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Sec.
Rusk's
Briefing Book

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February 20, 1968

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THE GULF OF TONKIN, THE 1964 INCIDENTS

HEARING BEFORE THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE NINETIETH CONGRESS

SECOND SESSION

WITH

THE HONORABLE ROBERT S. McNAMARA,
SECRETARY OF DEFENSE

ON

FEBRUARY 20, 1968



Printed for the use of the Committee on Foreign Relations

U.S. GOVERNMENT PRINTING OFFICE

90-187

WASHINGTON : 1968

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price 30 cents

THE GULF OF TONKIN, THE
1964 INCIDENTS

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS

UNITED STATES SENATE

COMMITTEE ON FOREIGN RELATIONS

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(II)



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1964

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PREFACE

The Committee on Foreign Relations on February 21, 1968, authorized the release of this transcript of an executive hearing on the Gulf of Tonkin incidents of 1964. The Department of Defense has examined the transcript for possible security matters and the very few deletions for such reasons have been noted in the text.

There have been a few changes, mostly of a grammatical nature, in the language of witnesses and members of the committee. None of these changes are significant with respect to an accurate portrayal of the hearing.

J. W. FULBRIGHT, *Chairman.*

GULF OF TONKIN, THE 1964 INCIDENTS

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room S-116, the Capitol Building, Senator J. W. Fulbright (chairman) presiding.

Present: Senators Fulbright, Sparkman, Mansfield, Morse, Gore, Lausche, Church, Symington, Dodd, Clark, Pell, McCarthy, Hickenlooper, Aiken, Carlson, Williams, Mundt, Case, and Cooper.

Also present: Senators Gruening, Morton, and Percy.

The CHAIRMAN. The committee will come to order.

The Committee on Foreign Relations is meeting this morning in executive session to hear the Secretary of Defense.

Mr. Secretary, I am very grateful to you for coming before the committee this morning in this executive session.

You have had a long and arduous experience in serving your country for some 7 years. I know from my own knowledge that it has been an extraordinarily gruelling tour of duty for you and I believe you have applied your talents and energy far beyond the call of duty. You appear to have survived remarkably well, I may say.

I recall with satisfaction the several meetings and conversations I have had with you during these 7 years. You have always been responsive and in good humor and, I for one, regret to see you leave the Government at this very perilous time in our history. I know, of course, that your new assignment is a very important one and I am sure you will discharge your responsibilities with efficiency and with honor.

I should like to add as a personal observation that I am very pleased that your lovely wife Marge has returned home from the hospital and I know that eases your troubles.

ESTABLISHING TRUTH OF TONKIN GULF INCIDENTS

My view of the purpose of this hearing is simply to review the decisionmaking process of our Government in time of crisis. I am interested only in establishing the truth about the Tonkin Gulf incidents of August 2 and 4, 1964. The purpose is not to assess blame on anyone, certainly not upon you. Personally, I have long since acknowledged publicly my own shortcomings in connection with the affair. I am a firm believer in the idea that to acknowledge my mistakes of yesterday is but another way of saying I am a wiser man today.

But this committee and the Government we hope will continue long after you and I are gone and there will be crises in the future and I think it will be helpful to future Senators and future Secretaries of State and even future Presidents if we review past decisions of importance and evaluate them in the light of subsequent developments.

This is one of the ways we can help develop a wiser and more mature procedure and judgment in the future.

If this Nation cannot learn from its past performance and acknowledge where it has been wrong or insufficient to the task, then the United States will become servile to its past—and suffer for this servitude.

Mr. Secretary, you have shown your fondness for T. S. Eliot on other occasions, particularly Eliot's thoughts in "Little Gidding." You will therefore appreciate the thought behind Eliot's words:

"History may be servitude,

"History may be freedom."

Mr. Secretary, I believe all of us here share your own desire that the United States profit from its mistakes—not repeat them.

As is customary in these proceedings, you may have the opportunity to make an open statement if you desire, which I understand you have prepared. I would hope that in your statement you will describe the military and political situation as it existed during the spring and summer of 1964, in this country and in Vietnam. If you can refresh our memory about the background conditions relative to which the incidents of August 1964 took place, I believe it will be most helpful.

Before I yield to the Secretary, I should like to submit to my colleagues on the committee the suggestion that after the Secretary concludes his opening remarks, I should like to proceed with the questioning in accordance with the questions prepared by the staff in order to develop these complicated events and communications in as orderly a manner as possible. I shall, of course, be very glad to yield for questions or suggestions from the members as we go along, but I do believe if we are to understand these events and make an intelligible record, a systematic, more or less chronological approach, should be followed. After I have submitted the prepared list of questions, I shall call upon all members in the usual manner. I hope this is agreeable to the committee.

The Secretary does have a prepared statement which I understand he would like to read.

LETTER RELATING TO THE HEARING

I wish to put into the record also, Mr. Reporter, a copy of the letter relating to this hearing which was sent to the Secretary.

(The letter referred to follows.)

FEBRUARY 7, 1968.

HON. ROBERT S. McNAMARA,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I refer to our telephone conversation of yesterday concerning your scheduled appearance before the Committee on the incidents in the Gulf of Tonkin.

As I said during our conversation, I appreciate your concern that your testimony be fully responsive to the wishes of the Committee. Therefore, I can understand your interest in the internal working paper done by the staff. As I said to you, however, the Committee does not wish at this time to release the staff study. Moreover, the information used in the staff study is drawn entirely from data provided by your office; so there will be no surprises there. At the same time, I know that the Committee staff does not have all information available to you on the Tonkin incidents. As I told you, however, I am enclosing a list of the documents your Department has supplied the Committee. If there are any questions about the material, please have your office contact the Committee staff.

In any event, the interest of the Committee is not in a discussion of the staff study, but in your testimony of August 6, 1964, and Ambassador Stevenson's statement to the United Nations of August 5 in light of any information your office may have acquired since the incidents in the Gulf of Tonkin.

