi that, as part of a settlement, the United States expected there to be a gradual reduction of the VNA presence in the south as the cease-fire-in-place stabilized, a situation clearly expected by the Americans throughout the negotiations. "Hanoi had hinted to us all through October that it would withdraw the 40,000 troops that had come south for the Easter offensive," one U.S. negotiator later told me. "Now we were simply asking Hanoi to say so concretely." But Hanoi flatly refused and consistently took the position that the negotiations in Paris had been resumed not to write a new agreement but to clarify ambiguities in the October draft.

Kissinger's strategy for dealing with all of the linguistic problems posed by the agreement's translation into Vietnamese was to delete as many of the ambiguous or objectionable phrases as possible. Issues of principle that could not be included in the actual text of the agreement because Hanoi flatly refused to commit itself publicly to them were left to a series of understandings that became part of the negotiating history. These were reached directly between Kissinger and Tho, read into the record, and contributed to Kissinger's initial confidence that the agreement, despite its ambiguities, would be honored by the North Vietnamese.

Through my interviews, I learned that Kissinger genuinely believed, as he stated on January 24, 1973, that "the problem of NVA forces will be taken care of by the evolution of events in South Vietnam." Kissinger believed that the agreement would make possible the normalization of U.S.-DRV relations. He believed that there

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would first be a "less-fire" but that this would evolve into a cease-fire within six to eight months. He believed that Soviet and Chinese assistance supporting Hanoi's war-making capability would decline and that the three powers would henceforth act in a spirit of mutual restraint with respect to their allies in Indochina. For its part, the United States, declared Kissinger, was going to gear its future military aid to the GVN "to the actions of other countries and not to treat [such aid] as an end in itself." And, finally, Kissinger believed that Hanoi would keep the agreement, making the possible reinvolvement of U.S. forces in Indochina a "hypothetical situation that we don't expect to arise."⁶

The basic changes and clarifications sought by Washington did not come easily. As Kissinger was methodically working through the U.S. agenda, the North Vietnamese were introducing new demands as the implied price for making the changes Washington sought. In the November meetings, for example, Hanoi reintroduced demands for the removal of Thieu as South Vietnam's president, the simultaneous release of political prisoners and POWs, and a significant strengthening rather than diminution of the powers of the NCRC. Frequently, also, Hanoi would appear to drop its insistence on the wording of a particular article, only to have the objectionable wording appear in its November version of the understandings to be read into the negotiating history. "By the middle of our November meetings," one of the U.S. negotiators recalled, "there was clearly an attitude of dalliance on Hanoi's part, and it was then that Nixon told us to begin warning Hanoi in no uncertain terms that a failure to negotiate seriously would result in a renewal of the bombing. Serious negotiations from our perspective meant that Hanoi should cooperate in clarifying the linguistic ambiguities, working out the protocols, and staying within the framework of the October draft."

At the conclusion of their December session, however, Kissinger and Tho were farther away from reaching an agreement than they had been at almost any time since the negotiations over the October draft had begun. In the November and December meetings, Kissinger warned Hanoi that, if the talks should break down, pressure on the president to use decisive force would be unbearable. Kissinger

⁶ Kissinger, press conference, January 24, 1975.

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specifically warned Hanoi that the bombing—suspended in October only because, in the president's view, an agreement was near—could be resumed and that it would be quite unlike any the North Vietnamese had experienced. Increasingly, to Kissinger, it had become clear that the major obstacle to an agreement by December was not Saigon but Hanoi.

The negotiations have had the character where a settlement was always just within our reach, and was always pulled just beyond our reach when we attempted to grasp it...On December 4...the meeting...began with Hanoi withdrawing every change that had been agreed to two weeks previously.

We then spent the rest of the week getting back to where we had already been two weeks before. By Saturday, we thought we had narrowed the issues sufficiently where, if the other side had accepted again one section they already had agreed to two weeks previously, the agreement could have been completed.

