

At the outset let me just make one disclaimer, and I have a feeling perhaps we might best switch jobs because I have a rather different view of the obligations of members of this House than I think you do. It seems to me when we are dealing particularly with matters of fundamental importance to the national interest that we have an obligation to decide not on the basis of what momentarily the majority of our constituents may want but on the basis of what we generally believe to be in the national interest of our own Nation. This is only my first term in office and God knows there are enough people around here who are motivated by essentially political consideration. But my very strong impression, looking back on the events of last year, particularly with respect to termination of our involvement in Vietnam, was that the vast majority of the members of this House held the conviction that it was in the national interest of the country for us to end that involvement at the time we did rather than to continue it. I don't think it was an example of a situation where members consciously acquiesced against their better judgment simply because of the pressures that had been mobilized on the issue and that constituency.

EVACUATION OF AMERICANS

In any case, could you tell us how many Americans were evacuated from Vietnam in the closing days of the war? You indicated in your testimony 140,000 Vietnamese nationals had been taken out. You didn't say, I think, how many Americans.

Ambassador MARRIN. I don't happen to have those precise statistics with me but they were around, I think, 8,000 or 9,000 Americans along early in the spring.

We began to exert pressure on those who did not have specific reason to be there that, perhaps, it would be wise to go. As I said before, one of our very great considerations was not to so conduct ourselves that we created a panic situation that would make more difficult the extrication at the end, if the end came. I think there is one point which has not been sufficiently made, there was no way of knowing on the part of anyone that I know, what the final determination of Hanoi would be in terms of leaving the South Vietnamese Government ostensibly independent even if it were a government which was clearly under the rule of Hanoi.

In that case the question arose as to whether or not we should have a continuing American mission, although obviously enormously smaller.

I can tell you that that decision was not made until 2 days before we left, when the decision was made that we would evacuate all of the remaining Americans. Up until that point it was an open question as to whether under the transition that was being worked out between President Huong, who was President for a week, and General Minh, who became President on next to the last day, as to whether or not Minh would be successful in forming a government, whether the North Vietnamese would tolerate it, and whether we would wish to keep a small mission there to deal with him. That decision was finally made, as I say, 2 days before the end.

ADEQUACY OF EVACUATION OF SOUTH VIETNAMESE

Mr. SOLARZ. You indicated that we evacuated about 140,000 Vietnamese nationals, which was approximately three times as many as we

had presumably the legal authority to evacuate. Was that as many as you would have liked to have evacuated if time constraints hadn't been a problem?

Ambassador MARTIN. That is a difficult question. I would have preferred to have insured the departure of all those, for example, who were current employees of the U.S. Government and their families if they wanted to go. Many did not want to go. The family ties were too strong. They would take their chances there.

Mr. SOLARZ. Do you have any estimate of the total number of Vietnamese nationals who wanted to leave but were unable to due to the pressures of the battle and of the time constraints involved?

Ambassador MARTIN. It seemed to me, sir, at the end, half of the people in Vietnam were camping on our doorstep one way or another desperately trying to get out. We had seen in Danang and Nha Trang the panic which totally immobilized the airfield which made it impossible to load a ship at the docks, which caused the crowding of the barges—where one capsized and sank. The total sort of panic to get out, to get away from the approaching North Vietnamese armies.

There is no doubt in my mind if we could have, which we clearly could not, brought out all Vietnamese who wanted to come, it would have been well over a million—well over a million. That was never a possibility.

UNABLE TO GET OUT

Mr. SOLARZ. Were there a substantial number who wanted to get out but were not able to, who, by virtue of some kind of official association with our own efforts in Vietnam, were at the time supposedly in some kind of danger if they had remained?

Ambassador MARTIN. I am sure there are some. We tried to bring from the consulates in Danang and Nha Trang all of our official family down there. There were others who for their support of the Americans or of the South Vietnamese Government were afraid of what would happen to them. There were many who would have wanted to come who were not able to come.

"HIGH-RISK" NATIONALS

Mr. SOLARZ. You estimated probably over a million Vietnamese would have liked to have gotten out if they could have. Of that number, could you give us roughly any idea how many of them had that kind of association with our own effort in Vietnam which might in their own eyes mark them for punishment after the war ended?

Ambassador MARTIN. Well—

Mr. SOLARZ. As distinguished from those who simply wanted to get out.

Ambassador MARTIN. Including our employees and their families, we calculated that, I think, on the basis of a rough extrapolation of about eight members per family, there would have been about 150,000. All of those did not want to come. There were others in the Government, there were others in the senior offices in the military forces, others who had worked closely with us.

The total planning figure which we decided on, and that decision also came very late in Washington, was about 200,000, I am trying to remember what they call it, WSAG, Washington Special Action Group. Of the principal agencies that met, on July 26, I was informed, there was almost no support for getting any further Vietnamese out. I was determined to get out those to whom we had made commitments and we did, we brought out over 80,000 in the last days.

EXECUTIONS SINCE THE WAR

Mr. SOLARZ. Do you have any indication since the end of the war as to whether or not there have been executions in Vietnam by the Communists?

Ambassador MARTIN. I have seen in the news reports, I think I am right, that Senator McGovern says he was told that some enemies of the regime had been executed although the number was "small."

Before you came in, I said there were people who were sent away for "reeducation," who never reappeared. There is no way that I know of, since no neutral objective observers are permitted to see, that any precise figure could be gotten.

FEARS OF A BLOODBATH

Mr. SOLARZ. The reason I asked is that at the time the war was winding down there were many reports here in Washington that some kind of a bloodbath would ensue in the wake of the Communist victory. This was one of the justifications offered for our continued commitment to the South Vietnamese, to prevent that from taking place. It would seem to me in retrospect almost a year later that at least so far that these fears have not turned out to be justified.

Ambassador MARTIN. I would say, as I said before, sir, that the fact that you could have, in a Communist, totally controlled situation, public riots of the members of families of those who had been sent away for reeducation and who had not reappeared, was an indication that the numbers are large although they are handling it much more astutely.

The North Vietnamese can read, too. They are very astute and whatever they did would be done in a way which would try to totally minimize any public attention to it in this country.

EXTENT OF REEDUCATION

Mr. SOLARZ. Do you have any idea how many were sent away for reeducation?

Ambassador MARTIN. No, I don't.

Mr. SOLARZ. It might have been hundreds or would it be more likely to be thousands?

Ambassador MARTIN. Well, a few thousand people were, I think, demonstrating. I think the number "sent away" would have been considerably larger than you indicate, but I don't have any precise information. I frankly have not followed any of the subsequent reporting from the peripheral capitols where some of the refugees come out and were interviewed. These perceptions are slowly gathered.

BETTER OFF AT PEACE

Mr. SOLARZ. I would like to ask one final question, if I might.

I gather it was your feeling, Mr. Ambassador, if in those final days we had, contrary to everyone's expectations, voted to provide the kind of continuing funds which would have made it possible to resupply the South Vietnamese Armed Forces, that it would have been possible for them to establish some kind of effective defense perimeter around Saigon in which they could have continued fighting.

If in fact the situation had somewhat stabilized militarily, looking back on it now almost a year later, can you say in any way that the people of South Vietnam would have been better off with the war continuing with all that would have implied for the continued loss of life and destruction of their country? Or are the people better off in the situation in which they now find themselves under the control of the Communist regime but, nonetheless, in a country at peace?

THEIR DECISION

Ambassador MARTIN. I think, sir, that that is a decision no American could or should make. I think the people who want to defend themselves have a right to do so if they so choose, if that is important to them. If they think it would be better than, then that is their decision and we should respect it.

I think that up until March, if they could have been assured of that aid that they probably could have made it.

At the time it became apparent there would be no vote on the 19th. I don't know. Perhaps, it would have permitted them to have held and to have negotiated at least an interim government which would have been independent. How long it would have stayed independent is a matter of conjecture.

But a South Vietnam, even a truncated South Vietnam under its previous constitutional forms and leadership, no, I don't think voting military aid in late April could have changed the situation.

Mr. SOLARZ. Thank you, Mr. Chairman.

A FINAL CONTINGENCY PLAN

Mr. HAMILTON. Mr. Ambassador, I would like to ask you some questions with regard to the evacuation. Did you have a final contingency plan for the evacuation of South Vietnam ready in early 1975?

Ambassador MARTIN. We had a combination of two plans, as I described, Mr. Chairman. The "Talon Vise" plan which is the use of military assets was divided into four basic options. One included use of fixed-wing airlift and introduction of sufficient American force to insure their ability to carry it out.

I, myself, thought that the introduction of military force would be a great mistake, if it could be at all avoided, because if you put yourself, sir, in the position of the South Vietnamese—

VIETNAMESE AS WELL AS AMERICANS

Mr. HAMILTON. I understand that point, Mr. Ambassador, you have made that several times. Did the plans cover Vietnamese as well as Americans?

Ambassador MARTIN. They did not initially cover the number of Vietnamese that were actually evacuated because we had no authority to move them into the United States nor had we negotiated any arrangements with neighboring countries to take them.

THIRD COUNTRY NATIONALS

Mr. HAMILTON. Did your plans include the evacuation of third country nationals working for the United States?

Ambassador MARTIN. Yes, those under contract and regarded as our specific employees.

Mr. HAMILTON. You had authority to remove them, evacuate them?

Ambassador MARTIN. No; but we would have done so. The question of whether they would have been admitted to the United States was not the question for this group. They could have gone back to their own countries. The problem of Vietnamese was that they really had no legal right to go anywhere else. The third-country nationals did.

EVALUATION PLAN FORMULATION

Mr. HAMILTON. When was your evacuation plan formulated and finalized?

Ambassador MARTIN. The evacuation plans have always been there; they are constantly updated. We had one in the Embassy that would have been adequate under a more orderly kind of evacuation.

Both plans contemplated the contingencies of the use of military assets if you required them at the end.

Every Embassy in the world has a current plan of that kind.

Mr. HAMILTON. So you are suggesting that, early in 1975, you had evacuation plans worked out in considerable detail, which called for situations when you might need force and situations when you did not need it?

Ambassador MARTIN. That is correct.

WHO WAS IN CHARGE?

Mr. HAMILTON. Who was in charge of formulating that plan? Were you as Ambassador?

Ambassador MARTIN. Yes, sir, everything in Vietnam was under my responsibility, sir.

Mr. HAMILTON. You likewise—

Ambassador MARTIN. The actual responsibility was exercised in the case of the largest single component, that is, the defense component, including the defense civilians and employees of the defense contractors, by the Defense attaché which was the successor of the old MACV office. They had plans, of course, current and ongoing from the time, I suppose, their first considerable presence existed in Vietnam.

Mr. HAMILTON. Were those plans subject to your approval? The Defense attaché's evacuation plans?

Ambassador MARTIN. Yes; not only to my approval but to the approval of the appropriate authorities in Washington.

THE DECISION TO WITHDRAW

Mr. HAMILTON. Who made the final decision to withdraw?

Ambassador MARTIN. I made the final decision to go to the option 4, which was the last option on the helicopter liftout on the last day. We had hoped and planned, and all the assets were in place, to have fixed wing operations for as long as we could do that.

Mr. HAMILTON. When was your plan, decision, made to go to option 4?

Ambassador MARTIN. On the morning of the day that the final evacuation began.

Mr. HAMILTON. That is April 29?

Ambassador MARTIN. Yes.

WASHINGTON'S ROLE

Mr. HAMILTON. That decision did not come from Washington?

Ambassador MARTIN. It had to come from Washington confirmed, I suppose, although I have the authority to call forth and to use whatever assets were in place in the country at any time, as we did in the case of Danang and Nha Trang.

Mr. HAMILTON. I don't understand. Did you make the decision and then ask Washington for approval and get Washington's reply back, or did you make the decision and then carry it out?

Ambassador MARTIN. I made the decision, but I have no power, I never had any power, to command military forces which were outside of Vietnam, which were essential to the evacuation.

I, therefore, called the White House. The President approved. As I understand it, the execution orders were issued through the Joint Chiefs of Staff to the commander in chief, Pacific, to the subordinate command in the 7th Fleet and in the Air Force.

A PRESIDENTIAL ORDER

Mr. HAMILTON. So that order was actually a Presidential order that put in effect the final evacuation?

Ambassador MARTIN. That is my understanding, but based on my recommendation.

Mr. HAMILTON. That was made on the 29th, was it?

Ambassador MARTIN. On the 29th; yes, sir.

Mr. HAMILTON. Now—

Ambassador MARTIN. I didn't finish the answer to that question. I mean, I think you asked about the circumstances.

We received a very severe rocketing attack on Saigon in the early morning of the 29th which so disrupted the facilities at Tan Son Nhut Air Force Base that the fixed-wing lift planned for that day would have been either impossible or enormously risky. It was still the hope of all who were concerned that we could have that day, and perhaps another day, of fixed lift operation which would have gotten out each day approximately 10,000 or perhaps a little better.

Mr. HAMILTON. Mr. Ambassador—

Ambassador MARTIN. The other thing is, you could continue with a fixed-wing airlift. Once we went to the rotary-wing operation, we were through. That was one time, 1 day, as long as you could do it and you were over and out.

DISMISSAL OF GENERAL BAUGHN

Mr. HAMILTON. Mr. Ambassador, there are a number of observers who were critical of the U.S. mission in Vietnam on the grounds that it did not move quickly enough in April to evacuate personnel and that this led to tensions among various government agencies represented in Saigon.

Let me ask you to comment on some of these reports.

One is that Admiral Gaylor sent a representative to Saigon to plan for Defense Department evacuation in early April and that Defense efforts to move ahead with withdrawal plans led to the dismissal from Saigon of Air Force Gen. Richard Baughn. Is that true?

Ambassador MARTIN. No; it is not true, to the best of my knowledge.

The request to replace General Baughn was made by his immediate superior, General Smith. I made no objection to it.

Mr. HAMILTON. Why was that recommendation made?

Ambassador MARTIN. Well, he was under great pressure from some circles in the Pentagon in Washington to replace General Baughn with General Svenson. I think the feeling in Washington was that General Svenson would be better able to cope under the circumstances that were obviously developing. There was aspect—

GENERAL BAUGHN'S PERFORMANCE

Mr. HAMILTON. Does that suggest there was dissatisfaction with the performance of General Baughn?

Ambassador MARTIN. Well, the better witnesses for that would come from those in the Defense Department who were urging this action on General Smith.

Mr. HAMILTON. Did you have any dissatisfaction with General Baughn's performance?

Ambassador MARTIN. I wasn't that much aware of his direct performance. I depended on the man in charge, in this case General Smith. As long as he chose to retain General Baughn, it was all right with me, because Smith was responsible for the whole operation.

Mr. HAMILTON. There was—

Ambassador MARTIN. It was his decision to remove.

I might add some light to this, if you want me to.

AIRLIFT TO THE PHILIPPINES

Mr. HAMILTON. Mr. Ambassador, I do not want to cut you off on important facts. On the other hand, I have a lot of questions I want to ask about this evacuation.

Ambassador MARTIN. My only point was it was alleged that General Baughn—I don't know whether this was true or not and I certainly would have great sympathy for him were it true—noticing the reverse empty lift going back to Clark began to put, or some of the people did put the Air Force Vietnamese employees on those planes going back. As I say, I had great sympathy with that. But we received—

Mr. HAMILTON. They didn't have authority to do that?

Ambassador MARTIN. We had no authority to take them in the Philippines and the Philippine Government complained about that. We were instructed from Washington to totally stop it. This was early April.

BREAKDOWN IN COMMUNICATIONS

Mr. HAMILTON. Mr. Ambassador, there is another report that during the last few weeks there was a breakdown in communications between the State Department and the Embassy station chief. Is there anything to that report?

Ambassador MARTIN. Not a thing. Mr. Polgar, I think, saw me an average of four or five times a day every day.

[The following was subsequently submitted for the record:]

I am aware of complaints that some elements of the State Department felt there was a breakdown in communications with the Embassy. Their real complaint was not with me or the Embassy but with their superiors in Washington who, apparently, tightly restricted distribution of our messages to Washington. No one ever asked me to try to coordinate Washington from Saigon, a task which, on its face, is impossible.