Therefore, in the interest of a thorough discussion on February 20, the Committee will make available to your office a copy of the transcript of the testimony of August 6, 1964, (Ambassador Stevenson's presentation is, of course, a matter of public record.) I would hope that you will be able to review this transcript and bring the Committee up to date on what we now know of the incidents in the Gulf of Tonkin. The Committee is particularly interested in discussing what lessons have been learned about the problems of analyzing information in the midst of a crisis situation.

Finally, as I mentioned to you during our conversation, I would like to renew my request of January 8th that the Department of Defense provide the Committee at the earliest possible date with a report done by the Weapons System Evaluation Group on the subject "Command and Control of the Tonkin Gulf Incident, 4-5 August 1964."

I look forward to seeing you on February 20.

Sincerely yours,

J. W. FULBRIGHT, *Chairman.*

The CHAIRMAN. Mr. Secretary, my own view is that this statement of yours should not be made public until after the committee has had an opportunity to go through the hearings, and also to decide what it does about its own staff report and the hearings. This is an executive meeting and I hope that you will be willing to retain that. I realize there will be pressures upon you, as there are upon the committee, for release of these documents, but I would think it is premature to do so.

STATEMENT OF HON. ROBERT S. McNAMARA, SECRETARY OF DEFENSE; ACCOMPANIED BY GEN. EARLE G. WHEELER, CHAIRMAN OF THE JOINT CHIEFS OF STAFF, AND CAPT. H. B. SWEITZER, U.S. NAVY, MILITARY ASSISTANT TO THE CHAIRMAN, JOINT CHIEFS OF STAFF

Secretary McNAMARA. Mr. Chairman, I very much appreciate your personal kind wishes and compliments. It has been a most satisfying 7 years to me, made more so by the courtesy with which I have been treated by this committee on my numerous occasions before it.

I might also say I share T. S. Eliot's belief that history may be freedom, and I look forward to the development of our discussions here today in a way that will make it freedom and not servitude.

I do have a statement which I would like to present to the committee at this time. I have not released it to the press. I told my associates that we should not do so. We have submitted to the committee some 200 copies of it so they may release it. I doubt very much that we will be able to withstand the pressures of the press today without releasing it. We have been deluged by requests for it.

RELEASING OF DOCUMENTS

Senator MORSE. Can I only say, Mr. Chairman, on a procedural matter, I quite agree with the Secretary. I do not think we ought in any way to place any restrictions on the Secretary in regard to releasing anything he wants to release. I know you did not so imply. But I think the judgment of the Secretary should prevail in regard to what the Department of Defense releases, and I think the judgment of the committee should prevail in regard to what we should release.

The CHAIRMAN. The only thing I was suggesting—

Senator MORSE. It is in keeping with the division of powers doctrine.

The CHAIRMAN. I thought it would be much fairer if we could arrange to release them simultaneously. For example, the staff report would present only one side of the picture, as would the Secretary's statement. I think it would be too bad if this goes out and nothing else. That is a matter for the committee to determine, I grant.

Senator MORSE. I still would not want to—I would personally not be a party to placing any restriction on the Secretary.

The CHAIRMAN. The point I am trying to make is that much of the information which we have is confidential and cannot be released. Whereas a great many of the documents to which the Secretary refers, but does not incorporate, are also confidential. I would submit that it is a very one-sided picture to release only the statement.

Senator MORSE. It is one-sided only if the committee leaves it that way.

The CHAIRMAN. I grant that. But it is only a matter of time. We have not had a chance to read the Secretary's statement. We only received this statement an hour ago and it is a matter of timing.

Senator MORSE. I understand.

The CHAIRMAN. Does the Senator object for the committee to have time to consider the statement?

Senator MORSE. I would only object as to placing any restrictions on the Secretary at all.

The CHAIRMAN. I do not consider it placing restrictions. It is a matter for us to arrive at an understanding as to when we do it.

Senator GORE. Mr. Chairman.

The CHAIRMAN. Yes?

Senator GORE. There is a question here. We are having an executive session. Could we not defer judgment on this until we have had a chance to read it?

The CHAIRMAN. That is what we normally do. That is what I was suggesting, until we receive it; the committee makes up its own mind usually afterward, this afternoon, for example.

Senator GORE. The point I was attempting to raise, I find a great deal of appeal in what Senator Morse has said, but I think it must be interpreted in the light of the fact that we are dealing here with classified materials and having an executive hearing. The release of a statement in executive hearing, used in an executive hearing, has not, so far as I can recall, been done except by permission of the committee.

I remember one time when I was chairman of a subcommittee, Secretary Rusk was appearing, and the question of releasing his statement was submitted to the committee, and the committee voted unanimously to approve its release. I dare say it might do so—we might do so, after hearing this, but I would like to defer judgment on it.

The CHAIRMAN. That is all right.

PROCEDURAL RIGHT OF WITNESS

Senator MORSE. Can I take 30 seconds more? I do not want to be a stickler or make a tempest in a teapot, but I do think, gentlemen, you are dealing here with a procedural matter that you should not set a precedent on. I do not think that at any time a committee of the Congress has the right to call into executive session a Cabinet officer or any-

one who is really a spokesman for the administration and seek to impose any restriction on that witness in regard to anything that he says in that executive session in respect to his right to make any comment after the meeting is over or release any statement he wants to make after the meeting is over.

Speaking hypothetically, although the Secretary has made very clear his willingness to oblige you, I am not talking about his willingness to oblige but I am talking about what I consider to be a very, very important basic procedural right of the administration witness under the separation powers doctrine. I have never transgressed upon it knowingly, and I am not going to let the administration at any time transgress upon our corresponding right under the same doctrine. Therefore, I think we ought to deal with each other on the basis that we know what these respective rights are and seek to place no restriction on each other. That is my point.

I took the same position, you will recall, in the MacArthur hearings when there was an attempt, in my judgment, on the part of the committee then to infringe the rights of the administration under the doctrine there. I take the same position this morning.

Senator HICKENLOOPER. Mr. Chairman.

The CHAIRMAN. Senator Hickenlooper.