At that point the president ordered General Haig to return to Washington so that he would be available for the mission, that would then follow, of presenting the agreement to our allies. At that point we thought we were sufficiently close so that experts could meet to conform the texts so that we would not again encounter the linguistic difficulties which we had experienced previously, and so that we could make sure that the changes that had been negotiated in English would also be reflected in Vietnamese.

When the experts met, they were presented with seventeen new changes in the guise of linguistic changes. When I met again with the special advisor [Le Duc Tho], the one problem which we thought remained on Saturday had grown to two, and a new demand was presented. When we rejected that, it was withdrawn the next day and sharpened up. So we spent our time going through the seventeen linguistic changes and reduced them again to two.

Then, on the last day of the meeting, we asked our experts to meet to compare whether the fifteen changes that had been settled, of the seventeen that had been proposed, now conformed in the two texts. At that point we were presented with sixteen new changes, including four substantive ones."⁷

Le Duc Tho publicly rejected this account: "The DRVN side perseveringly maintained the principles [of the October draft] and at

⁷ Ibid., December 16, 1972.

the same time made the utmost efforts [to resolve the problems Washington raised], so by December 13 only a few questions were left pending. The two sides agreed to make reports to their respective governments and to continue to exchange notes or to meet again if necessary to resolve these questions... So, on December 13, the negotiations were still in progress and were likely to lead to an early conclusion."⁸ Privately, Le Duc Tho told the U.S. negotiators that, within the Politburo, support for the agreement was uncertain. This meant to Tho that he could not show flexibility in the negotiations and had to reopen old issues in order to buy time to return to Hanoi and take new soundings. At this point, Tho himself appeared unable to predict the Politburo's decision.

On December 14 Nixon and Kissinger sent a cable to Hanoi warning that grave consequences would follow if serious negotiations did not resume within seventy-two hours. On December 15 there was a meeting of the subdelegations drafting the protocols and dealing with other technical and linguistic issues. Hanoi again proposed fundamental changes in the agreement, including the demand that release of all U.S. POWs would be conditional on, rather than independent of, release of all political prisoners detained by Saigon. To Nixon and Kissinger, Hanoi was not negotiating seriously.

On December 16 Kissinger reviewed the status of the negotiations for the press. The agreement, he declared, "is 99 percent completed. The only thing that is lacking is one decision in Hanoi, to settle the remaining issues in terms that two weeks previously they had already agreed to." That decision was not to be made until several weeks later.

On December 17 Nixon's ultimatum expired. There was no assurance from Hanoi that serious negotiations would resume. "The impasse was created both by North Vietnamese rigidity and by their whole negotiating approach," Nixon later observed.

They kept a settlement continuously out of reach by injecting new issues whenever current ones neared solution.... In mid-December, therefore, we had little choice. Hanoi obviously was stalling for time, hoping that pressures would force us to make an unsatisfactory agreement. Our South Vietnamese friends, in turn, still had some strong

⁸ Le Duc Tho, press conference, reprinted in the *New York Times*, January 7, 1973.

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reservations about the settlement. The more difficult Hanoi became, the more rigid Saigon grew. There was a danger that the settlement which was so close might be pulled apart by conflicting pressures. We decided to bring home to both Vietnamese parties that there was a price for continuing the conflict.⁹

The Christmas Bombing and Hanoi's Return to the Negotiations

By December 18 the negotiations had degenerated into what Kissinger and Nixon had most wanted to avoid: a deadlock beyond which loomed an indefinite delay and another dry-season Communist offensive. In Nixon's opinion, only a massive but controlled application of force could both forestall such an offensive and restrain those in the North Vietnamese Politburo who were again talking war and blocking an agreement that they had accepted in principle two months before. "We had come to the conclusion that the negotiations as they were then being conducted were not serious," Kissinger later explained, and

that for whatever reason, the North Vietnamese at that point had come to the conclusion that protracting the negotiations was more in their interest than concluding them. At the same time [Kissinger continued], the more difficult Hanoi was, the more rigid Saigon grew; and we could see a prospect, therefore, where we would be caught between the two contending Vietnamese parties, with no element introduced that would change their opinion, with a gradual degeneration of the private talks between Le Duc Tho and me into the same sort of propaganda that the public talks in the Hotel Majestic had reached.... It was not generally recognized that when we started the bombing again of North Vietnam we also sent General Haig to Saigon to make very clear that this did not mean that we would fail to settle on the terms that we had defined as reasonable. So we really moved in both directions simultaneously.¹⁰