STATE DEPARTMENT DELAY

Mr. HAMILTON. Another report that in mid-April you had a situation where the Defense Department was getting everything it could out of the country, including records, but the State Department was not acting or moving.

Ambassador MARTIN. There were different positions. The Defense activities were out at Ton Son Nhut Air Force Base, some were at the Bien Hoa Air Force Base. It was much easier with ongoing flights, emergency shipments that were coming in, in those weeks to quickly load out. This was done with my full approval. I mean to get as much out as we could possibly get out. Obviously with the Embassy in the middle of town, it was a much more delicate situation and again we were walking that very careful tightrope on anything that would cause panic.

Mr. HAMILTON. The action of the Department of Defense in moving out had your approval?

Ambassador MARTIN. Yes, completely.

USIA PLANS

Mr. HAMILTON. Another report that USIA representatives were upset that you did not proceed faster with withdrawal plans and they started to draw up their own plans for evacuation; is that correct?

Ambassador MARTIN. Well, if it was, it would have been an enormous assistance to some of the USIA locals who didn't get out if they had done so.

I think the difficulty arose in the fact that there was a desire of one senior official that he be allowed to completely brief, for example, the business community, and the local American press.

Now, the proposal to do this in a group meeting of some sort was impossible. This was done individually by officers going to the heads of each of the American business concerns there, et cetera.

As I have said, it was impossible to keep everyone, including the press, totally informed of all aspects of the ongoing operations because, had we done so, there would have been stories about them which would have cut off the completely "black" operations which were sending out many Vietnamese without the authority of the Vietnamese Government.

USIA CONCERN

Mr. HAMILTON. You were not aware that the USIA representatives were upset with the rate of withdrawal?

Ambassador MARTIN. One of the most senior USIA officers had been chronically "upset" since his initial arrival in Saigon. I think there was some unhappiness which was not all that clear, evidently to me, although maybe to some of my principal subordinates, that he was not given complete independence to do as he saw fit. I was at that time more fully occupied with the transition between the three governments, with the other things that were in motion. As I said in my statement, one of the difficulties was exemplified in the request of Mr. Brian Ellis who was handling the evacuation of all the press local employees that the senior officer of USIA be completely kept unaware of that operation because he simply could not be depended upon to be discreet about it. We had that problem. And if there had been the sort of total cooperation that one would normally expect, some of the difficulties in the end with USIA employees who were left would not have occurred.

UNUSED SHIPS IN SAIGON

Mr. HAMILTON. There was also a report, Mr. Ambassador, that two U.S. Navy ships were in the Saigon Harbor throughout the early weeks of April ready to take people out and that the Embassy did not allow the ships to take people and leave.

Ambassador MARTIN. That is quite true.

Mr. HAMILTON. And you did not have the authority?

Ambassador MARTIN. No; I had the authority. We did not have the authority to move out Vietnamese, but I would have used the ships without that authority, had I not been primarily concerned with the element which I have mentioned over and over again, the element of panic.

Now, we saw what happened in Danang and Nha Trang. Now, Saigon is a river city. The great majority of the 3 million people in Saigon have never been on Tan Son Nhut Air Base. For the last decade or decade and a half it has been a closed military installation. What happened out there in the way of fixed wing airlift which was taking out almost 10,000 a day was something which would not contribute to panic in the city. Had we attempted to load those ships there was universal agreement, from those who understood Saigon, that we would have had an immediate panic situation.

LAST SHIP WAS USED

Now, on the final day, when the decision had been made for total evacuation, I did authorize the use of the last ship that was there and indeed we did have that panic situation.

Now, I have no apology whatever to make for that. I would not under any circumstances have risked the American lives that would have been risked by an attempt to use those boats before that date.

Mr. HAMILTON. You used one boat on the last day?

Ambassador MARTIN. Yes.

Mr. HAMILTON. You filled that with whom. Americans?

Ambassador MARTIN. Almost all Vietnamese.

Mr. HAMILTON. Did they have any trouble getting out?

Ambassador MARTIN. They had trouble getting away from the dock, when attempt was made again to mob it. That would have happened at any time in the preceding 2 weeks and the panic would have spread again throughout the city and you could have had a disintegration and the chaos that you had in Danang and Nha Trang.

SEPARATE COMMUNICATION

Mr. HAMILTON. During the last weeks in Saigon did you have a separate and private channel of communication with the President and Secretary of State?

Ambassador MARTIN. I have always had such a channel.

Mr. HAMILTON. That is not normal for an ambassador, is it?

Ambassador MARTIN. I am not aware of what other ambassadors have. I have always thought it was normal. As Ambassador I represent the President of the United States. I have always insisted that I have direct access to him. I have always insisted that I represent—

Mr. HAMILTON. Not through the Secretary of State?

Ambassador MARTIN. Through the Secretary of State, in most instances, but I do not presume to dictate to the President of the United States how he will conduct foreign affairs.

Mr. HAMILTON. My question relates to did you have direct access to the President of the United States?

Ambassador MARTIN. Yes.

Mr. HAMILTON. Not through the Secretary of State?

Ambassador MARTIN. Well, the Secretary of State was at that time also the President's National Security Adviser.

SUPPORT AT THE HIGHEST LEVELS

Mr. HAMILTON. To your knowledge, was every major decision made in the last weeks in Saigon given support at the highest levels in the State Department and White House?

Ambassador MARTIN. Yes. I have absolutely no question of that, whatever. I have the utmost gratitude for the support that I continually received from the Secretary of State and from the President of the United States. They were understanding, they understood the situation thoroughly, they completely supported the actions that I recommended and put into effect.

Mr. HAMILTON. Mr. Ambassador, it has been reported that by mid-April—

Ambassador MARTIN. I didn't finish the answer, sir. You also said the Department of State. Now, that would not have been wholly true about the Department of State. Again, my other comment is relevant. If the President of the United States decides to conduct part of his responsibility for foreign affairs through agencies other than the Department of State, I still insist that in the particular country such activities come under my supervision, but that does not necessarily mean that I would go back through the Department of State in every single instance.

TOTAL MILITARY VICTORY

Mr. HAMILTON. Mr. Ambassador, it was reported that by mid-April the CIA had received detailed information direct from the Communist Central Office for South Vietnam that the North Vietnamese had firmly decided at the end of March to push for a total military victory rather than a political settlement. It has been reported Thomas Polgar, the CIA station chief, had frequent discussions with the Hungarian delegation over the possibility of a political settlement and orderly withdrawal.

Do you believe that the CIA gave you an accurate evaluation of North Vietnam's course of action?

Ambassador MARTIN. That is two questions. Maybe we could divide them.

Mr. HAMILTON. You answer them separately then.

Ambassador MARTIN. On the first, on the information that we had, and on the perceptions of it, we did have information from a long-range penetration of the so-called COSVN, the Central Communist Unit in South Vietnam. It is true, that information did come which indicated that, regardless of all of the other byplay, the North Vietnamese were now determined to press a strict military solution.

Now, I hesitate to say this, but it is true that was not in retrospect, you know, you can go back and say a lot of things. At that time that report was not given that much credibility by the CIA station chief. It was not sent back by the CIA station chief in the normal reporting channels.

It was not until he was pressed by the officer who was in direct contact with this particular penetration to do so, that this man was allowed to send it back through operational channels.

CREDIBILITY OF THE REPORT

Mr. HAMILTON. The mid-April assessments concerning the North Vietnamese decision to push for total victory, did I understand you to say you saw that?

Ambassador MARTIN. Yes.

Mr. HAMILTON. You did not accept it as being accurate, is that a fair assessment?

Ambassador MARTIN. It is not a question of its being accurate. It is a question of how much credibility you put on any individual piece of intelligence.

Mr. HAMILTON. I am trying to get at how much credibility you put on that.

Ambassador MARTIN. I put considerably more credibility on it than the station chief did, as a matter of fact.

I had myself thought that the North Vietnamese, as the situation was developing and if their perceptions were the same as mine, could not resist making a short circuit off a much longer scenario which would have led to an interim government under General Minh, the bringing in of some members of the third force—all to be eventually absorbed as it was in Laos when it suited their purposes to do so.

NO WAY OF KNOWING

We had no way of knowing whether this represented the actual facts. We were receiving at the same time reports from the representatives of the South Vietnamese Communists in Europe, I think one from Stockholm, another from Paris, which clearly indicated that they wanted a political solution. Now, I think this to be true. I think that the so-called PRG did. I think they did. Because they, I think, were fully aware that if the North Vietnamese took over, the southerners would never have any chance to have even a Communist South Vietnam which would not be totally absorbed into the North Vietnamese regime.

Nevertheless, you could not rule out at that stage the sensible unfolding of a scenario which, in many ways, would have been to the North Vietnamese advantage, certainly in getting aid from the international community and elsewhere.

But the political response to whichever course seemed more probable was a decision which I determined that you had to leave to the South Vietnamese. They were also aware of both of these facts and both of these reports.

Mr. SOLARZ. Would you yield?

Mr. HAMILTON. Yes.

NO PLAN TO OBSTRUCT

Mr. SOLARZ. Mr. Ambassador, did the Communists make any active effort to obstruct the process of evacuation of Vietnamese nationals during the period of time in which it was taking place, and do you have any intelligence about how they viewed this process in terms of whether or not they were willing to permit it?

Ambassador MARTIN. You have asked the \$64 question. The answer is, "yes." I was one of the few people—I was the only person in Saigon who knew that the North Vietnamese had undertaken, around the 22d of April, that they would not militarily interfere with our evacuation.

NO OBJECTION TO EVACUATION

Mr. SOLARZ. Let me add, if I may, an interesting and historical footnote to that. Almost precisely at that time I was in Paris en route back to Washington from having attended an international conference in Geneva on humane conduct of war—which is something of a contradiction in terms.

While in Paris I arranged to see Pham Van Ba, who at the time was representative of the Provisional Revolutionary Government to France. We spoke for about an hour, and I spoke with him at some length on his view of the process of evacuation.

It was quite clear at that point that it was all over but the shouting. The only question was how many people we were going to be able to get out. And at the time the legislation was working its way through our committee for potential use of American troops to provide for and protect such an evacuation, there was some question in the Congress as to whether or not we ought to engage in that effort. And during the course of our conversation I was struck by the fact that he explicitly stated that while they felt there was no need for people to

leave South Vietnam, while they hoped they would remain so they could be reintegrated into the new society, that if in fact people really did want to leave, they had no objection to it.

And I came back to Washington the next day and reported on my discussion with Ambassador Habib. I don't know whether any report of it ever reached you. But based on that conversation, I think I came to the same conclusion you apparently did from Saigon; that in fact the Communists would permit it. And I gather what happened in retrospect, there was a period during which you were getting out 10,000 a day when there was, more or less, a brief lull in the fighting.

And it occurred to me that unhindered evacuation might possibly be related to a decision on their part to let what they might have considered undesirables out before snatching the final prize.

WORD THROUGH THE U.S.S.R.

Ambassador MARTIN. Well, I think they would have preferred the Vietnamese not to leave. But they had a great stake in not interfering with our evacuation. They could not be certain, given what they termed the unpredictability of American actions in the past, that we would not have reverted to the use of military force if there had been. They could not be certain as to the extent of the use of that military force.

I wanted to minimize to the absolute minimal degree the necessity or the requirement for any use of more than just the bare minimum of American force. That was again a matter of debate. I do not know whether this same information I had on the North Vietnamese undertaking was held by the Joint Chiefs of Staff or not. I assume that it was.

But they were looking on capabilities and I had to weigh intentions as well.

Now, I have observed the North Vietnamese for a very long time, and if you spend some 60 hours across the table from Le Duc Tho and his group, as I did in May and June of 1973, one comes to certain conclusions about their conduct and their perceptions and reactions.

In this case, as I say, I was the only one in Vietnam who did have, because it had to be very tightly held, the undertaking transmitted to us through the Soviet Union from the North Vietnamese that they would not militarily interfere with our evacuation.

Mr. HAMILTON. Mr. Ambassador, one theory about the reason—

Ambassador MARTIN. I want to add one thing, again to make it explicit. That had nothing to do with the panic situation which might otherwise develop and would be just disastrous in the end as North Vietnamese military action.

EXPECTATIONS OF A LULL

Mr. HAMILTON. Mr. Ambassador, one theory about the reason the U.S. evacuation did not proceed in a faster pace was that you had reasonable hopes, expectations, that there might be a lull in the fighting which would take place, and during that lull an orderly evacuation could occur.

Did you have such an expectation in the final days?

Ambassador MARTIN. The one I just gave you. One knew the North Vietnamese had undertaken not to militarily interfere with our evacuation. Again on the basis of everything I knew about them, this was a credible undertaking, not because you trust them in any way, because it was clearly in their self-interest for it to be so.

THREAT OF U.S. RETALIATION

Mr. HAMILTON. You think they took that action because they were fearful of the American response?

Ambassador MARTIN. Yes. I did everything I could to encourage, through the Poles and Hungarians, the idea that any interference with our action might be a very costly affair.

Mr. HAMILTON. They really did little to impede the evacuation except there was an attack on the airbase, wasn't there?

Ambassador MARTIN. That is right.

Mr. HAMILTON. At one point. That was the only major effort they made to impede the evacuation; is that right?

Ambassador MARTIN. That is true, and it is not certain that action was intended to impede the evacuation. Just at that moment we also had the question of how much of the military equipment that was left would it be feasible and practical to remove from Vietnam. A senior officer of the Department of Defense had to come to Saigon. He had my approval to move out as much stuff as possible from Bien Hoa that was unusable and unrepairable.

Not until the South Vietnamese themselves made the decision that military resistance was no longer in their own national interest were we to approach them on the removal of usable military equipment.

I had one further concern in mind which worked itself out on the next-to-last day when a considerable portion of the South Vietnamese air force was flown primarily to the Utapao base in Thailand. That was to remove the capability of dissident pilots in the air force, who were probably more bitter than any of the other services, in a moment of revenge, I mean, to interfere with our final evacuation.

PRIVY TO DELIBERATIONS

Mr. SOLARZ. To any initiated observer, it would appear the Communists were privy to the deliberations inside the Embassy. Apparently, it was at the point at which this matter came up for discussion and decision they attempted to shell the airfield.

Ambassador MARTIN. No; you are not quite right. My own perception of the reason for the rocketing on the morning of the 29th was, because the day before we had begun to move out elements of the Vietnamese Air Force, and I think it was designed to impede that operation, that the shelling took place. I do not think it was specifically designed to interfere with our evacuation.

HAD WE KEPT OUR COMMITMENT

Mr. HAMILTON. Mr. Ambassador, at a press conference on board the U.S.S. *Blue Ridge* after evacuation, you were quoted as saying if we had kept our commitment, we wouldn't have had to evacuate. What commitment were you talking about at that point?

Ambassador MARTIN. The implicit commitment which we made in January of 1973 that if they accepted the agreement, which was the only way we could get our prisoners back, that we would continue to give them military aid sufficient to resist the North Vietnamese.

Mr. HAMILTON. You used the word "implicit."

Ambassador MARTIN. I used the word "implicit" to be exactly accurate, because I am not, I think, totally aware of whatever private communications may have taken place between the President—then President of the United States—and the President of the Republic of Vietnam.

You will recall on the night that he resigned—I think the 21st of April—at the end of the ceremony, President Thieu did produce some letters from the President of the United States which clearly implied that.

Now, one can argue, I suppose, that that prejudged a congressional decision authorizing an appropriation process and, therefore, was not a commitment.

Mr. HAMILTON. It is your perception that the Vietnamese felt there was a firm commitment there, and you had no doubt about that?

Ambassador MARTIN. No doubt at all.

"HIGH-RISK" VIETNAMESE

Mr. HAMILTON. President Ford stated at a meeting of April 9 that some 175,000 to 200,000 South Vietnamese would be in danger of Communist retribution following a North Vietnamese victory. Did you make that estimate for the President?