RESPONSIBILITY FOR RELEASING A STATEMENT

Senator HICKENLOOPER. I think we have a rather complicated situation here which is not necessarily one under the control of the Secretary or of the committee. It may be more under the control of the committee than of the Secretary.

I would say that the Secretary has no right whatsoever under our procedure to release a transcript of this record where members question the Secretary and answers come in. On the other hand, I would say this, that the responsibility of releasing a statement on the sole responsibility of the Secretary or any other administrative official is the responsibility of that official of that department. I am not so sure we can control it. We can control what we release. I think it is a matter of some kind of an understanding.

I am thoroughly sympathetic with what you have said, Mr. Chairman, about piecemeal releases of these things. I hate to read about them even though they have not been released—I hate to read about them in Time magazine or the New York Times or other papers of that kind, where we have to get some of our information from there. That makes us quite restless but apparently there is nothing we can do about it, and sometimes what goes on in this committee at least seems to be approximative in some of those news releases of certain columnists and so on.

So it is a problem that has its various facets. But so far as a straight statement of the Secretary, I would say that we have no authority to inhibit him from a straight statement he wants to make to the public on his own responsibility without regard to questions or answers or what anyone else has said, because when that occurs, then there is a dual responsibility there, not only on the questioner but the Secretary, and I hope we can control that.

But I do not know; it is a very difficult thing, and I am thoroughly sympathetic with the piecemeal—

The CHAIRMAN. I was not asserting any right to control it. It was merely a suggestion if there was some comity—

Senator HICKENLOOPER. If it is a question of comity, we can arrive at it.

The CHAIRMAN. He can keep it within his control.
Go ahead, Mr. Secretary.

NEWSPAPER REPORTS OF CLASSIFIED INFORMATION

Senator LAUSCHE. Mr. Chairman, having listened to what Senator Hickenlooper has just said, I feel obliged to make a statement that this body, vested with secret information of the most intimate character, dealing with the security of the United States, has been brought scandalously into disrepute by the frequency with which reports are carried in the newspapers of what is supposed to be done under closed executive meetings, and I do not feel content that we can wink at these leaks that are coming out of this committee. I am not satisfied with the statement that there is nothing we can do about it. Somebody is leaking things, whether it is a member, Members of the Senate, or whether it is members of the staff. I do not know who it is, but it is a terrible mistake that this body, related most intimately to matters that deal with the security of the United States, finds itself with newspapers reporting what takes place under confidential discussions.

It cannot be denied that these reports are being carried outside of the meeting. How do they get out? I think we ought to make an investigation. We ought to find out whether it is from the staff or where it emerges.

The whole world can laugh at us at what happened. It seems you do not need spies, all you have to do is look at the papers and fully you will find revealed what takes place confidentially in this room.

The CHAIRMAN. I wonder if we could get on with the testimony.

Senator AIKEN. I would like to observe that sometimes the leaks appear 2 or 3 days after they come out in the newspapers, which can hardly be in the category of a leak.

The CHAIRMAN. Let us get on.

Senator LAUSCHE. The chairman wants to get on with this matter, and I can understand why he would want to get on, but I will say to you with what you are trying to get on is not as significant as what I am trying to search out. Something is wrong with this committee.

Senator MORSE. Mr. Chairman.

The CHAIRMAN. I wonder if we could proceed.

Senator CLARK. Let us go ahead.

PLACING RESTRICTIONS ON ADMINISTRATION SPOKESMEN

Senator MORSE. We are not going to leave this record in this condition so far as the Senator from Oregon is concerned. I do not think we ought to take up the Secretary's time with quarrels of the committee, but, Frank, you were not here and you are not aware of what Senator Hickenlooper was talking about. We are not talking about what you are talking about. That was not raised. I had risen to the defense of what I think is a very important doctrine that always ought to prevail at our hearings when we have a Cabinet officer or anyone else from the administration here; namely, we should make no attempt to place

any restriction on the spokesman of the administration regarding what he says to the press afterward and what he releases. The only suggestion was a very helpful intention by the chairman suggesting that the Secretary of Defense hold any statement when he goes out of this meeting such as releasing the testimony he is about to give us until we will have the whole record considered.

I only raised a point there, understanding the motivation of the chairman to be of the highest, that I would not support placing any restriction, under the separation-of-powers doctrine, on Secretary McNamara. That is how all this occurred. We were not talking, Frank, about the problem that you are raising, and I do not think we ought to be taking the time of the Secretary to be talking about that now. That is for us to handle in our own executive session.

The CHAIRMAN. Mr. Secretary, will you go ahead. I think we ought to proceed.

Senator LAUSCHE. I want to make this statement, and then I will close.

In the report that was filed by the staff, there was an addendum, and in the addendum there was stated that X contacted the staff and told about the truth that there were no missiles seen fired at our ships. Y spoke to the staff. Well, as a member of the bench for 10 years, when you begin offering that type of proof to establish a fact, I simply cannot accept it.

The CHAIRMAN. Proceed, Mr. Secretary.

STAFF STUDY REFUSED

Secretary McNAMARA. Mr. Chairman, I have sought in my statement to be as responsive as I can to what I believe to be the questions in the mind of the committee regarding the Tonkin Gulf incident. I have not had the advantage, however, or the privilege of exposure to the staff study that I know has been completed and circulated among you. I asked for that several weeks ago but was denied access to it, and I may, therefore, not entirely respond to all of the information that you wish to query me about. I will be very happy to take questions concerning the statement.

Senator MANSFIELD. Do I understand the Secretary requested a copy of the study and was denied?

The CHAIRMAN. That is correct. I also requested their command and control documents and it was denied.

Senator MANSFIELD. I was thinking of those in juxtaposition.

The CHAIRMAN. That is correct.

Senator GORE. Perhaps we can exchange those now. That might solve it.

The CHAIRMAN. I think we ought to go on.

Go on, Mr. Secretary.