Militarily, the December 18 Christmas bombing of Hanoi (Linebacker-2) was the most successful U.S. operation of the war. B-52 evasion tactics decisively defeated the SAM (surface-to-air missile) defense system, and when the bombing ended, not a single

⁹ Richard M. Nixon, *U.S. Foreign Policy for the 1970s: Shaping a Durable Peace* (Washington: The White House, 1973), p. 56.

¹⁰ Henry Kissinger, in a CBS-TV interview with Marvin Kalb, February 1, 1973.

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SAM was left. The bombing also destroyed the vital military supplies that it had taken Hanoi months to get overland because of the naval blockade. So effective were these raids, in fact, that consensus again was growing within the highest circles in the Pentagon that a military victory, not peace, might be at hand in Vietnam. But as the bombs fell on Hanoi, Washington pressed only for the return of Le Duc Tho and the completion of an agreement that still conformed to the basic principles in the October draft.

Negotiations reconvened in 1973 just weeks before President Nixon's inauguration.

North Vietnamese accounts of the final days leading to the Paris Agreement stress that it was Washington, not Hanoi, that had to be persuaded to return to the October draft. From Hanoi's perspective, the key session appears to be that held on January 8: "Comrade Le Duc Tho reiterated his condemnation of the bombing and U.S. delaying tactics during a memorable private meeting on January 8, 1973, in a tone of severity and intensity that was unprecedented in the almost five years of negotiations. At times the U.S. representatives had to suggest that the comrade speak in a lower tone, lest newsmen waiting outside overhear. Embarking on this new meeting phase after the B-52 incident, on the conference table between us and the United States there remained a number of problems arising from the U.S. demand to change what had been agreed upon earlier." This much, of course, was true, since the United States did want specific changes in the text agreed to in October. So did Hanoi. The DRV account of the January meetings then continues: "The U.S. advanced the proposal for civilian movement through the DMZ, which was actually a scheme to perpetuate the partition of our country and consolidate the puppet Saigon administration." In interviews, U.S. negotiators dismissed this charge as groundless, though there had been some talk that the freedom-of-movement provisions of the draft agreement could apply to travel between North and South Vietnam after the war.

Next, the DRV account alleged that the United States "did not want to return civilian prisoners [held by the GVN] and sought to prolong the timetable for a return." The U.S. position, of course, was that this issue should be separate from the return of POWs. "It wished to downplay the role of the National Council of Reconcilia-

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tion and Concord," the DRV account continued (this was a reference to the changes in wording the United States sought for the provisions of the agreement concerning the relationship of the NCRC to the existing structure of the GVN). The DRV account also alleged that the U.S. side "proposed various methods of signing the agreement in an attempt to negate the role of the Provisional Revolutionary Government of the Republic of South Vietnam [PRGRSV]." American insistence on the separate signing ceremonies to placate the GVN did, of course, have this effect.

The DRV account then turned to the topic of troop withdrawal.

One extremely heated topic of discussion dominated the conference table for five consecutive years and lingered on almost until the conclusion of the conference. This was the persistent U.S. demand for the withdrawal of northern forces from the south. Comrade Le Duc Tho pointed out that the U.S. could not place an aggressor on the same footing with those subjected to aggression, and that the Vietnamese people were authorized to fight their aggressor enemy anywhere in their country. The U.S. finally had to withdraw and give up this demand, and officially recognized that, from a political, spiritual, and legal standpoint it could no longer demand a withdrawal of northern forces.

The U.S. side, nevertheless, did expect that some NVA forces would be withdrawn as the level of violence subsided.