Ambassador MARTIN. I didn't make that specific estimate. It may well have been drawn from the work of the staffs in Washington who were engaged at that time in producing several alternative scenarios on the numbers of Vietnamese who would be endangered.

Mr. HAMILTON. Do you know what categories of people made up the President's estimate?

Ambassador MARTIN. The primary category, I think, was the same as mine. Those Vietnamese who were direct employees of the element of the U.S. mission; others, members of the Government of Vietnam who were clearly endangered; other specific members of the Armed Forces who had already seen the executions in Da Nang after the takeover of the North Vietnamese. Others would have been, I suppose, special categories of people with whom the Central Intelligence Agency had been dealing.

INITIAL EVACUATION PERIOD

Mr. HAMILTON. I don't want to hold you to specific figures, Mr. Ambassador, but I am interested to get some idea of the extent of the evacuations before the final evacuation which began, I think, on April 28 or so.

Could you indicate how many Americans and South Vietnamese were taken out during the initial period of the evacuation? I mean by that the period prior to the final evacuation beginning April 28.

Ambassador MARTIN. That wasn't the really final part, but I am not sure that I have the precise figures. Roughly, there were about 55,000

Vietnamese who had been gotten out before the last day. There were roughly 5,500 or 6,000 Vietnamese on the last day and about 1,200 Americans, plus another 6,000 Vietnamese by boat from Saigon.

ON THE LAST DAY

Mr. HAMILTON. About how many Americans on the last day?

Ambassador MARTIN. Let me see if I can find that in my impossible filing system.

Mr. HAMILTON. Why don't you submit that for—

Ambassador MARTIN. I have here an approximation that prior to the last day, about 56,205. Now, on the last day, total passengers lifted were 8,795—6,416 from DAO compound and about 2,379 from the Embassy compound.

Of those, about 1,000 were the ground security force, the marines that had been brought in.

The final U.S. citizens, 395 lifted from DAO compound and 978 from the Embassy compound. Foreign nationals, 1,228 from the Embassy compound and 5,205. This includes Vietnamese, of course.

Mr. HAMILTON. I have some other questions relating to the numbers of people, but I think rather than burden you with those, I will just submit them to the Department for answer, and you can provide us with specifics to that, if you would.

[Responses to questions submitted by Mr. Hamilton to Ambassador Martin, follow:]

EVACUATION OF SOUTH VIETNAMESE NATIONALS

Question 1. Some Vietnamese employees of the U.S. government and American personnel reportedly were taken quietly out of South Vietnam before the final evacuation on April 28, 1975:

a. How many Americans and South Vietnamese were taken out during this initial period?

b. How many remained when the final evacuation began?

Answer. Included at this point are the airlift statistics for the period 1-30 April as recorded in the Defense Attache's final report (see following page).

It will be noted that, before the final day's evacuation, we had moved out 39,530 Vietnamese and 5,390 Americans through the DAO compound alone. These numbers do not include many more Vietnamese who had been put aboard the return flights to Clark before we had authority to do so. Nor do they include those Americans who had been moved out by commercial air or those Vietnamese who had been moved out by special black flights such as those for the 600 Vietnamese, and their families, employed by the American news media. Unfortunately, no precise statistics exist for these categories, but a reasonable estimate is that an additional seven or eight thousand were so moved. This table does not include the 6,000 Vietnamese we moved on the final day down the Saigon River by barge nor the 978 Americans and 1,228 foreign nationals, mostly Vietnamese, helo-lifted from the Embassy compound on April 29 and 30. When we add the total 14,196 moved out on the last day (3,196 by air plus 6,000 by barge), we come to a completely attested total of 59,116 and a more probable figure of 65,000, evacuated through April 30.

There were some American commentators, unfortunately including some American officials, who persisted in thinking that all that had to be done was to order up the necessary transport, fill it up, and keep the process going. Such comments blithely ignored the realities of the possibilities that were actually open to the U.S. Mission. The Mission was in fact operating under the dual restrictions of GVN refusal officially to permit the departure of its nationals and the lack, until 25 April, of United States agreement to receive them.

The Vietnamese were far more realistic and pragmatic. For more than two decades their experience with "evacuation" was not theoretical but explicit reality. Most were aware that transport from Saigon would be a chancy thing at

best. They were aware that if the Mission made one serious misstep either a panic would ensue with untold consequences or the GVN would be forced to call a halt to our operations. They much better understood what we were doing and why we were doing it the way we were. They also understood when they received the quiet word that, if they missed the evacuation process in Saigon, they should make their way to the American boats which would be waiting offshore at Vung Tau. An additional 65,000 apparently accepted the invitation.

AIRLIFT STATISTICS, APR. 1-30

Day and type of aircraft	Daily evacuees			Cumulative evacuees		
	United States	Other	Total	United States	Other	Total
1-C-141	(1)	(1)	(2)	(1)	(1)	(2)
2-C-141	(1)	(1)	(2)	(2)	(2)	(4)
3-C-141	(1)	(1)	(2)	(3)	(3)	(6)
4-C-141	(1)	(1)	(2)	(4)	(4)	(8)
5-C-141	(1)	(1)	(2)	(5)	(5)	(10)
6-C-141	258		258	258		258
7-C-141	246		504	504		504
8-C-141	81		585	585		585
9-C-141	141	372	513	726	372	1,098
10-C-141	138	656	804	864	1,038	1,902
11-C-141	194	647	841	1,058	1,685	2,743
12-C-141	84	100	184	1,142	1,785	2,927
13-C-141	143	52	195	1,285	1,837	3,122
14-C-141	94	50	144	1,379	1,887	3,266
15-C-141	86	348	434	1,465	2,235	3,700
16-C-141	86	61	147	1,551	2,296	3,847
17-C-141	74	106	180	1,625	2,402	4,027
18-C-141	612	374	986	2,237	2,776	5,013
19-C-141	300	(3)	300	2,537	2,776	5,313
20-C-141	147	43	190	2,684	2,819	5,503
21-C-141/C-130	249	334	583	2,933	3,153	6,086
22-C-141/C-130	550	2,781	3,331	3,483	5,934	9,417
23-C-141/C-130	488	3,824	4,312	3,971	9,758	13,729
24-C-141/C-130	190	5,574	5,764	4,161	15,332	19,493
25-C-141/C-130	501	4,354	4,855	4,662	19,686	24,348
26-C-141/C-130	381	6,376	6,757	5,043	26,062	31,105
27-C-141/C-130	219	7,359	7,578	5,262	33,421	38,683
28-C-130	128	6,109	6,237	5,390	39,530	44,920
29-C-130/Helo						
30-Helo						
	1,373	5,595	6,968	6,763	45,125	51,888

¹ Data not available.

² Unknown.

³ Includes 855 marines of the 9th Marine Amphibious Brigade.

c. Did it become necessary for the U.S. Embassy to bribe South Vietnamese officials, policemen, and others in order to keep this initial process going?

Answer. It must be recalled that in the last ten days Saigon was under a 24-hour curfew part of the time. The rest of the time the curfew ran from early evening to morning. During these times it was essential that we keep the cars and buses moving through the checkpoints which existed all over the city. Local police and military guards were given money to open the roadblocks and checkpoints. I know of no case where a high ranking Vietnamese official received money to keep the portals open or to otherwise facilitate the evacuation.

d. What other steps were necessary to continue this unannounced initial evacuation?

Answer. The most essential step was to pay a due deference to Vietnamese sovereignty and "face" by constantly working through the Interior Ministry to drastically curtail the amount of time necessary to secure formal exit permits. This was particularly true for the "extra-legal" dependents of non-official Americans. We were, therefore, not stopped as we moved out large numbers of Vietnamese quite illegally through the DAO compound. As authorized by Washington, we also took out the families of some senior Vietnamese officials whose "looking the other way" was crucial to our continuing movement. Most of the families so taken out we would have moved anyway under the "high risk" category.

Question 2. Before the beginning of the North Vietnamese offensive on March 10, did the Embassy have a contingency list of Americans, South Vietnamese and their dependents who were considered to be in a high risk category if there were a Communist victory? When after January 1975 was this list updated and when was a final list ever prepared?

Answer. The Embassy had complete records of all official Americans and their families as well as currently employed American contractors. Various elements of the Mission also kept close tabs on different sectors of the local non-official American community—businessmen, lawyers, missionaries, volunteer workers, journalists, etc. Moreover, the Embassy knew the names and addresses of all those American citizens who had taken the trouble to register with the Embassy Consular Section. However, in April, large numbers of American citizens still living in Saigon who had, often for very good reason, elected to avoid contact with the U.S. Mission, began to make their presence known. We had no roster of these former contractors, adventurers, deserters, and soldiers of fortune, nor is there any way we could have had one.

On the Vietnamese side, the Mission kept current lists of principal high-level political personalities, intelligence contacts, employees with sensitive responsibilities, and Vietnamese relatives of American citizens.

I was informed that the lists of both Americans and Vietnamese were updated continuously. In the final weeks of American presence in Vietnam, a flood of new names not previously registered, and Vietnamese relatives of U.S. citizens whose status had not previously been regularized or recorded, made precise accounting impossible, since the priority was on movement, not record keeping.

Question 3. In preparing the list of Vietnamese to be evacuated, did the Embassy know how many Vietnamese were employed by the U.S. agencies in South Vietnam?

Answer. The Mission had complete and accurate records of all Vietnamese currently on the payrolls of the half-dozen U.S. Agencies comprising the U.S. mission, in the various categories of direct hire, personal service contracts, and so on.

a. Was there a list of Vietnamese who were formerly employed by U.S. agencies?

Answer. No up-to-date listing of former employees was maintained, nor would it have been feasible to do so, given the large numbers involved particularly former employees of the United States military establishment in Vietnam from 1954 to 1976.

b. How many present and former employees and their dependents were actually evacuated?

Answer. I am apprised by those in the Department handling these matters that we have information 22,294 employees (as of April 30), including their families, were evacuated. We believe many former employees are certainly comprehended within the 130,000 total.

c. What percentage of the some 130,000 Vietnamese now in the United States were in high-risk categories, either employees of the U.S. or South Vietnamese Government officials?

Answer. I have reviewed the December 15, 1975 "Report to the Congress of the Interagency Task Force for Indochina Refugees". Its statistical abstracts do not enumerate refugees in specific categories based on the justification for their evacuation. Therefore, it does not seem possible to provide hard figures to this question. It would seem, however, that if we include relatives of U.S. citizens, intellectuals, former and current employees and their families, intelligence contacts, government personalities, and all others whose lives or physical safety might reasonably have been thought to have been endangered, almost all would be properly included in any commonly accepted definition of "high risk" categories. Certainly the criteria included in the Refugee Protocol, to which this nation has officially adhered, would seem to cover them all. One would, of course, except those caught up unwillingly in the flight of the Vietnamese Air Force. I understand that those in this group who wished to do so have been permitted to return to Vietnam.

Question 4. The State Department in mid-April reportedly tried to cable the Embassy in Saigon a list of South Vietnamese intellectuals who were vulnerable to Communist retaliation.

a. Did the Embassy receive this list?

b. If so, how many people were on it?

c. Did the Embassy act on it?

d. Of those on the list, how many were evacuated?

Answer. I believe that the document you refer to is a list of 24 "high risk" Vietnamese intellectuals and leaders associated with the Asia Foundation, which the State Department cabled to the Embassy on April 26, 1975. I can assure you that the names of the 24 individuals and their families were indeed added to our evacuation planning on that date, if they had not already been included earlier, as they probably would have been by virtue of their general prominence and

close connection with the U.S. To provide an exact accounting of how many of these people chose to avail themselves of our evacuation offer and how many remained behind voluntarily or otherwise is difficult if not impossible. I have, however, asked the Department of State to look into this question and, if necessary, refer it to the Department of Health, Education and Welfare, which is now responsible for the Indochina refugee program.

Question 5. It has been charged that Vietnamese employees of the Embassy sold spaces on petitions for evacuation for exorbitant sums. (Column by Jack Anderson, Washington Post, May 22, 1975)

a. Is this true?

Answer, No, to the best of my knowledge and belief, this is not true. I do not believe that any of our Vietnamese employees were so involved. I am certain in my own mind that no official Americans were. There is evidence that some non-official Americans were involved for a brief period until corrective action was taken at the DAO compound. One of our major problems in reducing the non-official American community was the refusal of many of them to leave without their "extra-legal" dependents. When authority finally came to move out these non-officials with their "extra-legal dependents", it occurred to some of our "black market" non-official Americans to cash in on a good thing. With their American passports they were permitted to take their "dependents" with them through the processing line being operated at the DAO compound. When they were ready to board the aircraft, the American sponsor would find an excuse to go back to the DAO building. Thence, he went back to town and started over again with a new crop of paying "dependents". This practice was quickly discovered and the American passports were endorsed so that they could not go through again with other "dependents". A garbled version of the above facts apparently came to Mr. Anderson's attention.

b. Were the Vietnamese employees allowed to handle much of the paperwork involved in the evacuation?

Answer. I am told by those actually supervising the details of the evacuation that very few of our Vietnamese employees were involved in the paperwork connected with the evacuation.

c. How many Vietnamese employees of the U.S. Government and their families who wanted to leave South Vietnam were unable to be evacuated?

Answer. Most of the Vietnamese employees of the United States Government in April of 1975 were laborers, custodians, and lower-grade clerical employees. Many were supporting large numbers of collateral relatives in addition to members of their immediate families. We could bring out only their parents, wives, and children. Most of the employees in these categories preferred to take their severance pay in dollars and take their chances in staying behind with their other relatives. It is impossible to be precise, but we believe the numbers left behind who actually wanted to come out was very small. One left behind, in my personal belief, was one too many.

Question 6. You state that because the authority was lacking, contingency evacuation plans did not contemplate the evacuation of large numbers of Vietnamese.

a. Could you explain why the Embassy did not anticipate a general breakdown of authority, always possible in any wartime situation, and therefore, draw up an emergency plan for the evacuation of large numbers of high-risk Vietnamese?

Answer. Neither an Embassy nor an Ambassador may operate far beyond the specific authority granted from Washington. Movements of large numbers of Vietnamese could obviously not be accomplished without use of massive military assets. From January on I had made it quite clear on my visits to Washington that we must be prepared in our evacuation planning to include a considerable number of Vietnamese. To move large numbers of Vietnamese, they must have some place to go. It was unrealistic to expect other Southeast Asians to take more than a handful, if any, so the only possible destination was the United States. But entry to the United States must be approved by the Attorney General, after the traditional consultation with the Congress. As you know, the Embassy in Saigon received this authority only on April 25, 1975. However, the DAO and USSAG, under CINCPAC supervision, were constantly engaged in updating their planning under the code name "Talon Vise". This planning provided for a range of options running up to 200,000. The final result establishes that they did a superb job.

b. When was a contingency plan for evacuating large numbers of Vietnamese potential Vietnamese refugees?

Answer. These plans were being constantly updated during the first five months of 1975.

c. How was the decision made as to whom to evacuate?

Answer. Each major element of the Embassy was responsible for recommending those Vietnamese with whom it had a special relationship. Obviously, when the evacuation actually began those immediately ready to go were moved first.

d. Did the USG ask any Southeast Asian countries to extend refuge to potential Vietnamese refugees?

Answer. The Embassy, of course, was not empowered to negotiate with other Southeast Asian nations. I am informed that the Department did begin such explorations on April 27, 1975. The results were, predictably, negative.

The Department has supplied the following additional statement:

"The Interagency Task Force on Vietnamese addressed this question in material it supplied to the Subcommittee to investigate problems connected with refugees and escapees of the Senate Committee on the Judiciary in connection with hearing on Indochinese refugee problems May 13, 1975.

"As part of bilateral United States efforts to seek international resettlement of Indochina refugees the Task Force sent instructions April 27 to some 100 U.S. Embassies, including posts in Southeast Asia, asking them to approach host governments at a high level to obtain their help in accepting Indochina refugees for resettlement. The text of that instruction was published in the record of the Subcommittee Hearings."

e. Why did Embassy Saigon wait until April 29 to evacuate large numbers of Vietnamese when it had the authority to do so on April 25? Was it your decision to wait?