Secretary McNAMARA. Let me comment, Mr. Chairman. These are not to be equated. You can have any raw material we have. We tried to supply all of it to you. Some of it is very highly classified, and we assume you will treat it with the care that its classification deserves. We also are quite willing to let you have evaluation reports, but only after we have ascertained that the authors of those reports had access to all the appropriate information. It turns out that the author of this particular study you mentioned did not have access. I never heard of the

study when you requested it. General Wheeler was not aware of it. The author did not query General Wheeler or me about the actions we took today, or the actions of the Joint Chiefs, the National Security Council, or those the President took.

I do not think you want evaluative reports sent over here that are incomplete. Any report we have, you have access to, but only after it has been properly reviewed as to its reliability.

Your staff study is quite a different matter. I consider it a very serious handicap to me in appearing before you today to address these issues that have been reviewed and addressed and considered in your staff study, evidence of which is examined in your staff study, which evidence has never even been brought to my attention, but if you are willing to go ahead with the hearing on that basis, I am.

The CHAIRMAN. All of the staff was based upon material that came from your office, all of it. We gave you a complete list of every document and everything we had received, and it is available to you as it was to us.

ADDENDUM TO STAFF STUDY

Secretary McNAMARA. Senator Lausche has just stated it had an addendum to it that included information that was not available to me.

The CHAIRMAN. That was not used in the preparation of the staff study and it was purely an addendum of things that had happened outside of the documents which came from the Pentagon.

Senator LAUSCHE. Let me say, Mr. Chairman, that the addendum recited a number of contacts made by a staffman with persons unknown. Now it was offered as an addendum supposedly having an insignificant importance, but it is there. Three or four men who were supposed to have been in the Tonkin Bay are alleged to have said that there were no missiles fired. Who are the men? How did they contact them?

Senator COOPER. What weight was given to it?

Senator MANSFIELD. Mr. Chairman, I apologize for the interruption but I have to be up here on the floor.

The CHAIRMAN. I would hope the Secretary would be allowed to proceed.

Mr. Secretary?

ESSENTIAL FACTS ARE THE SAME TODAY

Secretary McNAMARA. Mr. Chairman, on August 6, 1964, I appeared before this committee and testified concerning the attacks in the Tonkin Gulf on the destroyers U.S.S. *Maddox* and U.S.S. *Turner Joy*, and our response to those attacks.

Over 3½ years have passed since that time. However, even with the advantage of hindsight, I find that the essential facts of the two attacks appear today as they did then, when they were fully explored with this committee and other Members of Congress.

The relevant events, and their significance, were the subject of intensive debate in the House and Senate. Both my testimony and that of other officials of the Government reported the evidence that established conclusively the occurrence of these attacks on U.S. naval vessels operating in international waters. This evidence was available to us at the time of the decision to make a carefully tailored response to the

attacks. In my testimony, I noted that, while sonar and radar readings may be subject to interpretation and argument because of sea and atmospheric conditions, we had intelligence reports of a highly classified and unimpeachable nature which established, without question, that the attacks took place on both August 2 and August 4.

PART PLAYED BY U.S. NAVAL VESSELS

Also fully explored at the time was the question whether the attacks on the *Maddox* and *Turner Joy* were in any way provoked by or related to certain South Vietnamese naval activity which occurred in the period from July 30 to August 4. As I stated then, and repeat now, our naval vessels played absolutely no part in, and were not associated with, this activity. There was then, and there is now, no question but that the U.S. Government knew, and that I knew personally, the general nature of some countermeasures being taken by the South Vietnamese in response to North Vietnam's aggression. As I informed Congress, the boats utilized by the South Vietnamese were financed by the United States. But I said then, and I repeat today, that the *Maddox* and the *Turner Joy* did not participate in the South Vietnamese activities, that they had no knowledge of the details of these operations, and that in no sense of the word could they be considered to have backstopped the effort.

As the chairman noted in the Senate debates, he was informed that "our boats did not convoy or support or back up any South Vietnamese naval vessels" and that they were "entirely unconnected or unassociated with any coastal forays the South Vietnamese themselves may have conducted." He was so informed and the information was completely accurate. When the South Vietnamese conducted the first of their two naval operations against North Vietnamese targets during this period, the *Maddox* patrol had not even begun and the ship was at least 130 miles to the southeast. The attack on the *Maddox* on August 2 took place 63 hours after completion of this South Vietnamese naval operation. When the South Vietnamese boats conducted their second foray, the *Maddox* and the *Turner Joy* were at least 70 nautical miles to the northeast.

Senator CASE. I wonder if you could go a little more slowly. It is a little hard to understand.

Secretary McNAMARA. Yes.

The attack made against them on August 4 was almost a full day after this second South Vietnamese operation.

The facts thus show today, as they showed 3½ years ago, that attacks occurred against our ships both on August 2 and August 4, that we had available to us incontrovertible evidence of these attacks when the decision was made to make our limited and measured response, and that these attacks were in no sense provoked or justified by any participation or association of our ships with South Vietnamese naval operations. I would like briefly to review these facts with you.

REVIEW OF FACTS OF ATTACK

On the 2d of August 1964, the U.S.S. *Maddox* was engaged in a patrol in international waters in the Gulf of Tonkin. At no time during the conduct of her patrol did *Maddox* depart from international

waters, or engage in any hostile act. Yet, while she was 28 miles from the coast of North Vietnam, on a course away from the coast, *Maddox* was attacked by three North Vietnamese torpedo boats. At least three torpedoes were directed by the boats at the *Maddox*, as well as machinegun fire. The *Maddox* avoided all torpedoes and, together with aircraft arriving on the scene from the U.S.S. *Ticonderoga*, repelled the attack and sank or damaged the attacking craft.

The attack on *Maddox* took place in daylight. North Vietnamese reports of their plans had previously been obtained from an intelligence source. The attacking craft were clearly seen by *Maddox* personnel and were photographed. The launching of the torpedoes by these PT boats was also observed as were the torpedo wakes passing near *Maddox*. Machinegun fire from the attackers was also observed and, indeed, one bullet was recovered—it is in our possession and I have it here this morning if you wish to inspect it.