The DRV account concluded by alleging that the United States "tried to exclude its war compensation to us from the agreement. It used this issue as a bargaining card. We declared frankly that the dollar could not be used to buy or exchange, that the responsibility of the U.S. was to pay its debt owed to our people, and that we were determined to persistently collect this debt at all costs. The U.S. had to agree to acknowledge in the agreement a U.S. contribution to healing the wounds of war in our country. This contribution really means reparation for the victims of aggression."¹¹ The sore point here was over Hanoi's last-minute insistence that the word "reparation" be used to characterize the U.S. pledge in Article Twenty-one to "contribute to healing the wounds of war and to postwar

¹¹ Hong Ha, "Paris: A Year Ago Today, and the Final Years Leading to the Paris Agreement on Vietnam," Hanoi Radio Broadcast, January 27, 1974.

reconstruction" of the DRV.

Not surprisingly, the U.S. negotiators have a totally different recollection of the last days of the secret Paris talks. The key session for the U.S. appears to have been the one held on January 9, when Le Duc Tho changed his tone and suggested that work resume on drafting the protocols. As one of the U.S. negotiators told me later,

When we returned for a resumption of the technical talks, we were very strict with the North Vietnamese. We made it clear that Kissinger's return to the negotiations and the continued suspension of the bombing [Linebacker-2 stopped on December 31] would depend entirely on how serious and productive these talks were.

We agreed to work a full eight hours per day, and each night the president received a full report and assessment of the proceedings. Kissinger's return was ultimately delayed a bit because the president felt we were not making sufficient progress. When Kissinger did return, things moved very quickly, and at times we were able to negotiate a section or an article every hour.

Shortly after his return to Paris, Kissinger described the final phase of the negotiations in the following terms:

It became apparent that both sides were determined to make a serious effort to break the deadlock...and we adopted a mode of procedure by which issues in the agreement and issues of principle with respect to the protocols were discussed at meetings between...Tho and myself, while concurrently an American team headed by Ambassador Sullivan and a Vietnamese team headed by Vice Minister Thach would work on implementation of the principles as they applied to the protocols.

...Le Duc Tho and I then spent the week, first on working out the unresolved issues in the agreement and then the unresolved issues with respect to the protocols, and finally, the surrounding circumstances of schedules and procedures. Ambassador Sullivan remained behind to draft the implementing provisions of the agreements that had been achieved during the week.¹²

But throughout these negotiations, the United States never pressed Hanoi for more than was embodied in the October draft agreement. One member of the negotiating team later recalled asking Kissinger why, given the dramatic impact of the Christmas bomb-

¹² Kissinger, press conference, January 24, 1973.

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ing, he wouldn't press Hanoi for more. Kissinger replied: "Look, you don't understand my instructions. My orders are to get this thing signed before the inauguration."

The Paris Agreement was signed on January 27, seven days after the deadline Nixon apparently had set, and it embodied in principle no more than what Hanoi had wanted the United States to sign three months before. It was still an agreement for a cease-fire-in-place that, all parties to it realized, would require much more than the stroke of a pen to achieve.

What had the delay and the Christmas bombing achieved? U.S. negotiators saw the bombing as serving a strictly limited purpose. As one put it, "Hanoi had refused to negotiate seriously by December, and the bombing was the only means we had left to get the negotiations going again." It was a fitting assessment of America's last battle in the Indochina war. The bombing symbolized what the United States had all along fought to achieve: the status quo ante.

VII

What Went Wrong?

In the ten years since the fall of South Vietnam, more than fifty books and articles have been written about efforts to end the war. This literature encompasses the recollections of nearly all decision-makers in Washington, Saigon, and Hanoi. Strikingly, however, such hindsight has revealed little new about why it took so long to get the Paris Agreement or why it collapsed. For example, when I wrote *Lost Peace*, the following question was central to my research: Could the Paris Agreement have been achieved earlier than 1973? My answer in 1975 was no. A decade later, and after having reviewed the new literature and participated myself in three looks backward at the diplomacy of the war—as a consultant to the WGBH-TV series “Vietnam: A Television History” and as a participant and author at retrospective conferences on Vietnam sponsored by the Woodrow Wilson International Center for Scholars in 1983 and the U.S. Army’s Center of Military History in 1984—the evidence still strongly points to the same conclusion.