Answer. The question implies that no substantial number of Vietnamese were moved until April 29th. Actually some 25,000 had been moved before April 25th, that is before the authority to do so had actually arrived. The following figures are quoted from the table supplied Part I, Question 1. As already noted, they are the totals for evacuation from the DAO compound only. Another 1228 foreign nationals—mostly Vietnamese—were evacuated on the last two days from the Embassy compound.

On April 25th, 4,354 Vietnamese were moved out.

On April 26th, 6,376 Vietnamese were moved out.

On April 27th, 7,359 Vietnamese were moved out.

On April 28th, 6,109 Vietnamese were moved out.

On April 29th-30th, 11,595 Vietnamese were moved out (6,000 by barge).

It would not appear that there was any waiting. We were using our airlift capacity to the fullest. As I have already stated, no senior officer stationed in Saigon would recommend to me that we use the ships at New Port. The unanimous opinion, in view of the Danang-Nha Trang experience, was that the risk to American lives in triggering a panic was simply unacceptable. I concurred in this view.

Question 7. You state that until April 14 the Embassy had parole authority only for the 2,000 Vietnamese orphans being airlifted to the United States.

a. When did Embassy Saigon obtain this authority?

b. Did the authority to grant parole authority derive from the USG? from RVN?

c. Was it your decision to initiate the request for this parole authority?

Question 8. On April 19 the Embassy received parole authority for alien relatives physically present in Vietnam of U.S. citizens who were physically present in Vietnam.

a. When was this authority requested?

b. Did the authority to grant parole authority derive from the USG? from RVN?

c. Was it your decision to initiate the request for this parole authority?

Question 9. On April 25, the Embassy received parole authority for additional categories of relatives and up to 50,000 high-risk Vietnamese.

a. When was this authority requested?

b. Did the authority to grant parole authority derive from the USG? from RVN?

c. Was it your decision to initiate the request for this parole authority?

Answer. These four questions imply some confusion as to what constitutes "parole authority". This phrase refers to the Authority of the Attorney General of the United States, granted by Section 212(d)(5) of the Immigration and Nationality Act of 1952, as amended, to waive legal restrictions on granting

entry to the United States. Neither the RVN nor any other country has any authority whatever to determine who is admitted to the United States. Although not legally required to do so, the Attorney General traditionally holds prior consultation with the Judiciary Committees of the House and Senate before granting parole. While visiting Washington in the winter of 1975 I had pointed out that we could not begin to move in Saigon without this authority. When I returned to Washington with the special Congressional group, I again brought it up, specifically during my last senior-level meeting in the Department before returning to Saigon with General Weyand on March 26th. References to the lack of this essential authority were repeated in my cables after my return to Saigon.

d. Who made the decision that Embassy Saigon was allowed to evacuate only 50,000 Vietnamese?

Answer. The decision was made in Washington by the Attorney General. I am not privy to the considerations that led to the decision on the specific figure of 50,000.

e. Did you consider the grand total of 50,000 sufficient to include all those high-risk Vietnamese who needed to be evacuated?

Answer. Obviously, if it meant only 50,000 individuals, the number was clearly insufficient. We had already moved out more than 25,000 by the time the authority arrived on April 25. If I determined the authorization meant heads of family only, as Vietnamese cultural usage would indicate, then perhaps we could stretch the number to cover our needs. Obviously the reality of the actual situation in Saigon on April 25th did not permit time for further bureaucratic consideration in Washington. Therefore, following the John Marshall "broad construction" theory of serious questions, I used my authority as the President's representative to determine that we would keep the evacuation going.

Ambassador MARTIN. I will be glad to do that.

The one final figure which is beyond the last day is that about 65,000 Vietnamese came out on their own and were picked up by the 7th Fleet. If we could have stayed longer, I don't know what the eventual number would have been; probably more than this country would have absorbed.

The Vietnamese are enormously resilient people, and they made their way down the river to Vung Tau, down the Saigon River and out, using every conceivable means of transportation to get out to be picked up by the 7th Fleet.

EVACUATION OF CAN THO

Mr. HAMILTON. It has been reported that the U.S. consul general at Can Tho in the Mekong Delta was not directed to begin evacuation until 11:30 a.m., April 29, 1975, despite repeated earlier requests from the consul that he be allowed to evacuate. Is that report correct?

Ambassador MARTIN. Only partly correct, in the sense that we were not certain until the last day of whether or not they would be a continuing government, whether or not the Vietnamese would decide to move to Can Tho, or whether or not we might be able to utilize the airfield at Can Tho.

Now, you cannot evacuate people unless you have somebody on the ground to direct the evacuation, an item which has been completely overlooked as you go along. Now, Mr. McNamara, the consul general in Can Tho had come up to see me. We had discussed this. He is a man of enormous ingenuity and force and reliability. He had decided to use a mike boat, which is a Navy kind of modified barge, for the evacuation down the river.

Part were evacuated by helicopter; the others went out on that boat.

WHAT INSTRUCTIONS WERE GIVEN?

Mr. HAMILTON. What instructions did you give to the consul general between April 20, say, and April 29 with regard to evacuation?

Ambassador MARTIN. They were in constant touch but not with me directly. He would have been in touch directly with Mr. Jacobson and Mr. Lehmann, and I am not aware of all of the communications back and forth. But the general instructions are, I am very sure, he was to use his own judgments; he was very certain of the arrangements that he had made with the Vietnamese Navy, for example, to get down the river. He was very certain of the arrangements he had made with the Vietnamese military commanders in the military region 4, that would allow the safe evacuation of his people, and he, therefore, undertook to use his own judgment as to when that should be done.

But he had freedom to evacuate whenever, in his opinion, it was necessary to do so to avoid endangering American lives.

Mr. HAMILTON. Did you at any point order the evacuation then, or did he make that decision on his own?

Ambassador MARTIN. No. I think we did in the end, because he would not have known what we were doing, you see. And when the final order was—when my final decision was communicated to the White House, we immediately notified him to use his own discretion as to how and when he left.

CAN THO EMPLOYEES

Mr. HAMILTON. It has been reported that because the consul general was not given orders to evacuate until quite late—April 29 by one report—only 42 of 573 Vietnamese employees and only 312 of their 3,000 dependents were evacuated. Are those figures approximately right?

Ambassador MARTIN. I do not think so. I would be very surprised if they were. I do not know. I will check and confirm for the record. Knowing Mr. McNamara's great concern, I mean for his Vietnamese employees, I am certain that boat was crammed with them on the way out.

[The following information was subsequently submitted for the record:]

ADDITIONAL STATEMENT SUBMITTED IN WRITING BY AMBASSADOR MARTIN

I have once again discussed the question of the evacuation from Can Tho with Mr. McNamara in order to have his comments on these figures. His reply follows:

"The implication that we abandoned our Vietnamese employees is totally false. The number of Vietnamese who left Can Tho with me down the River in the final evacuation was, in fact, approximately 300. But many others had been sent to Saigon in advance of the final evacuation and were airlifted out from there. The truth is we in IV Corps had more time to execute our evacuation plans than did the Consulates General to the North. As a result, we were able to get out at least 85% of all those employees who wished to leave. Naturally, as elsewhere, many of those who knew no English or had very large extended families preferred to take their chances and remain behind. But all in all, the evacuation of Can Tho was a most successful operation, and I would be happy to testify or furnish any other information the Committee might require."

Mr. HAMILTON. Are you under the impression that there were a great number of Vietnamese employees and dependents who were left behind there?

Ambassador MARTIN. No; I am not under that impression.

FINAL EVACUATION EFFORT

Mr. HAMILTON. It was reported that once the evacuation was underway, you attempted to have the evacuation period extended in order to get out a greater number of people. Is that an accurate report?

Ambassador MARTIN. No. There was a certain question of timing, but not in the sense in which your question implies. At the beginning, there was no fixed time end to the evacuation. None, at least, known to me. During the course of it, one of the naval commanders, I imagine the commander of the task force, suggested that we suspend operations at midnight and resume at 0800 the following morning. We had the Embassy compound full of Vietnamese locals. Regarding the situation in Saigon, itself, since our operation had been underway for many hours, it was completely well known that we were leaving. The element of panic, again, was always present, and we had many hundreds of Vietnamese outside trying to get in the embassy.

I said, and there was concurrence from Washington, that we should proceed with the evacuation until it was completed.

I have the utmost respect and gratitude for the pilots of the Air Force and the Navy who flew hours far beyond any normal endurance in order to complete that evacuation. It simply would not have been safe or feasible to have suspended the evacuation at midnight and to have resumed it at 8:30 the next morning.

U.S. BOMBING REPORTS

Mr. HAMILTON. There were reports, Mr. Ambassador, I think denied by the administration, of a U.S. bombing raid in South Vietnam on the day of the American evacuation. Was there any such bombing raid?

Ambassador MARTIN. To the best of my knowledge, absolutely not. I think I would have known had it occurred, although not necessarily so.

THE \$12.5 MILLION

Mr. HAMILTON. On April 21, a few days before the collapse, you ordered that \$12½ million in U.S. currency be flown into Saigon to be used as severance pay for the Vietnamese employees of the U.S. Government.

Were you anticipating that all local national employees of the U.S. Government would be evacuated?

Ambassador MARTIN. That was my certain hope, that all who wanted to go would be evacuated; yes.

Mr. HAMILTON. Whatever became of that money?

Ambassador MARTIN. A great bit of it was disbursed to the local nationals. When you say I ordered it in, that is, I suppose, technically correct, because everything that happened was under my responsibility. I did approve the recommendation that severance pay be in dollars. However, I am not even aware of the transactions that followed. I had a most competent administrative staff. I think that the majority of this money came in at the request of the Defense attaché from the Department of Defense.

My understanding is, and this was a later understanding, because at the time I was not really aware of it. The administrative counselor had full authority to act in my name, and I accept full responsibility for any decisions that he made.

But I think that they went over and picked up, I recall, roughly about \$2 million from the Defense disbursing officer to use for severance pay for the locals. The idea was that we would clean the accounts as much as we could there, because it becomes an impossibility later on.

Second, they would have some resources if paid in dollars on evacuation, and to pay them in piastros on evacuation would have been a cruel deception.

Now, as much as could be done was done. The remainder of the money, in accordance with the existing Treasury Department regulations, was destroyed.

A FINAL ACCOUNTING

Mr. HAMILTON. Have we ever had a final accounting made of that \$12½ million? Have you seen such an accounting?

Ambassador MARTIN. I have not seen it, but it would not be normal that I would, since that would be in the sort of administrative channels of both the Department of Defense and Treasury. I have no personal knowledge of it. I have no reason to think that the accounting is not complete.

Mr. HAMILTON. There are reports, Mr. Ambassador, that U.S. bills that were said to have been destroyed at the Embassy's order are now surfacing in the United States.

Do you have any knowledge of that?

Ambassador MARTIN. I heard that rumor and asked that it be looked into, and the information that I got was that there was probably a mistake in the serial numbers, and that about 218 bills of \$20 denomination showed up at Fort Chafee—none elsewhere.

Mr. HAMILTON. Who made that check for you?

Ambassador MARTIN. The Office of the Assistant Secretary of State for Administration which handles the basic budgetary relationships with Treasury.

Mr. HAMILTON. Are you aware of any FBI investigation on that matter?

Ambassador MARTIN. No; I am not personally aware of it. Since I had no connection with it, it would not have been normal for them to come to me about it. I think you probably mean the Secret Service, not the FBI.

Mr. HAMILTON. I wonder if you could provide for the committee as complete a statement as is obtainable on what happened to that \$12½ million.

Ambassador MARTIN. I will ask the Assistant Secretary to prepare it and furnish it to you.

[Subsequently Ambassador Martin supplied the following responses to questions by Mr. Hamilton:]

RESPONSE TO QUESTIONS ON THE DISPOSAL OF THE \$12.5 MILLION SENT TO SAIGON

Question 1. On April 21, 1975, a few days before South Vietnam collapsed, you ordered that \$12.5 million in U.S. currency be flown into Saigon to be used as severance pay to Vietnamese employees of the U.S. Government.

Answer. The Deputy Chief of Mission, Mr. W. J. Lehmann reported to me in early April after my return to Saigon that the heads of the various agencies comprising the U.S. Mission in Saigon had recommended that final salary and allowance payments to local national personnel be made in dollars. His later formal statement includes this paragraph:

"In April 1975 it was apparent that the Mission would be reduced in size or closed. Because of the large number of local personnel and the need to minimize later confusion, it was decided to terminate all such personnel and to make their final salary payments (including severance pay, accrued annual leave, TET bonus, etc.) in U.S. dollars. Dollar payments were warranted because of the drastic depreciation in the value of the Vietnamese piaster. These employees, many of whom had long years of service with the U.S. Government, would have been poorly compensated if terminal payments had been made in piasters."

I approved the recommendation. I was not personally concerned with its further implementation, although, as Ambassador, the responsibility was mine.

Question 2. Who was to receive it if some or all of the employees were to be evacuated?

Answer. It was always clear that the preponderant number of our local employees—laborers, custodians, guards, etc. would not elect to leave Vietnam. The last two sentences in the paragraph quoted above provided the rationale for the payment in dollars to this group. Additionally, the thought was that those who elected to leave would not be entirely without resources as they started their new lives in the United States.

Question 3. Did you anticipate the possibility that this money, if confiscated later, could be used by a Communist government to improve its international financial standing?

Answer. Certainly, but in view of the pressures from some members of the Congress for economic aid to North Vietnam, this concern was outweighed by our concern for our employees.

Question 4. Would it not have been possible and preferable for evacuated former U.S. employees to receive their severance pay later on out of the country?

Answer. It would have been possible. However, in my opinion, it would not have been preferable given the inevitable bureaucratic delays that would have automatically ensued in getting the employees and the records together.

Question 5. Given that one of your main concerns about undertaking an evacuation was the threat of setting off a panic that the U.S. was abandoning Vietnam, how did you expect to distribute severance pay without the same result?

Answer. We were compelled to reduce drastically the staff in any case, even supposing a very small U.S. Mission had been ordered to remain to deal with the Minh Government. The danger of these payments contributing to a panic situation was clearly present. Every effort was made by a highly dedicated staff to minimize the possibility of panic. As we know, the end result establishes that these efforts were successful.

Question 6. Has a final accounting for the \$12.5 million been made?

Answer. I am informed that it has.

Question 7. Concerning the final disposition of the \$12.5 million, we have information the U.S. Embassy in Saigon reported that it handed over \$2 million of the total to an unidentified agent of an unidentified agency.

To what agency was the \$2 million given?

Who was the agency's agent in receiving the money?

What was the purpose of this transfer?

Answer. I am informed that the Budget and Fiscal Office of the Embassy on April 21 turned over to a finance officer of the CIA Station \$2 million in cash in exchange for a United States Treasury Check in the same amount. This was a normal financial transaction between two authorized U.S. Finance Officers.

Mr. HAMILTON. Thank you, sir.

HOW MANY COULD NOT LEAVE

How many Vietnamese employees of the U.S. Government and their families who wanted to leave South Vietnam were unable to be evacuated, in your judgment?

Ambassador MARTIN. I really do not know, because I have not seen the 80,000 or so who came out on their own, how many of those were our employees. Many did; many were completely aware of the difficulties of an operation of this magnitude and decided to make their own way down and out to sea.

But I will again try to get that for you and furnish it for the record.

ARBITRARY SELECTION

Mr. HAMILTON. Is it true that in the final minutes or hours of the evacuation that the selection of Vietnamese officials and employees and families that were to come out became quite arbitrary?

Ambassador MARTIN. No. To the best of my knowledge, that is absolutely untrue. We were taking out everyone who was there. I would have even—

Mr. HAMILTON. Everyone who—

Ambassador MARTIN. Physically present at either the DAO compound or the Embassy compound. I would have made no distinctions whatever, nor do I think any were made.

EVACUATION EXPECTED

Mr. HAMILTON. Did the Vietnamese employees of the U.S. Embassy there have the expectation that they would be evacuated?