This was an unprovoked attack on a ship of the United States on the high seas. Nevertheless, no reprisal by the United States was undertaken. The *Maddox*, fortunately, had avoided significant damage itself, and inflicted damage on the attackers. Since no rational motive for the attack was apparent, we believed it possible that it had resulted from a miscalculation or an impulsive act of a local commander. After the second attack, the chairman commented in Senate debate that I had stated, after the first attack on the *Maddox*, that I did not expect it to be repeated. He also noted that this showed how wrong I was.

On August 3, the day following, a note of protest was dispatched to the North Vietnam regime at the direction of the President. It concluded with the words: "The U.S. Government expects that the authorities of the regime in North Vietnam will be under no misapprehension as to the grave consequences which would inevitably result from any further unprovoked offensive military action against U.S. forces." At the same time, the President made public his instructions to the Navy to continue and to add another destroyer to its patrols in the Gulf of Tonkin.

It was within this context that we received, at about 9:20 Washington time on the morning of August 4, information from an intelligence source that North Vietnamese naval forces had been ordered to attack the patrol.

Soon thereafter reports from the *Maddox* were received that the patrol was being approached by high speed surface radar contacts and that an attack appeared imminent. Other amplifying messages quickly followed and by about 11 a.m., we received a flash report that our destroyers, then located some 60 to 65 miles from the coast of North Vietnam, were actually under attack. During this same time, intelligence sources reported that North Vietnamese vessels stated they had our ships under attack. Throughout the remainder of the morning and early afternoon, flash message reports of the engagement, some ambiguous and some conflicting, continued to pour in. Frequent telephone contact was maintained with the commander in chief of the Pacific Fleet, Hawaii. The President was kept informed of these developments.

CONTRADICTIONS EXAMINED AND RECONCILED

During this period, I had a series of meetings with my chief civilian and military advisers in which the apparent ambiguities and contradictions in the reports were examined and reconciled to our satisfaction. We identified and refined various options for a response to the attack, to be presented to the President. Among these options was the air strike against the attacking boats and their associated bases, which option was eventually selected. As the options were identified, preliminary messages were sent to appropriate operational commanders alerting them to the several possibilities so that initial planning steps could be undertaken.

In the early afternoon, the National Security Council met, at which time we briefed the participants, including the President, on the available details of the attack. Shortly thereafter, having received the advice of the Joint Chiefs of Staff, we recommended to the President, and he approved, a response consisting of an air strike on the PT and Swatow boat bases and their associated facilities. During all of this time, the message reports of the engagement from the ships, plus other information of a very highly classified nature received during the attack, were being reviewed to eliminate any doubt that an attack on the destroyers in fact occurred.

For example, I saw a message from the onscene task group commander which expressed doubts as to the validity of many of the sonar reports. I discussed this message by telephone with the commander in chief, Pacific, and informed him that, although we would continue with the preparations, the reprisal strike would not be executed until we were absolutely positive of the attack. He of course agreed and in a later telephone call informed me that he was satisfied, from all the reports he had on hand, that an attack on our ships had taken place.

Finally, at about 6:30 p.m., Washington time, the message to execute the strike was transmitted by the commander in chief, Pacific.

Those are the essential details. To recapitulate, on August 2, one of our destroyers was attacked by North Vietnamese naval forces without provocation while on patrol on the high seas. Since the destroyer had suffered no damage and had repulsed and damaged her attackers, and since the possibility seemed to exist that the incident was an isolated act, no further military response was made. North Vietnam was warned the next day, however, of the "grave consequences which would inevitably follow" another such attack. Furthermore, the President announced that the patrol would continue and would consist of two destroyers. The next night, the two destroyers were also attacked without provocation on the high seas by North Vietnamese naval forces.

When these facts were established to the complete satisfaction of all responsible authorities, we responded with an air strike on the facilities which supported the attacking vessels.

ACCURACY OF DETAILS STILL QUESTIONED

Now, three and a half years later, there again seems to be debate about the essential accuracy of the above account. The questions that appear now to be raised are the same as those considered and settled at the time:

Was the patrol in fact for legitimate purposes?

Were the attacks unprovoked?

Was there indeed a second attack?

If there was a second attack, was there sufficient evidence available at the time of our response to support this conclusion?

I would like to address these questions.

WAS PURPOSE OF PATROL LEGITIMATE?

First, was the patrol in fact for legitimate purposes?

Patrols of the nature of those carried on by *Maddox* and *Turner Joy* were initiated in the western Pacific in 1962. They were carried out in international waters along the coastlines of Communist countries in that area. They were open patrols and no hostile actions were ever taken by the U.S. forces involved. Provocative actions were avoided. The purpose was to learn what we could of military activity and environmental conditions in these parts of the world, operating in waters where we had every legal right to be. The primary purpose of the *Maddox* was to observe North Vietnamese naval activity in those waters, in view of the evidence we had of infiltration by sea by North Vietnam into South Vietnam. Other secondary purposes were area familiarization and observation by visual and electronic means of any other activity of military interest. We had the undisputed right to do this. In view of our assistance to South Vietnam, such observations were needed.

The suggestion has appeared incidentally that because *Maddox*, prior to commencement of its patrol, took aboard certain communications equipment, with personnel to operate this equipment, its patrol had some different and presumably more sinister purpose than others which had preceded it. This is simply not true. The mission of observation which I have outlined was to be fulfilled with the regularly installed equipment of the ships. The extra equipment brought aboard *Maddox* consisted in essence of standard shipboard radio receivers added to the ship's normal complement of such receivers in order to give an added capability for detecting indications of a possible hostile attack on the patrol.

The Congress, at the time of the debates on the Tonkin Gulf resolution, was aware that visual and electronic surveillance of the area was one of the purposes served by the De Soto patrol. Any suggestion now that the installation of passive radio receiving equipment changed the essential nature of the patrol is unwarranted.

I might add that virtually all of the De Soto patrols, since their commencement in 1962, had been outfitted with similar equipment for the same primarily defensive purposes.

WERE THE ATTACKS UNPROVOKED?

Second, were the attacks unprovoked?

Senator MUNDT. Are you defining the De Soto patrol?