For Hanoi and the PRG, the agreement provided a means eventually to win the war.¹ This was also expected at the time. As a Hanoi radio commentary pointed out on August 13, 1972: “Such a cease-fire permanently maintains the factors for waging war again at any time.” Indeed, as one high-level U.S. official observed in a Janu-

¹ Supporters of the PRG maintain that it sincerely accepted and implemented the agreement but that the violations of the GVN caused it to break down. This view is painstakingly reported and documented in D. Gareth Porter, “The Paris Agreement and Revolutionary Strategy in South Vietnam,” in Joseph Zasloff and MacAlister Brown, eds., *Communism in Indochina: New Perspectives* (Lexington, Mass.: D.C. Heath, 1975), pp. 57–80. For an equally detailed and differing interpretation, see James M. Haley and Jerry M. Silverman, “The Provisional Revolutionary Government and the National Liberation Front since the 1973 Paris Agreement” (manuscript, Saigon, January 1974), available at the Hoover Institution archives.

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ary 1975 interview in Saigon, "Hanoi basically saw the Paris Agreement as a generous and face-saving way for the United States to end its Vietnam involvement. They then expected Thieu to be ousted, PRG territorial control to be consolidated, and...the GVN to collapse. They feel the military balance is in their favor, that Saigon's soldiers know this, and that sooner or later Thieu and his generals will blunder into a defeat." This is precisely what happened.

By 1974 both Hanoi and Saigon declared that military action was necessary to save the Paris Agreement. Their cease-fire had never been more than a less-fire. The International Commission for Control and Supervision (ICCS) and the Joint Military Commissions responsible for the maintenance of the cease-fire were never permitted to determine which contested areas were controlled by the GVN and which by the PRG. The cease-fire and resupply inspection mechanisms were hamstrung from the start by the noncooperation of the PRG and Hanoi. The activities of the inspection forces ceased altogether after one unarmed U.S. soldier, investigating with the consent of the PRG an air crash site where remains of soldiers listed as missing in action (MIAs) were reported, stepped from his clearly marked helicopter and was shot dead.

Hanoi charged that it had been misled by the United States into thinking that all U.S. military installations in South Vietnam would be dismantled within sixty days of the agreement. The United States, instead, had secretly transferred to the GVN title to all of its facilities before it signed the Paris Agreement. The North Vietnamese infiltrated additional military personnel into South Vietnam and introduced entirely new weapon systems into the south, while the United States provided Saigon with a few new F5-E fighter aircraft to replace and augment its force of F5-As. According to the terms of the agreement, both sides were permitted only to replace "armaments, munition, and war materiel which have been destroyed, damaged, worn-out or used up...on the basis of piece-for-piece, of the same characteristics and properties."

The agreement also provided for the return of all POWs, the release of political prisoners, and a full accounting for all MIAs. The GVN charged Hanoi with imprisoning 60,000 soldiers and civilians, while political prisoners in GVN jails were released only in April 1975 when the PRG captured Saigon. There has never been a

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complete accounting by Hanoi of U.S. MIAs.

The neutrality of Cambodia and Laos was not respected, nor was an Indochina-wide cease-fire realized. The Laotian forces of the right, center, and left proclaimed a cease-fire on February 21, 1973, and fourteen months later formed a coalition government. The coalition was soon dominated by the Communist Pathet Lao. Hostilities were resumed shortly thereafter, and the coalition collapsed in the wake of the fall of Phnom Penh and Saigon in the spring of 1975.