Ambassador MARTIN. If they so chose, yes, they did. Although this was not the perception in Washington, it was certainly my perception and, as I told you, the WSAG meeting on the 26th, I was informed there was absolutely no support for my position.

Mr. HAMILTON. When you say it was not the perception in Washington, what do you mean—in the State Department that was not the perception?

Ambassador MARTIN. I don't know whether it was State Department, but the Washington Special Action Group is a high-level group, I understand, under the National Security Council that convenes on various items of crises with senior representatives from the interested agencies.

I was informed after that meeting on the 26th that there was absolutely no support for my position that we had a moral obligation to these employees which we should make every possible effort to meet.

I understand that attitude, I think, in the sense that when you are faced with a situation which could be a disaster, your primary concern focuses on the Americans.

Now, I thought we had an obligation to these people and I was insisting to the bitter end that we continue the lift until we got out all of the people that we had there that were ready to go.

Mr. HAMILTON. Did we have any kind of an understanding with the North Vietnamese that we would be allowed to complete the evacuation?

Ambassador MARTIN. Yes, as I have previously described it.

STEPS WHICH WERE NOT TAKEN

Mr. HAMILTON. You judge the evacuation successful, I take it. Can you think of any steps that should have been taken that were not taken?

Ambassador MARTIN. Given the circumstances, Mr. Hamilton, the answer is no, we were walking a constant tightrope in a very fluid situation which was evolving on the Vietnamese side almost by the hour. We had a transition to three governments. Anything could have gone wrong at basically any minute.

We successfully threaded our way through all that. We managed to avert any actions of our own that would trigger the kind of panic we had seen in Danang and Nha Trang and which I have seen elsewhere in the world under similar situations.

I would also like to say that the young officers of the embassy in those final days performed with utter magnificence. Most of them were Vietnamese speakers. They would go out into the town where we were informed that certain of our employees had congregated, bring them back. I had arranged with the Ambassador of France to have a door cut between our two compounds. We were using all sorts of devices to get them in.

I don't know whether you remember the old "Scarlet Pimpernel" stories during the French Revolution. I remembered at that moment the quatrain:

Is he in heaven,

Is he in hell,

That deemed

Elusive Pimpernel

My young Pimpernels did a magnificent job.

PRESIDENT THIEU'S RESIGNATION

Mr. HAMILTON. What role did you play, if any, in persuading President Thieu to resign?

Ambassador MARTIN. None.

Mr. HAMILTON. I was interested in your comments in your statement with regard to that.

Ambassador MARTIN. Other than that, none. There was no suggestion, no request either implicit or explicit. I thought and so said that in April 1975 we had long since passed the time where we had forfeited all rights to really make suggestions on what actions that they might think useful for the survival of their country and their nation or themselves.

I did attempt to lay before him as candidly and as accurately and objectively as I could, the situation as we perceived it.

Mr. HAMILTON. Did he at any point ask you whether you thought he should resign?

Ambassador MARTIN. Yes; he did.

Mr. HAMILTON. How did you respond?

Ambassador MARTIN. I told him that that was a decision that he would have to make, only he, in light of his own concern for the people of Saigon, for Vietnam as a whole, for everything that he had worked for, and in light of Vietnamese sensibilities and Vietnamese culture.

PRESIDENT THIEU AS A LEADER

Mr. HAMILTON. Would you give us your impressions of President Thieu as a leader?

Ambassador MARTIN. There have been, I think, enormous misconceptions of President Thieu. I was prepared to dislike him since I do not much care for generals who have become politicians. I found I was wrong. I was never very close to him, although I think he had already heard from some of his Thai colleagues that I was totally and utterly honest and candid. He told me once that he had been told that what I had to say was not always pleasant to hear but that it usually turned out to be right.

I tried, as I always have, to maintain that kind of degree of trust and relationship with him. My own perception of him as a leader was that he was basically, in the context of South Vietnamese culture and traditions, a very good leader. No one has bothered to take a hard look at the land reform program which, no matter what the distortions that were raised back here, was an overwhelming success.

I am not perhaps a good judge of an individual's ability as a politician. But again if I might, without his permission, quote Congressman McCloskey who, on the occasion of the congressional visit listened to President Thieu make an after-dinner speech and observed that it was one or two or three best political speeches he had ever heard in his life, a speech by a statesman.

I think that was perhaps an accurate perception.

Mr. HAMILTON. What kind of instructions did you receive from the State Department with regard to Thieu's resignation?

Ambassador MARTIN. None.

REPORTED EMBASSY PRESSURE

Mr. HAMILTON. It has been reported that the embassy put a great deal of pressure on President Thieu to resign; is that correct?

Ambassador MARTIN. No.

Mr. HAMILTON. In February of 1975?

Ambassador MARTIN. I might, I think in justice to the record, elaborate that just one bit. I have long thought that it is simply a great and usually catastrophic mistake for Americans to think that they can so easily, with our own values, no matter how much of a student we may be or whatever country it is in which we have an interest or which we are serving, understand all that thoroughly what really are the decisions that ought to be made. I have been very chary of doing that.

GREAT AND SMALL POWERS

I think this was best described perhaps in a speech by the Foreign Minister of Thailand some 12 years ago which I think is quoted in a Department of State bulletin about 1966 or 1967, when he said that the American role really showed that the relationships between a great power and a small power could be one of mutual respect for the sovereignty of the other, of total respect for the traditions of each other and that we might give from our abundance such technical aid and assistance that they might decide that they needed, but that our role was not that of an overseer or of determinant of what government or what people should govern but our role was one of friend, counselor if our advice were requested, and faithful ally.

I think it was a great mistake—I don't know the full story of this—to whatever extent that we participated in the overthrow of Diem.

I think that was a mistake. I think that should have been left to the Vietnamese because we destroyed legitimacy at that point and it took a great deal of time to get it returned.

OPPOSITION PRESS ARRESTS

Mr. HAMILTON. Just as a matter of curiosity, shortly after the President made his request for the \$300 million appropriation supplemental military aid, President Thieu closed five opposition newspapers and he arrested some 20 Saigon newspapermen and he called them Communists.

That incident did have an impact on the U.S. Congress.

Ambassador MARTIN. It did indeed.

Mr. HAMILTON. Did you advise, for example, President Thieu at that point, with the supplemental request pending, this kind of action was a very unfortunate action in terms of its impact on the U.S. Congress?

Ambassador MARTIN. I did make that comment. Unfortunately, it was after the fact.

In fact, it did happen. The fact that he was right was irrelevant to the fact that it was the wrong decision to have been made in terms of impact that it would have abroad and here.

Mr. HAMILTON. What do you mean he was right?

Ambassador MARTIN. He was right in the fact that these particular people were Communists.

Mr. HAMILTON. By our definition or his?

Ambassador MARTIN. I think by any definition. Whatever you want to call it, put it another way. These people beyond any particular question, those people, because I did look into it, were closely allied through a system of couriers, et cetera, with the Vietcong.

SURVIVAL WAS AT STAKE

We sometimes overlook the fact what we required of the Vietnamese in a war situation in which their very survival was at stake, was that they observe all the forms that we, ourselves, have found somewhat difficult to observe when we have been in similar difficulties.

I was almost court-martialed during the war when I gave as my impression, my firm conviction, rather, that the removal of the Japanese from the west coast was a shocking disgrace. Now, I thought that and still think that. We do make mistakes, under those kinds of pressures.

Now, in this particular case I don't think there is any doubt that a carefully built-up series of evidence on the arrest of the couriers who had been operating between these individuals and the Viet Cong was clearly established.

Now, that part of it was their decision. I didn't think it was up to us to intervene. I did say it was a most regrettable circumstance to have taken place when it did. Perhaps, as an ironic footnote, it might be noted that after these 5 newspapers were closed, 12 newspapers were left in Saigon. Now, there is only one.

EVIDENCE OF A POLITICAL SETTLEMENT

Mr. HAMILTON. Did we have any reason to think that North Vietnam would halt its offensive and agree to a political settlement if President Thieu resigned?

Ambassador MARTIN. Yes. Did you say credible evidence?

Mr. HAMILTON. Well, did we have any reasonable evidence to believe that, I think were the words I used.

Ambassador MARTIN. There was considerable evidence. There is a question whether or not one could have regarded it as reasonable.

I previously mentioned the fact, as Mr. Solarz did a moment ago about his discussions with Pham Van Ba in Paris, that this was the line being put out really all over the world. It was also the line that was being given by the chief of the Hungarian delegation to the chief of the CIA station, who found it attractive. There was a considerable attractiveness to the hope that that might be true.

Mr. HAMILTON. Did you believe that?

Ambassador MARTIN. No, I did not, but I didn't feel that it was sufficiently totally beyond the realm of the possible even if not probable that we should in any way interfere if this was the course that the Vietnamese elected to take.

NORTH VIETNAMESE INTENTIONS

I never thought that the North Vietnamese had the faintest intention of, in the end, not unifying the two Vietnams under a complete North Vietnamese rule if they could do so. The pretensions that the so-called third force, which basically had no support really within the country, except within the Vietnamese chapter of the worldwide community of alienated intellectuals, could ever really be able to play any effective role, was simply not credible.

Nevertheless, if the transition to General Minh could have been achieved and if it could bring a cessation of the war, that was something with which I thought we should not interfere.

THAILAND'S FUTURE

Mr. HAMILTON. Mr. Ambassador, you served in Thailand for 4 years from 1963 to 1967?

Ambassador MARTIN. Yes.

Mr. HAMILTON. What is your general view today of Thailand's future?

Ambassador MARTIN. Well, I think it would be highly undesirable after an absence of some 8 or 9 years to engage in speculation about something on which my current information is really not all that accurate.

Mr. HAMILTON. Do you favor—

Ambassador MARTIN. I might say I have an enormous respect and admiration for Thai survivability. Any nation which can survive the waves of Dutch, Portuguese, British, and French colonialism and give up a few of the outer provinces of the empire but maintain the center intact—such a nation has a great deal going for it. They do have one enormous advantage over most of the other countries in Southeast Asia, and that is a cultural identity as a nation and total respect for

institutions, principally in this case the institution of the monarchy, which are stabilizing factors.

U.S. AID TO THAILAND

Mr. HAMILTON. Do you believe the United States should aid Thailand?

Ambassador MARTIN. Yes.

Mr. HAMILTON. Assistance against any Communist insurgency?

Ambassador MARTIN. Yes, but not with American soldiers.

Mr. HAMILTON. Economic aid?

Ambassador MARTIN. Economic aid, military aid, but not soldiers. As a matter of fact, the Thais have never wanted American soldiers.

THE TRADE EMBARGO AGAINST VIETNAM

Mr. HAMILTON. Do you favor lifting off the trade embargo against Vietnam that exists today.

Ambassador MARTIN. I have no great feeling about that, Mr. Chairman. Our history as a nation has been that we do not maintain vendettas against people, that we consider the interest of the Nation as an ongoing thing and make decisions in the future which are in consonance with those interests.

I do not think that we have the slightest obligation to do so but I would, under no circumstances, put myself in the position of saying that we should forever refuse to contemplate economic aid. I would hope that in any such conversations someone might bring up the subject of my wife's possessions. [Laughter.]

THE LESSONS OF VIETNAM

Mr. HAMILTON. Mr. Ambassador, we have appreciated very much your appearance this afternoon. We have kept you here for a very extended time. I would like to give you an opportunity to sum up in any way you think appropriate about what you think we may have learned from Vietnam, about what you might have done differently as you look back over your experience there, a general question, in other words, for any comment you want to make for the record.

Ambassador MARTIN. There is much more that could be said, Mr. Chairman, but in summary one might list the principal tasks we had before us in the month of April 1975.

The overriding considerations were to conduct the American actions in Saigon in a way which would:

First, keep clear focus on the crucial priority which was to insure the safe evacuation of the American official family, of all other Americans who wished to go, and of those Vietnamese with whom we had a special relationship and who wished to go.

Second, insure our ability to discharge the first priority by taking all measures to avoid the chaos a panic situation would bring, as we had just seen so graphically in Danang and Nha Trang.

Third, buy time for the President and the Congress to consider and decide on General Weyand's recommendations.

Fourth, buy time for the Government of Vietnam to adjust to those decisions in such ways as might seem to them to be desirable or possible.

Fifth, avoid interference with such transitional governmental arrangements as the South Vietnamese might see fit to take, including negotiations with the other side.

As I said, Mr. Chairman, at the close of my opening statement, I believe future dispassionate historians will record that we did what we set out to do in April 1975.

I don't think I have anything else to add, Mr. Chairman, to what I have said. My statement and, certainly, the very exhaustive list of very pertinent questions that you have, had, I think, elicited most of my opinions.

Mr. HAMILTON. Well, we have a number of other questions, Mr. Ambassador, which we are going to submit, and I hope you will cooperate with the committee in seeing that those questions are responded to in writing for our record.

Ambassador MARTIN. As I always have, I shall be happy to do so. I have the most enormous respect for this committee.

[Responses by Ambassador Martin to other questions submitted by Mr. Hamilton follow:]

AMBASSADOR MARTIN'S RESPONSES TO QUESTIONS SUBMITTED BY MR. HAMILTON

Question 1. Is it true that the South Vietnamese Government knew at least two months prior to March 1975 that it would have to withdraw from the northern provinces if the North Vietnamese attacked there?

Answer. The massive build-up of North Vietnamese forces, that had taken place uninterruptedly since the 1973 Paris Accords, reached dangerous proportions in early 1975. It then became increasingly apparent to the South Vietnamese that a withdrawal must take place unless the United States reversed its action of refusing to supply adequate military aid as it had undertaken to do if South Vietnam would sign the January 1973 Accords which permitted the return of American prisoners from North Vietnam. The South Vietnamese were still hoping in January 1975 ("Two months prior to March 1975") that the United States would keep its commitment.

Question 1 (a). Were there contingency plans for a withdrawal?

Answer. Yes.

Question 1 (b). Is the report (New York Times Magazine, May 25, 1975) correct that an Australian advisor who had drafted such a contingency plan urged the Government to undertake a withdrawal by February 15 before the Communists attacked?

Answer. I have not read the report referred to. However, it is my understanding that the event recorded in the question did take place. This advisor did not believe the United States would furnish adequate military aid. The South Vietnamese still believe, or still hoped, that the United States would keep its commitment.

Question 1 (c). Did the commanders of Military Regions I and II have contingency plans for a withdrawal? Did the U.S. Defense Attaché's Office have any role in developing such contingency plans?

Answer. I assume they did. The U.S. Defense Attaché Office had no role in developing these contingency plans.

Question 1 (d). How would you evaluate President Thieu's leadership in directing the withdrawal? Did Thieu direct the withdrawal?

Answer. I am not a military man. I have been told that the plans for the withdrawal were not coordinated and explained in sufficient depth to the Vietnamese staff. Although this was regrettable, I understand the security reasons for not doing so. The answer to the last sentence is that only the President of Vietnam had the authority to issue such a directive.

Question 1 (e). Did President Thieu notify the Embassy before he ordered this withdrawal?

Answer. I was in Washington at the time the order was given. President Thieu did not notify the Embassy before the order was given.

Question 2. Robert Shaplen reported in the April 21, 1975 issue of the New Yorker that in December 1974, following the visit to Hanoi of a high-level Soviet military mission, the Soviet Union pledged to increase military aid to North Vietnam fourfold in order to support Hanoi's planned offensive against South Vietnam.

a. Is this correct?

Answer. It is correct that Shaplen made both the assertion and the connection between the visit and the quadrupling of the military aid levels. I believe it to be true that Soviet aid had increased even beyond this level, and had done so before the December 1974 visit of the Soviet mission to Hanoi. Intelligence analysts, admitting the increase in aid, have stated that such an increase could not be directly correlated with the December visit.

Question 2(b). Did the Embassy have knowledge of Soviet intentions following the Soviet military mission's visit?

Answer. The Embassy was aware in the early fall of 1974 that the Soviets had advised Hanoi to "go for broke" since support for keeping our commitment to the South Vietnamese had irretrievably eroded in the Congress.

Question 2(c). If yes, from what source?