Secretary McNAMARA. The term as I am using it here refers to the patrols in the Tonkin Gulf of which this was the fourth, one having occurred in 1962, one in 1963, and the third in the early part of 1964, and the fourth in August 1964. Actually it is a generic term covering a broader range of patrols in the western Pacific but as used in this paper it refers to the four patrols in the Tonkin Gulf.

Second, were the attacks unprovoked?

I have heard it suggested that the patrol provoked the attacks by intruding into the territorial waters of North Vietnam. The facts, I think, are these.

Prior to the first attack, on August 2, the *Maddox* had been engaged on its patrol since July 31. At no time during the conduct of this patrol did the *Maddox* depart from international waters. It had been instructed to approach the North Vietnamese coastline no closer than 8 nautical miles and any offshore island no closer than 4 nautical miles. *Maddox* adhered scrupulously to these instructions. When the patrol resumed with *Maddox* and *Turner Joy*, the ships were instructed to remain at least 11 miles from the coast. These instructions also were followed. The United States recognizes no claim of a territorial sea in excess of 3 miles. This consistent position of the United States was reemphasized at the close of the 1960 Convention on Law of the Sea in Geneva.

There have, however, been statements reported in the press that the *Maddox* entered into waters claimed by North Vietnam as territorial. Such statements have no basis in fact. At no time prior to the August 1964 Tonkin Gulf incidents did the North Vietnamese Government claim a width of territorial sea in excess of 3 miles. The North Vietnamese Government succeeded the French Government, which adhered to the 3-mile limit. Under the rules of international law, no claim by North Vietnam in excess of 3 miles would be assumed unless specifically made and published. It should be noted that Cambodia, a sister successor state, publicly adopted the French 3-mile rule on achieving independence. Later, it proclaimed a 5-mile limit. South Vietnam claims 3 miles. The first statement of North Vietnam which approaches a claim in excess of 3 miles occurred well after the attacks on September 1, 1964, in the form of a broadcast from Radio Hanoi in which it was stated, "The Democratic Republic of Vietnam declared that the territorial sea is 12 miles." No official documentary confirmation of the claim asserted in this broadcast is known to exist.

In short, at no time during the patrol did either of the destroyers leave the high seas and enter areas claimed by the North Vietnamese or recognized by the United States as national waters.

The question might be asked, however: Should not we as a practical matter have assumed a claim of 12 miles since this is the uniform position of the Communist countries? The simple answer is that Communist countries do not have such a uniform position: Cuba and Poland each adhere to the traditional 3-mile limit, while Yugoslavia and Albania claim 10 miles.

SOUTH VIETNAMESE OPERATIONS

Another point relating to "provocation" was discussed and disposed of during the debates on the Tonkin Gulf resolution and the hearings prior thereto, but, of late, it seems to have been resurrected. It is the

suggestion that our patrol was in some way connected with certain reconnaissance and bombardment activities of South Vietnamese patrol craft against North Vietnamese.

I informed members of this committee of these activities of the South Vietnamese in an informal meeting on August 3, 1964, after the attack on the *Maddox*. The subject was again raised in lesser detail in my testimony before this committee on August 6, 1964. I pointed out that these raids were a legitimate attempt by the South Vietnamese to counter and retaliate against the systematic infiltration of their country by sea which had been carried out by North Vietnam for the previous two and a half years. I described the scope of that infiltration; that is, 140 known incidents between July and December 1961, an estimated 1,400 infiltrators having been landed in South Vietnam during that time.

With respect to the legitimacy of those South Vietnamese operations, you, Mr. Chairman, stated during the Tonkin Gulf floor debates:

The boats that may have struck at the coastal areas of North Vietnam may have been supplied by us. We have been helping South Vietnam arm itself. I do not know about the specific boats.

I personally think this is a perfectly legitimate and proper way to defend oneself from the kind of aggression South Vietnam has been subjected to for years.

Senator Morse, at the hearing on August 6, specifically raised the question of a connection between our patrol and the South Vietnamese bombardment of two North Vietnamese islands which had occurred some two and a half days prior to the attack on *Maddox*, and I responded that there was no connection. The two operations were separate and distinct. I informed you that our destroyers took no part whatsoever in the South Vietnamese operation. They did not convoy, support, or back up the South Vietnamese boats in any way. As I stated during the hearings:

* * * as I reported to you earlier this week, we understand that the South Vietnamese sea force carried out patrol action around these islands and actually shelled the points they felt were associated with this infiltration.

Our ships had absolutely no knowledge of it, were not connected with it; in no sense of the word can be considered to have backstopped the effort.

That statement remains entirely accurate. I can confirm today that neither the ship commanders nor the embarked task group commander had any knowledge of the South Vietnamese action against the two islands or of any other specific South Vietnamese operations against the North. Higher naval commands were made aware of the operations by Commander, U.S. Military Assistance Command, Vietnam, in order to avoid mutual interference or confusion between our patrols and those operations.

DIRECTIONS TO U.S. DESTROYERS

Throughout the patrol conducted first by the *Maddox* alone and later by the *Maddox* and the *Turner Joy*, the U.S. destroyers were directed to remain in waters which would keep them from becoming operationally involved with the South Vietnamese activity. The restrictions this imposed on the patrol were such that, at one time, consideration was given to its abandonment. The task group commander knew only that certain South Vietnamese naval operations were periodically carried on in the area. He had no detailed knowledge

of their type or of where or when they would be conducted. Indeed, his lack of knowledge was such that he mistakenly identified the South Vietnamese craft returning from their operation of July 31 as Soviet P-6 class boats.

In point of fact, our patrols and the shore bombardments by South Vietnamese forces were separated in both time and space. When South Vietnamese PTF's bombarded the islands of Hon Nieu and Hon Me on the night of July 30-31, the *Maddox* had not even commenced her patrol, and was at least 130 miles to the southeast of the nearest of those islands. At the time of the attack on the *Maddox* on August 2, the South Vietnamese boats had been back at their base in Da Nang for almost 53 hours.