The Paris Agreement (Article 12[a]) also provided that "the two South Vietnamese parties shall sign an agreement on the internal matters of South Vietnam as soon as possible and do their utmost to accomplish this within ninety days after the cease-fire comes into effect, in keeping with the South Vietnamese people's aspiration for peace, independence and democracy." Talks between the two parties began in late March 1973. Over a period of two years, the always acrimonious, sometimes stalled, and ultimately boycotted (after April 16, 1974) discussions revealed that the GVN and the PRG favored establishing a National Council of Reconciliation and Concord in name only. Saigon objected, as it had for the better part of a decade, to the provision in Article 12(a) that the council be composed "of three equal segments." Thieu saw this as giving the Communists undue advantage, even though the council was to function on the basis of unanimity. He argued that the third segment—called the third political tendency by its adherents in Saigon—would be dominated by the Communists, and he worked steadily to isolate, imprison, and generally weaken those associated with it. The NCRC thus failed to materialize.

Nor was a nationwide plebiscite held. Thieu did seek one shortly after the agreements were signed, propagandizing on banners over Saigon streets that the virtue of "quick elections" was "quick victory." If elections were held before the PRG's territorial control could be consolidated, he reasoned, the GVN would demonstrate both its legitimacy and its widespread support. The PRG declined to accept the challenge. It refused to participate in elections until Article 11 (which ensured "the democratic liberties of the people: personal freedom, freedom of speech, freedom of the press, freedom of meeting, freedom of organization, freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom

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of work, right to property ownership, and right to free enterprise") was fully implemented. Thieu countered by demanding that all North Vietnamese troops be withdrawn from the south before Article II could be implemented.

In essence, what the agreement had left up to the two South Vietnamese parties to negotiate was not negotiable. The question of who was to have power in the south, both the GVN and the PRG concluded, could be resolved only on the battlefield, not at the conference table.

Hoping that international pressure might prevent any resumption of large-scale warfare, the United States arranged a conference for February 26 to March 2, 1973, at which twelve countries were to guarantee the provisions of the Paris Agreement. When these signatories were later asked by the United States to urge Hanoi to halt its 1975 offensive in South Vietnam, not one agreed to do so. Kissinger's expectation that the level of military assistance reaching North Vietnam would decline also was not vindicated. By the end of 1974, Hanoi was receiving approximately twice as much aid as it had during the previous years of the war and twice what the United States was then authorized to provide Saigon.

Throughout the spring and early summer of 1973, U.S. and North Vietnamese representatives held talks on the creation of a Joint Economic Commission through which the U.S. would implement its pledge to contribute to the postwar reconstruction of the DRV. For the most part, negotiations were technical; they avoided charges and countercharges about violations of the agreement. The negotiators went relatively far in terms of talking about specific amounts and projects that would be appropriate for U.S. support. But in the fall of 1973, the U.S. Congress passed a law prohibiting any funds being given to Hanoi until Hanoi accounted for all of the U.S. MIAs. This Hanoi refused to do.

For nearly a week in June, Kissinger and Tho negotiated what they characterized as an amplification and consolidation of the original agreement. Kissinger explained to the press why such follow-up negotiation had become necessary.

During the course of March and April the United States became quite concerned about the manner in which the cease-fire agreement was be-

What Went Wrong?

ing implemented. We were specifically concerned about the following points:

One, the inadequate implementation of the cease-fire.

Secondly, the continued infiltration into South Viet-Nam and the continued utilization of Laos and Cambodia as corridors for that infiltration.

Three, we were concerned about the inadequate accounting for the missing in action.

Fourth, we were concerned about the violations of the demilitarized zone.

Fifth, we were concerned about the inadequate cooperation with the international control commission and the slow staffing of the two-party military commission.

Sixth, we were concerned about the violations of Article 20 requiring the withdrawal of foreign troops from Laos and Cambodia.²

But the resulting June communique read like the Paris Agreement's obituary. Kissinger and Tho had met nine times that week and the communique was the result of more than forty hours of their work. But the hopelessness of the situation was evident: throughout the June talks both Saigon and Hanoi continued to insist on many of the very issues that had stymied the negotiations in October, November, and December 1972. At the conclusion of the June negotiations, Kissinger said that he hoped "to be able to reduce my own participation in this process [of follow-up negotiations] in order to preserve my emotional stability."³ In late June the U.S. Congress voted to end all funds for U.S. air operations in Indochina on August 15, 1973. Throughout July former White House counsel John Dean captured the nation's attention with his side of the Watergate story; by fall, the Nixon administration itself was on the verge of collapse.