Answer. From a synthesis of various sensitive intelligence reporting, ranging in time both before and after the December 1974 Soviet Mission to Hanoi.

Question (d). If so, why was this not brought to the attention of Congress and the public when the Administration requested additional aid to South Vietnam?

Answer. Frankly, I have no idea. If it was not, it most certainly should have been.

Question 3. You stated in Congressional testimony in July 1974 that the South Vietnamese armed forces could handle the North Vietnamese, provided the United States continued to replace military supplies on the one-for-one basis permitted by the cease-fire agreement.

a. In your view, how well did the United States do this?

Answer. It is a matter of cold, hard statistical records that the United States did not replace military supplies on the one-for-one basis permitted by the January 1973 Paris accords in any category.

Question 3(b). Was the United States obligated to do this?

Answer. In the euphoria following the 1973 Accords and the return of the American prisoners-of-war, there was no argument from any source I can recall that we did not have such an obligation.

Question 3(c). What level of military aid would have allowed one-for-one replacement?

Answer. About \$1.8 billion in FY 1975 would have provided a barely satisfactory replacement, but not a one-for-one replacement.

Question 3(d). Was Saigon's problem as much spare parts and maintenance as it was one-for-one replacement needs?

Answer. Saigon's essential needs were for items which would permit the RVN Armed Forces to "move, shoot, and communicate". Spare parts and maintenance were, as always in war, a problem, but not a fatal one. The lack of the essential elements was fatal.

Question 4. How would you assess the impact in South Vietnam of President Nixon's resignation in terms of the Vietnamese perception of the prospect for continued U.S. support?

Answer. The resignation of President Nixon had a serious impact, of course, but not nearly as serious as the reduction by four-fifths in the purchasing power of the FY 1975 appropriation.

Question 4(a). Was President Nixon's exit from power perceived as a signal that the U.S. commitment would decline?

Answer. Coupled with the simultaneous catastrophe of the appropriation, it was certainly so perceived.

Question 5. Do you believe that the Thieu Government was wise in breaking off the political negotiations with the Vietcong's PRG in April 1974?

Answer. No, although I understood the seriousness of the provocation which caused that action.

Question 5(a). Did President Thieu inform you before he acted?

Answer. No.

Question 5(b). If so, what advice did you give him?

Answer. If asked, I would have most certainly advised against it.

Question 5(c). In your opinion, would North Vietnam have decided on a 1975 military offensive if the talks had continued?

Answer. Yes.

Question 6. During the two years following the Paris cease-fire agreements, it was often charged that President Thieu was the chief obstacle to a negotiated political settlement with the Communists.

a. What is your view of this charge?

Answer. The charge is meaningless. Precisely the same charge would have been made against any strong leader. The proof is in the record of what did actually happen. If the North Vietnamese would not negotiate even with General Duong Van Minh, it would be hard for even the most credulous supporter of North Vietnam to argue that they would have negotiated seriously with any stronger leader of South Vietnam.

Question 6(b). How did you assess the political talks between the Thieu Government and the Provisional Revolutionary Government which were carried on intermittently in Paris?

Answer. The talks provided a most useful propaganda forum which was exploited to the fullest by the North Vietnamese. To them it provided the opportunity to successfully employ the oldest of the Communist tactics "talk, talk-fight, fight". The South Vietnamese, for whom the full implementation of the 1973 Paris Accords would have been very beneficial, were prepared to negotiate. The other side was not. If the talks could have been confined to only the southern elements of the so-called PRG and the RVN, perhaps, just perhaps, an agreement might have been reached. But, of course, the so-called PRG never had a real separate identity, as the world was clearly shown on May 1, 1975, when it, along with General Minh's government and the so-called "third force", were all swept into the dustbin of history as the North Vietnamese took over.

Question 7. By the first week in April 1975, North Vietnamese forces had occupied nearly two-thirds of South Vietnam. Six of South Vietnam's 13 combat divisions had disintegrated or had been destroyed.

Answer. The situation in the first week of April was not quite as the question poses it. About one-third of the military forces in Military Regions I and II had made their way to the South. They were being reformed into new units or incorporated into existing ones. As their incredible bravery showed at Xuan Loc, where they chewed up elements of two North Vietnamese divisions, the will to fight was still there. The munitions and the weapons were lacking. It was not until April 19, the date by which President Ford had asked the Congress to act, passed without affirmative action, that South Vietnamese morale began to fade.

Question 7(a). At that time were there any recommendations from the Embassy staff to you that evacuation should begin?

Answer. Before I left Washington in late March there had been agreement that we would, as quickly as possible, thin down the official American presence as much as we could without destroying the ability of the Mission to get out the rest of the American community.

There were no recommendations from any element of the U.S. Mission in the first week in April that we would "begin evacuation" in the sense of an immediate American pullout, which is what the word "evacuation" usually means. There was no disagreement that we accelerate our "thinning out" as rapidly as possible.

Question 7(b). What was your assessment at that time of the need to begin evacuation?

Answer. My assessment at that time (the first week in April) of the need to begin "evacuation" was conditioned by General Weyland's assessment of the ability of the South Vietnamese forces to continue a successful resistance if adequate military aid could be supplied in time. I certainly would not have presumed to question his military assessment that, if adequate military supplies could be immediately forthcoming, the South Vietnamese still had a chance to stabilize the vastly shortened military defense line. Nor would I have presumed in the first week in April to have preempted the President's decision on General Weyland's recommendations, or the Congress' reaction to whatever recommendation the President might make to the Congress. Additionally, I believe there would be general agreement that it would have been a final act of dishonor to have our precipitate actions foreclose whatever possibilities the South Vietnamese might envisage in the way of negotiations if they should elect to follow that course.

Question 7(c). Were any U.S. military officers in Vietnam recommending evacuation in the first week in April?

Question 7(d). What recommendations did you receive from the CIA?

Answer. As I have stated above, I can recall no recommendations from any senior officer in DAO or CIA that we should immediately begin "evacuation".

There was also no disagreement that we should accelerate the process of "thinning down" the official American presence as rapidly as possible.

Question 8. In April 1973, the Second Secretary of the Embassy in Saigon informed the Senate Subcommittee on Refugees that of some 22,000 civilian prisoners in South Vietnam, 12,000 were "communist-related detainees" and an estimated 500 to 1,000 were "noncommunist dissidents" who opposed the Thieu Government.

Answer. As I have previously reported to this Committee (page 21 of the hearings on July 31, 1974) the figure of 500 to 1,000 detainees classified as "non-Communist dissidents" was, as indeed your question clearly recognizes, an estimated figure for which there was no documented proof.

Question 8(a). Concerning the latter group, did the Embassy maintain a close watch over the conditions of their imprisonment?

Answer. It should be recalled that the Congress had eliminated the police and prison advisory functions of the U.S. Aid Mission in Vietnam, an action which foreclosed any ability to "maintain a close watch" over any prisoners or prison conditions except through intelligence channels. These were not really an effective substitute.

Question 8(b). Why did the Thieu Government hold many of these people for long periods without trial?

Answer. The RVN, in accordance with its "An Tri" procedures, did hold certain of its citizens in preventive detention. It should be noted that those provisions were remarkably similar to the preventive detention laws of the District of Columbia. The purpose of the RVN was to try to ensure its survival, a purpose which was not realized. I suppose it was the same purpose which led the United States to detain certain of its citizens of Japanese ancestry during World War II.

Question 8(c). Did you ever urge South Vietnamese officials to bring "non-communist dissidents" to trial in open, civilian courts?

Answer. Yes, repeatedly, as I also opposed the actions of the United States in World War II as referred to above. I happen to hold to standards which I am unable to apply selectively, which seems to be the current fashion. This may be hopelessly old-fashioned but I have no apology. During the course of these hearings I was asked if I opposed economic aid to a Vietnam which, of course, will soon be a unified Vietnam under Hanoi. I indicated that future decisions should, I thought, be determined in accordance with future appraisals of whether it would be in United States interests to do so. I said I certainly saw no obligation to do so. In reality, it seems to me that any present discussion of economic aid to Vietnam would be only an academic exercise unless this Committee intends to apply its concern for "human rights" selectively and not universally, a course I would not believe to be possible. There is, quite obviously, no way that Vietnam could presently qualify for economic aid under the criteria I understand some members of this Committee advocate linking the observance of elemental "human rights" to economic aid. I believe this Committee would share my belief that the denial of "human rights" by any regime, whether of the right, center, or left, is to be equally condemned. While one may question the usefulness of the "linkage" concept, anything other than an impartial, even-handed, non-selective application of such criteria would be a course of action I would not believe this Committee would ever take.

Question 9. Who made the decision to install General Duong Van Minh as President on April 27?

Answer. The decision to install General Duong Van Minh as President was made by President Huong, who had succeeded President Thieu, with the concurrence of both Houses of the Parliament of the Republic of Vietnam.

Question 9(a). What results were expected from Minh's assumption of power?

Answer. Presumably, the Vietnamese were hopeful that this action would permit negotiations leading to the preservation of an independent South Vietnam, neutralized and demilitarized, but still independent.

Question 9(b). Had the Embassy or State Department received any word from Hanoi that it would be willing to negotiate some sort of political arrangement with Minh?

Answer. To the best of my knowledge, the Department of State received no direct communication from Hanoi to this effect. The Embassy in Saigon, of course, had no direct communication with Hanoi at any time.

Question 9(c). During this period, what evaluation did the CIA give you concerning the chances of a cease-fire and a political arrangement that would have permitted an orderly evacuation?

Answer. The CIA station within the U.S. Mission in Saigon, based on its contacts with the Communist delegations to the ICCS, did indicate to me that such a possibility might exist.

Question 9(d). Did the USG at any time toward the end of April consider encouraging the Government of South Vietnam to arrange a political capitulation with the North Vietnamese?

Answer. That was a decision only the South Vietnamese could take. Under the circumstances, it seemed to me, and I suspect to any dispassionate and objective observer, that the United States had forfeited what rights it may have ever had to give advice to the South Vietnamese. Since leaving Saigon, I have had indications that such a course was broached to Washington by the CIA Station Chief. I have had no intimation that this suggestion was ever seriously considered in Washington.

Question 10. Did the U.S. Embassy contact Rev. Thanh's coalition of generals, politicians, and intellectuals in an attempt to have the coalition sponsor anti-Thieu demonstrations following Thieu's fall on April 21, 1975?

Answer. No. Such an action would have been despicable. It would have also been stupid, since Father Thanh's group was a joke. It had no influence with anyone in Saigon not comprehended within the limitless vanity of its own tiny congruent circle.

Question 10(a). Did the U.S. Embassy make other covert attempts to influence South Vietnamese individuals or groups to take actions against Thieu?

Answer. There is now some evidence that some low-level contacts were made by the CIA station. These were made without authorization from me or from Washington and were immediately discontinued. It was my belief that any such move would, as it had at the time of Diem's overthrow, destroy the slender thread of South Vietnamese legitimacy. Whether Thieu stayed or departed was a Vietnamese matter, as I had held since I came to Saigon. It was a matter to be decided by the Vietnamese in light of their own perception of what course might best serve Vietnam. It was a question in which Americans should intrude only if they were prepared, and able, to take appropriate responsibility for the outcome. In April 1975 it was very clear to me, at least, that the U.S. was not prepared to assume such responsibility.

Question 10(b). What were these actions?

Answer. See above.

Question 11. Secretary Kissinger stated on May 5, 1975, that the Soviet Union played "a moderately constructive role in enabling us to understand the possibilities for evacuation, both Americans and South Vietnamese, and for the possibilities that might exist for a political evolution."

a. What do you know about the Soviet role in the negotiations during the second half of April?

Answer. My knowledge was confined to that expressed earlier in this hearing, that is, the Soviets had informed the United States that Hanoi would not militarily interfere with our evacuation.

Question 11(b). Do you agree with Kissinger's evaluation?

Answer. Yes.

Question 12. During the period prior to Minh's assumption of power, did the French Embassy in Saigon advise you that if Minh replaced Thieu, the Communists would be willing to work out a political arrangement with Minh rather than seek a total military victory?

Answer. I think it might be more accurate to say that the sense of the question reflected the hope of the French that that was what would come to pass.

Question 12(a). If so, where did the French get this information?

Answer. Most Governments, including our own and that of France, are extremely chary about revealing their sources. The correct answer is that I did not know where the French got this information.

Question 13. Secretary Kissinger stated on May 5, 1975, that until April 27, the United States had "considerable hope" that North Vietnam would not seek a purely military solution but would agree to a "negotiated solution" with Duong Van Minh. What factors caused U.S. officials to have such expectations?

As the answer to this question may involve consideration of information not available to me in Saigon, I have asked the Department of State to supply this answer. It follows:

"The Secretary made this statement in the course of his press conference of April 29, immediately following the evacuation of Saigon.

"These expectations were based on a reading of messages and public statements from the Communist side and on actions by the Republic of Vietnam side in the weeks before the fall of Saigon.

"As the Secretary stated on April 29, we had dealt with Hanoi and the PRG through different intermediaries and had been in a position to put in our views and to receive responses from the other side. He noted in particular (in a May 5 interview) that the Soviet Union played during the final weeks 'a moderately constructive role in enabling us to understand the possibilities there were for evacuation, both of Americans and South Vietnamese, and for the possibilities that might exist for a political solution.'

"During the latter part of April the Republic of Vietnam moved rather rapidly to comply with Communist demands or conditions for a political settlement. During March and early April Hanoi had demanded the resignation of President Nguyen Van Thieu. This occurred on April 21. The Communists then asked for the removal of his successor, specifying that General Duong Van Minh would be acceptable and a person with whom they would be prepared to talk. This demand was met and General Minh was accordingly sworn in as President. In the meantime, Saigon complied as well with other demands, despite the fact that the demands escalated literally with every passing day.

"However, as the Secretary noted in his April 29 press conference, for reasons which were unclear the North Vietnamese changed their signals on the night of April 27 and appeared to shift suddenly to a military option. The possibility for a negotiated settlement was thus ruled out. On April 30 Communist forces occupied Saigon and General Minh was obliged to surrender the Government and its armed forces unconditionally."

Question 14. With regard to the efforts between April 19 and 27 to work out a political settlement with the Communists, involving changes in the Saigon government, what role did the Polish and Hungarian delegations to the International Commission for Supervision and Control play?

Answer. My impression was that the two delegations referred to were somewhat stunned by the pace of events between April 19 and 27. It was my further impression that their role, as much as was possible at that stage, was designed to be helpful.

Question 14(a). Did they transmit messages from the North Vietnamese to the Embassy?

Answer. They transmitted no direct messages, as such, of which I was aware.

Question 14(b). Did they provide the Embassy with any "interpretations" of Hanoi's policy toward a political arrangement?

Answer. Most certainly. Such "interpretations" by one of them were furnished almost on an hourly basis.

Question 14(c). If so, what did they tell the Embassy?

Answer. My impression was that one of them was simply hopelessly behind the curve of the events then unfolding or was trying to provide a deception center in its insistence that a "Minh" government would be acceptable to Hanoi and that a negotiated solution might still be possible. The other delegation was much more cautious, correct and professional.

Question 15. The U.S. government did not cancel the economic assistance commodity pipeline until after the final evacuation of U.S. personnel on April 30, although the commodities had stopped moving weeks before. As a result, significant unrecoverable costs were incurred, such as costs incurred by U.S. shippers, shipping costs for undelivered goods, losses on sales of vested commodities, etc. Why wasn't the economic assistance commodity pipeline (AID and PL 480) terminated or at least reduced at an earlier time?

Answer. I assume the decision to continue the "economic assistance commodity pipeline" was taken on the assumption that our provision of economic aid was to the people of a free Vietnam, rather than to a particular individual or a particular government of a free Vietnam. It would have been impossible to determine accurately in advance whether the government of President Huong would last, or whether the government of President Minh would be permitted to last. In either case, the continuation of economic aid would have been a humanitarian contribution. In question 13 above, Secretary Kissinger has been quoted as saying that until April 27th, the United States had considerable hope that North Vietnam would not seek a purely military solution but would agree to a negotiated solution with Duong Van Minh. I believe it was that hope that led to the decision not to cancel the economic assistance commodity pipeline. I think it was the

right decision under the circumstances. If the pipeline had been terminated or reduced at an earlier time, and then reinstated when the "considerable hope" had been realized, the costs would have probably been much greater.