I learned subsequent to my testimony of August 6, 1964, that another South Vietnamese bombardment took place on the night of August 3-4. At the time of that action, the *Maddox* and *Turner Joy* were at least 70 miles to the northeast. The North Vietnamese attack on *Maddox* and *Turner Joy* on the night of August 4 occurred some 22 hours later.

I think it important, too, in dealing with this issue, to recall that the President had announced publicly on August 3 that our patrol would continue and consist of two destroyers. It is difficult to believe, in the face of that announcement, and its obvious purpose of asserting our right to freedom of the seas, that even the North Vietnamese could connect the patrol of the *Maddox* and *Turner Joy* with a South Vietnamese action taking place some 70 miles away.

WAS THERE A SECOND ATTACK?

Now, thirdly, was there indeed a second attack?

I know of no claim that the attack on *Maddox* on August 2 did not occur. As for the second attack, the incident occurred on a very dark, moonless, overcast night. As would be expected under these conditions, some uncertainty existed, and to this day exists, about some of the precise details of the attack. But there should be no uncertainty about the fact that an attack took place. The evidence pertaining to the incident is reviewed in the following paragraphs.

On the evening of August 4, 1964, Task Group 72.1 consisting of U.S.S. *Maddox* and U.S.S. *Turner Joy*, with COMDESDIV 192 embarked in *Maddox* and acting as CTG 72.1, was proceeding on an easterly course in the Gulf of Tonkin at a speed of 20 knots. At about 7:40 p.m., Tonkin Gulf time,¹ the task group commander, Capt. J. J. Herrick, USN, observed on the surface search radar at least five contacts, which he evaluated as probable torpedo boats, located about 36 miles to the northeast of the two ships. At 7:46 p.m., *Maddox* and *Turner Joy* changed course to 130 and increased speed to 28 knots to avoid what the task group commander had evaluated as a trap.

Shortly after 9 p.m., both ships' radars held contacts approximately 14 miles to the east. These contacts were on course 160, speed 30 knots. At that time the two U.S. ships were approximately 60 miles from the North Vietnamese coast.

At about 9:39 p.m., both *Maddox* and *Turner Joy* opened fire on the approaching craft when it was evident from their maneuvers that they

¹ To convert local Tonkin Gulf time to e.d.t. subtract 12 hours.

were pressing in for attack positions. At about this time, the boats were at a range of 6,000 yards from *Maddox* when the radar tracking indicated that the contact had turned away and begun to open in range. Torpedo noises were then heard by the *Maddox's* sonar. A report of the torpedo noise was immediately passed to the *Turner Joy* by inter-ship radio and both ships took evasive action to avoid the torpedo.

REPORTS OF EYEWITNESSES

A torpedo wake was then sighted passing abeam *Turner Joy* from aft to forward, approximately 300 feet to port on the same bearing as that reported by *Maddox*. This sighting was made by at least four of *Turner Joy's* topside personnel: the forward gun director officer, Lt. (jg.) John J. Barry, USNR; the port lookout, Edwin R. Sentel, SN, USN; by a seaman who was in the forward gun director with the director officer, Larry O. Litton, SN, USN; and by a seaman who was operator of the after gun director, Roger N. Bergland, SN, USN.

At about 10:24 p.m., one target was taken under fire by *Turner Joy*. Numerous hits were observed on this target and it disappeared from all radars. The commanding officer and other *Turner Joy* personnel observed a thick column of black smoke from this target.

Later, 10:47 p.m., during the attack a searchlight was observed by all signal bridge and maneuvering bridge personnel including the commanding officer of U.S.S. *Turner Joy*. The beam of the searchlight did not touch the ship, but was seen to swing in an arc toward *Turner Joy* and was immediately extinguished when aircraft from the combat air patrol orbiting above the ships approached the vicinity of the searchlight. (Walter L. Shishim, QMCS, USN; Richard B. Johnson, SM1, USN; Richard D. Nooks, QM 3, USN; Richard M. Bacino, SM2, USN; and Gary D. Carroll, SM3, USN, stationed on the *Turner Joy's* signal bridge all made written statements that they sighted the searchlight.)

The silhouette of an attacking boat was seen by at least four *Turner Joy* personnel when the boat came between the flares dropped by an aircraft and the ship. When these four men were asked to sketch what they had seen, they accurately sketched P-4-type boats. (None of the four had ever seen a picture of a P-4 boat before). (Donald V. Sharkey, BM3, USN; Kenneth E. Garrison, SN, USN; Delner Jones, GMG SN, USN, and Arthur B. Anderson, FT SN, USN, are the four personnel from the *Turner Joy* who sighted the boat.)

In addition to the above, a gunner's mate second class stationed aft of the signal bridge aboard U.S.S. *Maddox* saw the outline of a boat which was silhouetted by the light of a burst from the 3-inch projectile fired at it. (Jose R. San Augustin GMG2, USN.)

The commanding officer of Attack Squadron 52 from the *Ticonderoga* (Comdr. G. H. Edmondson, USN) and his wingman (Lt. J. A. Burton), while flying at altitudes of between 700 and 1,500 feet in the vicinity of the two destroyers at the time of the torpedo attack both sighted gun flashes on the surface of the water as well as light antiaircraft bursts at their approximate altitude. On one pass over the two destroyers, both pilots positively sighted a "snakey" high speed wake $1\frac{1}{2}$ miles ahead of the lead destroyer, U.S.S. *Maddox*.

Two U.S. Marine Corps personnel who were manning machineguns on U.S.S. *Maddox* saw lights pass up the port side of the ship, go out

ahead, and pass down the starboard side. Their written statement asserts their belief that this was one or more small boats at high speed. (These were Matthew B. Allasre, SGT, USMC, and David A. Prouty, L/CPL, USMC.)

INTELLIGENCE REPORTS

In addition to the above, intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making preparations to attack our destroyers with two Swatow boats and with one PT boat if the PT could be made ready in time. The same source reported, while the engagement was in progress on August 4, that the attack was underway. Immediately after the attack ended, the source reported that the North Vietnamese lost two ships in the engagement.