In retrospect, the behind-the-scenes diplomacy and, later, the secret negotiations themselves, reinforced Washington's and Hanoi's intransigence. Hanoi's strategy of negotiating to protract the fighting and Washington's counterstrategy of gradual escalation to raise the cost of fighting over negotiating for Hanoi both prolonged the war and vitiated efforts to end it with a negotiated settlement. Thus, the principal legacy of Vietnam negotiations is to reinforce how difficult

² Kissinger, press conference, June 13, 1973.

³ Ibid.

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it is to end limited wars by diplomacy—no matter how skilled or sincere the peacemakers.

Appendix: Chronology of the Negotiations Leading to the Paris Agreement

1972

- October 17 Kissinger, Deputy Assistant Secretary of State William Sullivan, and State Department legal Advisor George Aldrich return to Paris to meet with Xuan Thuy. Le Duc Tho is in Hanoi.
- October 20 Nixon informs Hanoi that the draft agreement is acceptable to the U.S.
- October 19–23 Kissinger and Sullivan visit Saigon; five meetings are held with Thieu.
- October 24 Thieu briefs political party and government officials on the objectionable provisions of the draft agreement.
- October 25 Hanoi radio broadcasts details of the draft agreement. GVN Senate votes to reject a tripartite government of national concord as part of an overall settlement. Similar action is taken in the lower house on October 27, 1972.
- October 26 Kissinger declares peace is at hand, explaining that one more negotiating session with Hanoi is required.
- October 27 DRV releases additional details about the negotiating process, contradicting Kissinger's account and accusing the U.S. of reneging on its pledge to sign the agreement.
- November 7 Nixon is reelected.
- November 9–10 General Alexander Haig visits Saigon to reassure Thieu of full U.S. support and to secure GVN support of the agreement.
- November 15 Saigon proposes that additional negotiations tracks be created so it can deal directly with the PRG.

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November 20–25	Kissinger-Tho talks resume.
November 25	Le Duc Tho returns to Hanoi.
November 29–	
December 1	Nixon meets with Thieu's personal emissary, Nguyen Phu Duc.
November 30	The JCS approve the terms of the draft agreement.
December 4–13	Kissinger-Tho talks resume; experts held technical talks on the protocols December 10–12.
December 15	Technical talks resume.
December 15–16	Le Duc Tho visits Moscow.
December 16	Kissinger reviews the status of the negotiations: the "agreement is 99 percent completed."
December 17–18	Le Duc Tho visits Peking.
December 18–30	Linebacker-2 (the Christmas bombing of Hanoi) takes place.
December 19–20	General Haig visits Indochina and Thailand to win support for the draft agreement and to begin discussions on what U.S. aviation will remain in Southeast Asia.
December 23	Technical talks are adjourned by DRV representatives protesting the Christmas bombing.
December 24	Xuan Thuy (on ABC's "Issues and Answers") declares DRV will not resume talks until air strikes north of twentieth parallel are halted.
December 27	Technical talks scheduled for this date are called off by DRV in protest.
December 30	Linebacker-2 is ended with announcement that technical talks will resume on January 2, 1973.

1973

January 2–5	Technical talks between Sullivan and DRV Deputy Foreign Minister Nguyen Co Thach take place.
January 6	Le Duc Tho returns to Paris.
January 8–10	Technical talks resume.
January 8–13	Kissinger-Tho talks resume.
January 13	Negotiations are concluded.

Appendix

January 15	Bombing of North Vietnam is completely halted.
January 13–20	General Haig briefs allies in Indochina and Asia on the agreement.
January 23	Kissinger and Tho initial the agreement.

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