Question 16. On April 28 U.S. AID officials were informed by the U.S. Embassy in Saigon that there would be ample time for consolidating and removing records. On the next day all U.S. personnel were evacuated and the records were left behind. As a result AID has since encountered serious problems in closing out Vietnam contracts, particularly host country contracts.

a. Why was it that AID and other U.S. agencies in South Vietnam were not instructed to phase-out their operations and get their records out sooner?

Answer. I think the considerations recorded in the immediately preceding answer are applicable here.

Question 16(b). Why couldn't the civilian agencies have gotten their records out in advance as did the military on its own?

Answer. It is not quite correct to say that the military got their records out on their own implying that this was a decision and action unknown to me. It must be recalled that we knew by April 20 that the President's request for the military aid recommended by General Weyand would almost certainly be negative. It was, therefore, apparent that even under a "negotiated solution with Duong Van Minh" continuance of military aid was no longer possible. Therefore the movement of military records by DAO to its next superior military echelon, USSAG, was accelerated. Now the situation was not at all that clear with respect to economic aid and the other functions of the U.S. Mission in Saigon. Until the 28th of April we were under instructions to be prepared to maintain an on-going U.S. Mission in Saigon, if Washington decided that U.S. interests would be served by maintaining relations with a Minh government. It should be borne in mind that, although Hanoi consistently opposed military aid, it just as consistently favored continuation of economic aid.

Question 17. During the evacuation the Communist forces, poised near the city to take Saigon, launched a rocket attack at Tan Son Nhut Airbase which prevented evacuation by transport planes, but reportedly did little else to impede the evacuation.

a. Why do you think they chose not to undertake other major action?

Answer. Because Hanoi could have not have been certain that the United States response to "other major action" would not have been far more costly than any possible gain from seriously interfering with our orderly evacuation.

Question 17(b). How would U.S. military forces have had to respond in the event of a larger Communist action against the evacuation?

Answer. Since I am a non-military man, that question would best be answered by the Pentagon.

Question 17(c). Would not a greater Communist effort have created an untenable situation?

Answer. Yes, but Hanoi had undertaken not to do so and this was an undertaking which Hanoi would almost certainly perceive to be its advantage to keep. I was, therefore, rather certain they would do so.

Question 17(d). Did the withdrawal of records and material from Tan Son Nhut precipitate the North Vietnamese attack on the airbase?

Answer. The withdrawal of "records" and American personnel was not, in my opinion, influential one way or another. What was decisive, in my opinion, was the movement out of Tan Son Nhut of significant elements of the Vietnamese Air Force. The North Vietnamese, of course, had expected to absorb such material. The rocketing on the morning of April 29 of the airbase was designed to interdict any such movement. It did so. It also made impossible the fixed wing airlift we had planned for April 29.

Question 18. Can you tell us what advice you gave Deputy Assistant Secretary of Defense Erich von Marbod when he saw you on the morning of April 28 concerning the evacuation of U.S. military equipment from the Saigon area?

Answer. I repeated the request I had previously made to Mr. Von Marbod that we do nothing that would degrade the capacity of the South Vietnamese Armed Forces to resist as long as they had the will and capacity to do so. Obviously, no capability, actual or potential, remained on April 28th to defeat the North Vietnamese Forces. However, the South Vietnamese Armed Forces did provide a significant bargaining chip in any negotiation the Minh government might be able to undertake if, in fact, the North Vietnamese would permit meaningful negotiations. Mr. Von Marbod listened and indicated that he understood. Mr. Von Marbod had encountered considerable unhappiness that so much material

had been lost in MRs I and II. I later learned that after the bombing run on the airbase, he went to Air Marshall Ky and persuaded him to influence the Commander of the Vietnamese Air Force to fly out a considerable portion of serviceable planes that afternoon. The net result seems to have been a breakdown of discipline on the airbase. The severe rocketing of the airbase the next morning to forestall any further removals was also a consequence. It made impossible the planned fixed wing airlift on April 29th, at the close of which we expected to have totally evacuated the DAO, leaving a much smaller helicopter extraction for the few remaining Americans.

Question 19. What was your relationship with the Defense Attachés' Office and the CIA office in South Vietnam?

Answer. When serving as an Ambassador, I am not the representative of the Department of State, but of the President. All elements of the United States Mission, including State, USIA, DOD and CIA were equally under my authority as a means of ensuring that, within the country to which I was accredited, all elements conformed to the President's policy. Both the Defense Attaché and the CIA Station Chief understood this and the relationships were good.

Question 19(a). Did you review and approve messages sent by these agencies to Washington?

Answer. No. However, when an important policy question was involved in a message it was routine that it would be brought to me, not for approval, but to provide the opportunity for me to add simultaneously a differing appraisal, if I chose to do so.

Question 20. When you assumed the Ambassador's post in Saigon, were you aware of International Red Cross reports describing cases of brutality inflicted by South Vietnamese authorities against Communist POW's in the camps at Phuoc Island and Quinhon?

a. Did you at any time discuss this situation with South Vietnamese officials?

b. Did you discuss the situation at any time with International Red Cross officials? When?

c. To your knowledge, did the situation at the camps improve?

Answer. Before going to Saigon, I had visited the Geneva Headquarters of the ICRC, an organization with which I had had a long and intimate relationship. I had been Chief of the U.S. Mission in Geneva, and had served as the Chief of the U.S. Government Delegation to the XXI World Conference of the Red Cross in Istanbul in 1969. I believe the reports in question are a very small number extracted from a large body of generally favorable ICRC reporting on POW's in South Vietnamese POW facilities and the treatment which prisoners received. Agreement and my arrival in Saigon.

As the Committee is aware, the Republic of Vietnam cooperated with the ICRC in permitting the inspection of its POW facilities. Prior to the signing of the Paris Agreement and the prisoner exchanges pursuant to it, there had been over 600 inspections of POW facilities in South Vietnam by some 40 different ICRC delegates and doctors over a seven-year period. In contrast, Hanoi declined ever to permit ICRC visits or inspections of its POW facilities.

The vast majority of these reports reviewed favorably the condition of the South Vietnamese POW facilities and the treatment which prisoners received. Criticisms or recommendations did not involve, as a rule, basic problems in the treatment or welfare of the prisoners. Observations and criticisms by the ICRC concerning conditions in the prisons were brought to South Vietnamese attention, and corrective action was immediately undertaken by the South Vietnamese and U.S. officials concerned.

It would not be surprising that over such a long period, involving numerous and very complete inspections, isolated incidents of improper treatment would appear. But I believe that all such incidents dealt with in ICRC reporting would have been acted upon and corrected at the time.

As the Committee is also aware, Article 8(a) and the related Protocol of the Paris Agreement called for the return of all captured military personnel of all sides within 60 days of the signing of the Agreement—that is, no later than March 29, 1973. The Republic of Vietnam complied with its obligations by March 25 of that year, releasing all 26,746 Communist military personnel it detained. By contrast, the Communists released only 5,246 South Vietnamese military personnel. They also refused to account for over 26,000 other South Vietnamese personnel whose names the Saigon side provided to Communist representatives. The fact that the Communist side kept a number of these per-

sonnel was evidenced by subsequent releases of South Vietnamese prisoners over the next several weeks (e.g., 23 near Kontum April 10; 12 in Quang Tin Province April 11; and another 29 in Kontum Province April 17).

With the signing of the Paris Agreement and the prisoner exchanges in the Spring of 1973, the ICRC discontinued its inspections of South Vietnamese POW facilities. My arrival in Saigon, of course, did not take place until July 1973.

Question 21. In February 1974, the State Department told the General Accounting Office that it would not be able to investigate the treatment of "political prisoners" in South Vietnam.

a. Did the Department ask your views on the GAO request?

Answer. Yes.

Question 21(b). If so, what did you recommend and why?

Answer. I recommended strongly against it. The request to the GAO was not a serious request but part of a transparent propaganda exercise. This fact was recognized and bitterly resented by GAO officials both in the field and in Washington, who regarded it as a prostitution of their legitimate functions. The investigation was in fact carried out, but wholly within United States channels. The whole question of political prisoners was the subject of an exhaustive survey which was reported to the Department of State in Saigon Embassy's Airgram #296 of December 26, 1973, a copy of which is included in the Senate Foreign Relations Committee's hearings of July 25, 1974, page 468.

Question 22. In April 1974, you wrote a letter to Dr. George Weber, President of the New York Theological Seminary, in which you stated that you had asked Weber to use his great "influence" in Hanoi to persuade North Vietnamese officials to cease the shelling and rocketing of South Vietnamese villages. What led you to believe that Dr. Weber had "great influence" with North Vietnamese officials?

Answer. Dr. Weber, as President of the New York Theological Seminary, is a well-known and respected American figure and "one of our leading Protestant theologians". This alone, I would have thought, would give him "great influence" in Hanoi. As the son of a clergyman myself, I would have thought Dr. Weber's position and reputation would give him "great influence" in any capital in the world. Dr. Weber was also, I understand, a close associate of Don Luce, whose frequent visits to Hanoi would indicate to most observers that he was well and favorably known there.

These two factors, in combination, did indeed convince me that it was logical to assume that Dr. Weber had "great influence" in Hanoi. It is still a matter of great personal regret that I could not convince Dr. Weber to at least make the effort to persuade North Vietnamese officials to cease the shelling and rocketing of South Vietnamese villages. Since Dr. Weber came to Saigon with a letter from the Chairman of another Subcommittee of this Committee, he was, as he himself has said, treated with great courtesy and respect. I reported to the Committee on February 18, 1974, the full details of my conversations with Dr. Weber (see pages 445-475 of the hearings of July 25, 1974, of the Senate Foreign Relations Committee on S. 3394.)

Question 23. On April 18, you apparently signed a \$1 million contract with Continental Airlines for a flying contract involving Cambodia. Yet, Phnom Penh had surrendered to the Communists on April 17. What was the purpose of this contract and why did you sign it?

Answer. For considerably more than a decade, air services essential to the operations of U.S. Missions in Southeast Asia had been provided by Air America, a proprietary company owned by the CIA. Under Congressional pressure for the CIA to divest itself of such proprietary companies, a decision had been made for the dissolution of Air America. The contract with Continental Air Services, Inc., a subsidiary of Continental Airlines, was entered into to provide services still essential after the departure of Air America. The contract included, during this long negotiating period, services which Continental Air Services had previously provided in Cambodia as well as those performed by Air America in Vietnam. This is the reason for the involvement of Cambodia in the contract. I did not sign the contract, although I was aware of it and had approved the selection of Continental. The details of the contract were determined by the appropriate administrative authorities in the United States Mission, one of whom actually signed the contract.

Question 24. In your statement, you note that the greater part of Americans were in the employ of the Defense Attache Office. Who had the authority to order the evacuation of these DAO employees?

Answer. The DAO, as I have noted above, was an integral part of the United States Diplomatic Mission. I had the authority to order evacuation of DAO employees when there was an imminent danger to American lives.

Question 25. In early April of 1975 the State Department reportedly arranged with Pan American Airline for expanded air service from Saigon to evacuate people on a gradual basis by means of regular commercial flights. At the Department's request, Pan Am had an extra plane standing ready on Guam for the evacuation and used jumbo jets for some of its regular flights out of Saigon.

a. Did the U.S. Embassy in Saigon notify Pan Am on April 14 that the extra plane which the State Department had requested was not to be used? Is so, why?

b. Why were the regular Pan Am flights not filled to capacity to evacuate U.S. personnel and South Vietnamese nationals?

Answer. Although it has been pointed out before, the fact that the Government of Vietnam had refused to grant exit permits for Vietnamese nationals seems to have been totally forgotten. This was an element that seriously affected the ability of the Mission to move out Vietnamese nationals. Civilian airlines could take out only those permitted to board the aircraft through normal airport exit formalities. Only a handful of Vietnamese nationals, usually not those in whom we had a particular interest, were able to secure exit permits. By 15 April the DOD had in place a military airlift that was moving out several thousand each day—as many as we could move through a screening process operating at the DAO compound. Under the circumstances, Pan Am could really move out only Americans. We were moving out through the military airlift all the Americans who could leave. Therefore, the extra Pan Am flights were not needed and Pan Am was so notified.

Mr. HAMILTON. We do thank you for excellent testimony, and for an extended period. You have been very helpful.

The subcommittee stands adjourned.

[Whereupon, at 5:50 p.m., the subcommittee was adjourned, subject to the call of the Chair.]

APPENDIX I

BIOGRAPHY OF GRAHAM A. MARTIN

Graham Anderson Martin, of Thomasville, North Carolina, was sworn in on June 24, 1973 as United States Ambassador to the Republic of Vietnam. Mr. Martin who served as U.S. Ambassador to Italy from October 1969, succeeded Ambassador Ellsworth Bunker.

Born in Mars Hill, North Carolina, September 22, 1912, Mr. Martin is a graduate of Wake Forest College (1932). He served as a newspaper reporter in North Carolina and later as Washington correspondent for several Southern newspapers. In 1933, he joined the National Recovery Administration where he served as an Aide to then Deputy Administrator Averell Harriman. He later held executive posts with the Social Security Board and the Federal Security Agency. During World War II, he was a Colonel with the U.S. Army overseas.

Mr. Martin entered the Foreign Service in 1947 and has held such assignments as Assistant Chief of Mission in Paris; Faculty Advisor of the Air War College; Special Assistant to the Under Secretary for Economic Affairs; Special Assistant to the Under Secretary; U.S. Representative to the European Office of the UN and other International Organizations, with the personal rank of Ambassador; and U.S. Representative at the 16th Session to the Economic Commission for Europe, Economic and Social Council of the UN. During this assignment, he was also ex-officio member of the U.S. Delegations to the Laos Conference and the Disarmament Conference.

In 1963, Mr. Martin was promoted to the permanent rank of Career Minister, was appointed U.S. Ambassador to Thailand, and U.S. Council Representative to the Southeast Asia Treaty Organization and U.S. Permanent Representative to the UN Economic Commission for Asia and the Far East. He was Deputy to Secretary Rusk at the SEATO Council meetings in Manila, London, Canberra and Washington. In 1967, he won the Department's Distinguished Honor Award, and the same year became Special Assistant to the Secretary of State for Refugee and Migration Affairs. Ambassador Martin is married to the former Dorothy Wallace and they have two daughters (Janet Ann and Nancy Carol) and a son (David A. M.).

APPENDIX 2

LETTER AND REPORT ON "EVACUATION FROM SOUTH VIETNAM" BY CONGRESSMAN NORMAN Y. MINETA AND HIS STAFF

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 11, 1976.

HON. LEE H. HAMILTON,
Chairman, Subcommittee on Investigations,
House International Relations Committee.

DEAR MR. CHAIRMAN: The attached section of our report on the evacuation of Americans and Indochinese refugees from South Vietnam is hereby presented for the use of you and your Subcommittee.

As you can see, our account of the events surrounding the evacuation efforts differs in some respects from the account of former Ambassador Graham Martin, in the testimony presented before your Subcommittee. Our account is based on information gathered by my staff and me, and is, to the best of our knowledge and limited ability to verify such data, an accurate portrayal of those events; I would be most willing, should you request it, to provide you and your Subcommittee with all the raw data on which we based our findings, and a list of names, addresses, and positions of our sources.

Your Subcommittee is free to make whatever use of this material it wishes.

Sincerely yours,

NORMAN Y. MINETA,
Member of Congress.

EVACUATION FROM SOUTH VIETNAM

(The following is a deleted section from the original October 1, 1975 report on the evacuation and resettlement program by Congressman Norman Y. Mineta, Leslie Francis, Patricia Giniger, Paul Schoellhamer, and Larry Low)

Many of the management difficulties being experienced in the refugee program can be traced back to the Administration's mismanagement, and an acute lack of leadership in the evacuation from Vietnam.

Throughout the last few weeks in March and the first few weeks in April, the State Department's Indochina Task Force and the Justice Department's Immigration and Naturalization Service (INS) operated on a "policy-by-crisis" basis in admitting the refugees into the United States. The Attorney General used his "parole authority" for evacuees from Indochina—including hundreds of Southeast Asian "orphans" and 1,200 Cambodians. As a result, planes of refugees often mysteriously appeared on Guam or even in the U.S. without any forewarning or preparation.

This was the case with a planeload of 150 Vietnamese who suddenly appeared at the Los Gatos (California) Christian Church in early April. According to the INS Regional Office in San Francisco, neither that office nor the INS headquarters in Washington, D.C., had any idea where these refugees had come from, other than the obvious fact that they were from Southeast Asia. Neither office had received any advance warning; neither office knew if this was an isolated planeload, or the first of many; and finally, the regional office had received no directives from Washington regarding what should be done with this group or any other group that had arrived or that might be arriving.

During this period, there was no operative policy determining (1) how evacuations would be conducted, (2) who the U.S. should be evacuating or in what sort of priority, (3) what should be done to or for the refugees once out of Vietnam, and (4) what agency, if any, would, in fact, be responsible for the refugees once they arrived in the U.S. Decisions which should have been made

in compliance with a coherent policy were, in the absence of effective leadership, being made on an *ad hoc* basis. For example, the "orphans" sent out during this period turned out, in many cases, to have not been orphans at all, but rather the children of Vietnamese who had access to or influence at the U.S. air bases involved.

In an attempt to bring order to the efforts to evacuate and relocate an unknown number of refugees, President Ford on April 18 appointed former Ambassador L. Dean Brown to head the Interagency Task Force (IATF), a body created to coordinate our efforts in Southeast Asia, as they related to refugee problems. The IATF, composed of representatives of thirteen government agencies¹ was charged by the President with the responsibility of coordinating all U.S. Government activities concerning the evacuation and resettlement efforts.

However, two days after the establishment of the IATF, the military situation in South Vietnam rapidly deteriorated. To the limited extent that any Americans were in charge of events during that last week in April, one would have to assume they were in such agencies as the Military Airlift Command, the U.S. Embassy, the Defense Attaché Office, and the State Department. The Task Force never really influenced the evacuation from Vietnam.

During the final weeks of U.S. involvement in Vietnam, there were conflicting reports from the IATF, the INS, and the State Department as to how many refugees would be arriving on our shores. Some early estimates mentioned in the news media were as high as 600,000 to 1,000,000 persons. Because there was no operative policy for the evacuation, numerous companies began private evacuation efforts utilizing commercial and chartered airlines, completely apart from and uncontrolled by either the IATF or any other agency of the U.S. Government. The First National City Bank, the American Express Company, and World Airways were just a few of the many companies which transported Vietnamese to the U.S. during this period. Because of the failure of the State Department, INS, or the IATF to coordinate or even monitor these efforts, no accurate records were kept on the number of refugees actually arriving in U.S. territory, nor were there any accurate estimates of the number of potential evacuees.

The uncertainty surrounding the total number of refugees added to the difficulties of creating refugee camps and programs. This uncertainty was caused primarily by the fact that many Vietnamese—especially employees of the U.S. Government—did not leave until the last minute. I believe that the main cause of the slow departure can be attributed to one person—Ambassador Graham Martin. It was Martin who refused to recognize until the last days of April the imminent collapse of the South Vietnamese regime, thus guaranteeing that the final evacuation would be chaotic, lacking organized and rational planning.

Following the bombing of the Presidential Palace in Saigon on April 8, the State Department cabled Martin to inform him of the categories of Vietnamese nationals who would be eligible for parole into the U.S. These categories included those who were:

- (1) past or present employees of the U.S. and their families;
- (2) high ranking officials;
- (3) Vietnamese relatives of U.S. citizens;
- (4) any others with a "high risk" of being targets for reprisals by the Communists.

During these early stages of the battle of Xuan Loc, on or about April 9, the State Department cabled Martin requesting details of Thieu's plan for the military defense of Saigon. Urgent cables followed throughout early April from State to Martin requesting information concerning Martin's evacuation plan and concerning the situation on the battlefield.

Despite these cables, and the daily losses of territory, troops, material, and morale by the ARVN, the reaction of the Embassy, as depicted by several independent sources present at the time, was that the Thieu regime was not going to fall. According to an American who attended Embassy briefings in April, Deputy Chief Wolfgang Lehman represented Martin in explaining that the position of Martin and of the Embassy was that the territorial losses being sustained were good military maneuvers on the part of the Thieu regime, since "the highlands were not worth holding." These staff briefings tried to paint a picture of a viable Republic of Vietnam, composed of the remaining regions under ARVN control.

¹The Departments of State, Treasury, Justice, Defense, Labor, Interior, HEW, HUD, and DOT, the Joint Chiefs of Staff, AID, the CIA, and OMB.

The effect of such ambassadorial intransigence was that procedures to evacuate Americans and Vietnamese employees of the U.S. and their families, were not implemented until the last week of the U.S. presence in Saigon. According to Alan Carter, who at the time was the Embassy's Public Information Officer in South Vietnam, and who now serves as Chief Civilian Coordinator at Indiantown Gap, several tentative plans for a gradual evacuation of Americans and Vietnamese had been drawn up in early April by Henry Boudreau, Martin's Administrative Counsel, by the military, by the CIA, and by other Embassy officials. The military and the seven principal Embassy administrators in Vietnam at the time were all informed that the plan which would finally be implemented would be put into operation at the "proper" time to prevent panic. Yet the logistics of the maneuver were never revealed. Nevertheless, these administrators, in turn, informed their local employees of the existence of evacuation plans, and told them to "hold tight."

Even when all of Military Regions I and II had been lost, by or about April 17, it appeared that Martin still failed to recognize the urgency of the situation, and had not yet approved a strategy for the evacuation of Americans and Vietnamese. In fact, it was at this time that Martin sent to the State Department a cable that was described by a highly-placed USIA officer as a rambling, philosophical diatribe setting forth Martin's long-range military and economic development plans for the South Vietnamese government.

To those in Washington, however, the handwriting was already on the wall. Early in April, the State Department concluded that the evacuation should be gradual and conducted over a relatively long period of time, in order to bring a maximum number of people out without sparking a panic. For this same reason, the State Department sought to use regularly-scheduled civilian flights to carry the bulk of the evacuees. Therefore, on April 5, Deputy Secretary of State Robert Ingessoll requested that Pan American Airlines, which was then providing two flights per week out of Saigon, increase its commercial service. Pan Am was willing to accommodate this request, but found itself in legal difficulties over its insurance for flights to war-risk areas. Over the next five days the State Department and the Department of Defense went to extreme lengths to clear these obstacles.² Washington obviously recognized the need for expeditious action if a successful evacuation were to take place.

On April 12 Pan Am had an extra Boeing 707 standing by on Guam, and informed the State Department that it was ready and able to provide the requested augmented service. All through the middle of April, however, Pan Am found itself in a situation where its scheduled two flights a week were leaving Saigon with many empty seats, at a time when thousands were clamoring to leave. The planes used for these flights were Boeing 747's with a standard capacity of 363 passengers. On April 8, the flight out of Saigon had been fully booked; however, only 191 booked passengers actually embarked. An additional 40 persons were added at the last minute—persons who just happened to be in the right place at the right time. Because of Washington's concern over the need for expanded service, Pan Am put a specially-modified 747 on the flight for April 10, with seating for 400. Advance bookings totalled 380, of which only 139 actually claimed their seats. With the addition of 34 "strays" from the terminal, this flight carried a load of 173 out of Saigon—less than half its capacity.

Under these circumstances, Pan Am's representative in Saigon attempted to ascertain the Embassy's intentions regarding evacuation and the need for additional flights. On April 14, the Embassy notified this representative that it did not intend to utilize the extra plane. Pan Am promptly called the State Department and informed them of the Embassy's position. The somewhat embarrassed response from State was that they would work on the problem, but they admitted they did not know when they would be in a position to utilize the additional services they had gone to such lengths to obtain. State further advised Pan Am to keep the 707 on Guam until further notice. But State never notified Pan Am, and the 707 on Guam was never utilized in the evacuation. Pan Am never did expand its service, and the actual evacuation was the opposite of that originally envisioned by the State Department. It was conducted largely by the military with military aircraft, and most people were hurriedly evacuated in a one-week period up to the closing of Tan Son Nhut Airport.

On April 17, the first action of the IATF (which would be officially created the next day) was to cable Martin in Saigon and request all information on the plans for the evacuation of Americans and of Vietnamese who were eligible

² For further information on the airline flights situation, refer to the hearings of the House Aviation Subcommittee on war-risk insurance, July 16, 1975.

for parole into the United States. Martin's response, in an April 18th cable, was that he did not intend to evacuate past or present Vietnamese employees or their families, and that he had no plans to do so. On or about April 20, the Embassy received a cable from the State Department in Washington, stating that such a response was unacceptable, and ordering that evacuation procedures for both Americans and Vietnamese nationals be instituted immediately.

The State Department's cable reflected the hard realities of the day on which it was sent. The weekend of April 19-20 saw the fall of Xuan Loc, the main position on the defense perimeter around Saigon. With the fall of Xuan Loc, the South Vietnamese government no longer represented a viable military force capable of an effective defense of Saigon. The military situation was in a shambles—the ARVN had one division hopelessly isolated at Tay Ninh City and a disorganized force totalling about three divisions in an arc just north of Saigon. The North Vietnamese had a minimum of 10 divisions facing Saigon, with reinforcements arriving daily. On April 21, Thieu resigned from his office and shortly thereafter fled the country. After April 21, the military situation had not so much deteriorated as it was already over. A pause in the fighting was initiated by the North, as it hoped to secure Saigon by treaty rather than by further military action. Subsequent evacuations, therefore, were largely made possible by the North's restraint, rather than by rational planning and effective organization by the U.S. Embassy.

On April 21, the Embassy requested \$4.2 million in U.S. currency from the Defense Attaché Office in Saigon. This was the first indication that the Embassy was actually anticipating a possible evacuation. The cash was to be used to make separation payments to Vietnamese employees of the U.S. Government. Separation payments were made through the two U.S. disbursing offices in Saigon: the U.S. Disbursing Officer in the Embassy (who handled all civilian disbursements) and the Navy Disbursing Officer in the Defense Attaché Office (who handled all military disbursements). Payments were to be in U.S. currency, rather than the usual checks or piasters, because of South Vietnam's crumbling economy. Vietnamese employees were to receive their last month's pay, one month's separation pay, unused leave, and Tet allowance.

Later the same day, the Defense Attaché Office in turn cabled the Secretary of Defense for \$12.5 million in U.S. currency for separation payments, which was then airlifted to Saigon. On April 23, the Embassy drew down its \$4.2 million in cash from the \$12.5 million, and immediately handed \$2 million of it to "an agent of another agency," the identity of which has never been revealed.

Also about April 21, U.S. flight activity at Tansonhut dramatically increased. Large numbers of military craft and unmarked craft crewed by Air Force personnel in civilian clothes began the final, massive evacuation airlift. At the same time, U.S. officials at Tansonhut stopped requiring South Vietnamese exit papers in order for Vietnamese to embark. As a consequence, the pattern of bribery shifted—formerly payments had been made to Vietnamese bureaucrats, now they were often made to any American who would say at the airport, "These are my relatives." During the last week, that was all it took to board an evacuation flight.

Beginning April 23, both the Defense Attaché Office and the Embassy proceeded with separation payments to Vietnamese employees. Many Embassy employees, however, once terminated and paid, were promptly rehired, because the Embassy still did not believe that it would have to shut down. Top Embassy officials viewed the separation payments as a "just-in-case" measure. The Ambassador continued to believe that a coalition government could be formed and that the U.S. presence in Saigon could be maintained indefinitely.

On April 28th Embassy drew down another \$3 million³ in cash from the Defense Attaché Office for continued separation payments. On the same day, President Huong resigned and was replaced by Big Mihn, who gave a speech asking troops to "defend the territory which is left" so that he could attempt by negotiations to establish a coalition government. This was apparently taken as a signal by the Communist forces that Mihn and Martin would be no more cognizant of the military realities around Saigon than Huong and Martin had been, and that the South Vietnamese government would continue to confuse the proffered bloodless defeat-by-treaty with an opportunity to establish a permanent coalition government and to maintain a U.S. presence indefinitely. Accordingly, late

³The \$3 million figure is from the military's records, and represents the Embassy's total draw-down for April 28. State Department records refer to a \$2 million draft on April 28. The discrepancy may arise from there possibly having been a \$2 million draft and a \$1 million draft on April 28.

April 28 and early April 29, the Communists signalled the end of their patience by bombing and shelling Tan Son Nhut Airport, thus ending any possibility of continued fixed-wing evacuation flights. In a 6 a.m. meeting on April 29, Thomas Polgar, the CIA station chief in Saigon, and Henry Kissinger, who telephoned from Washington, both recommended "Option Four," the final evacuation by helicopter. Despite these recommendations, and despite the fact that North Vietnamese missile batteries off the ends of the runways were shooting down South Vietnamese aircraft attempting to use the airport, Martin refused to accept a final evacuation and the end of the U.S. role in Saigon. Not until 10:30 a.m. did Martin admit that the airport was unuseable, that "Option Four" was unavoidable, and that the U.S. Embassy would have to be abandoned.

Because the Embassy had so adamantly resisted an early and gradual evacuation, and had therefore delayed making separation payments, most of the cash was not disbursed. Instead it was burned by U.S. personnel on April 29 as part of the final evacuation. As the chart below indicates, of the \$12.5 million in cash requested for disbursement, about \$6.26 million was burned. The breakdown on the currency, as nearly as can be determined, is as follows:

(In millions of U.S. dollars)

	Embassy	Defense Attache's Office
Currency requested.....	7.2	5.2
Disbursed.....	12.6	1.12
To another agency.....	2.0	
Burned.....	2.6	3.66
Returned to United States.....		.147
Other.....		.096

¹ This number is derived from others in the column. All others are quoted directly from agency personnel. Any discrepancies in totals are due either to rounding or to discrepancies in agency records.

The Embassy had originally decided that payments to Vietnamese employees should be in U.S. currency so that they would have "something of value" to aid them in their evacuation. However, it appears that a considerable portion of these employees never received their final payments and that a number of U.S. obligations were never met. It further seems logical that had not the evacuation been made into a last-minute and chaotic operation, it could have been arranged in such a way that large bribes in U.S. currency would not have been necessary to obtain exit for those designated by U.S. policy as eligible for evacuation.

Early in April the State Department had defined which Vietnamese should be evacuated. They were:

- (1) past or present employees of the U.S. and their families;
- (2) high-ranking officials;
- (3) Vietnamese relatives of U.S. personnel; and
- (4) any others with a "high risk" of being targets for reprisals by the Communists.

By far the largest of these four categories was the first, which the State Department estimated to represent about 90,000 people. It is indicative of the Embassy's inability to carry out policy decisions that only about 30% of this 90,000 were actually among the 130,000 refugees. A large portion of the 130,000 refugees were not among those originally targeted by State Department policy, but rather were simply those who had the wherewithal or connections or luck to obtain access to Tan Son Nhut during the last week. In other words, the selection of refugees was more often made by the confusion caused by delay than by rational policy. In addition, Ambassador Martin imposed his own priorities over those cabled to him by the State Department. He determined, for example, that it was very important to evacuate Vietnamese relatives of Americans, but that he had essentially no obligations to provide for the evacuation of Vietnamese employees of the U.S. This personal preference, in addition to the effects of his unreasonable delays, no doubt contributed to the result that such a low percentage of Vietnamese employees of the U.S. were among those evacuated.

Thus, right from its beginnings in Saigon, the refugee program has lacked both rational policy direction and proper implementation. Difficulties in Saigon were largely due to Ambassador Martin's unwillingness to accept the reality of the imminent fall of the South Vietnamese government. But even with Vietnam behind it, the refugee program's managerial problems were far from over.