No one within the Department of Defense has reviewed all of this information without arriving at the unqualified conclusion that a determined attack was made on the *Maddox* and *Turner Joy* in the Tonkin Gulf on the night of August 4, 1964. Vice Adm. Roy L. Johnson, USN, commander of the U.S. 7th Fleet at the time, stated in his review of the combined chronology and track charts submitted by the task group commander:

Commander, Seventh Fleet, is convinced beyond any doubt that *Maddox* and *Turner Joy* were subjected to an unprovoked surface torpedo attack on the night of 4 August 1964.

Adm. T. H. Moorer, then commander in chief, Pacific Fleet, concurred in that appraisal.

In Washington, the Director of the Joint Staff, Lt. Gen. David A. Burchinal, USAF, analyzed the incoming information from message traffic, with the assistance of the Joint Staff. He then gave his evaluation to the Secretary of Defense: "The actuality of the attack is confirmed."

In the face of this evidence, I can only conclude that many of the persistent questions as to whether or not an attack took place must have arisen from confusion between the August 4 attack and another incident which occurred on the 18th of September 1964; that is, about 45 days later. At that time, the U.S. destroyers *Morton* and *Edwards* were patrolling, at night, in the Gulf of Tonkin, and initially reported themselves under attack. While the ensuing situation reports indicated the probability of hostile craft in the area of the patrol, it was decided at both the Washington and field command levels that no credible evidence of an attack existed. It should be noted that the intelligence source that confirmed the attacks of August 2 and 4 provided no evidence of any enemy action on September 18. In view of our unresolved doubts, no retaliatory action was taken. Many individuals who were not aware of all of the facts about all three incidents, that is, August 2 and 4, and September 18, have made the mistaken assumption that descriptions of the September 18 incident were referring to the second Tonkin Gulf incident. Aware of the negative findings on September 18, they have mistakenly assumed that there is serious doubt as to whether the "second" Tonkin Gulf attack in fact took place.

REPORTS FROM CAPTURED NORTH VIETNAMESE NAVAL PERSONNEL

As a final point on this issue, U.S. naval forces in the 3½ years which have elapsed since the August 1964 incidents have captured several North Vietnamese naval personnel. These personnel were extensively interrogated. One of these, captured in July 1966, stated he had taken part in the August 2, 1964, attack on the *Maddox*, and his account of that attack coincided with our observations. He professed no knowledge of the August 4 attack and said that he believed that PT boats were not involved in that attack. He stated that Swatows could have been used for that attack. His disclaimer of PT participation is contradicted by information received from a later captive. A North Vietnamese naval officer captured in July 1967 provided the name of the commander of a PT squadron. In intelligence reports received immediately after the August 4 attack, this commander and his squadron were identified by name and number as participants.

SUFFICIENT EVIDENCE AVAILABLE TO SUPPORT CONCLUSION

Now, finally, if there was a second attack, was there sufficient evidence available at the time of our response to support this conclusion?

Some of the details cited above, particularly the statements of eyewitnesses, although gathered immediately after the attack, had not reached Washington at the time that the reprisal air strikes were ordered executed. Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place. Allow me to repeat again that information:

An intelligence report of a highly classified and unimpeachable nature received shortly before the engagement, stating that North Vietnamese naval forces intended to attack the *Maddox* and *Turner Joy*.

Reports from the ships that their radars indicated they were being shadowed by high speed surface vessels.

Reports from the ships that they were being approached by the high speed vessels and an attack appeared imminent.

Reports from the ships that they were under attack.

A report from the ships that searchlight illumination had been utilized by the attacking craft and that gunfire against the patrol had been observed.

A report that two torpedoes had passed close to the *Turner Joy* and that there had been positive visual sightings of what appeared to be cockpit lights of patrol craft passing near the *Maddox*.

An intelligence report stating that North Vietnamese naval forces had reported that they were involved in an engagement.

Reports from the U.S. ships that they had sunk two and possibly three of the attacking craft.

An intelligence report stating that North Vietnamese naval forces had reported losing two ships in the engagement.

A report from the onscene task group commander that he was certain that the ambush had taken place, although precise details of the engagement were still not known.

A report from the commander in chief, Pacific, that he had no doubt that an attack had occurred.

All of this information was available prior to the time the Executive order was issued.

MONSTROUS INSINUATIONS

As a final point, I must address the suggestion that, in some way, the Government of the United States induced the incident on August 4 with the intent of providing an excuse to take the retaliatory action which we in fact took. I can only characterize such insinuations as monstrous.

The effective repulsion of the August 2 attack on the *Maddox* with relatively high cost to the small North Vietnamese Navy, coupled with our protest which clearly and unequivocally warned of the serious consequences of a recurrence, made us confident that another attack was unlikely. The published order of the President that the destroyers should continue to assert the right of the freedom of the seas in the Gulf of Tonkin, and setting forth the composition of the patrol, should have served to avoid any further misunderstanding. As the patrol resumed the ships were ordered to remain 11 miles from the coastline in lieu of the 8 miles ordered on the previous patrols, hardly indicative of an intent to induce another attack. As a matter of fact, on their own initiative the two ships approached the coastline no closer than 16 miles during their patrol. But beyond that, I find it inconceivable that anyone even remotely familiar with our society and system of Government could suspect the existence of a conspiracy which would include almost, if not all, the entire chain of military command in the Pacific, the Chairman of the Joint Chiefs of Staff, the Joint Chiefs, the Secretary of Defense, and his chief civilian assistants, the Secretary of State, and the President of the United States.

Mr. Chairman, that concludes my statement, and I will be very happy to try to answer any questions.

The CHAIRMAN. Thank you, Mr. Secretary.

I would like to have a few preliminary questions with regard to the situation under which this whole affair took place. I don't think they are very difficult to answer.

INTERNAL TROUBLES OF KHANH GOVERNMENT

Mr. Secretary, is it true that the government of General Khanh which overthrew the Minh junta in January 1964 was in serious trouble by the spring and early summer of 1964?

Secretary McNAMARA. I think there was considerable dissension among the members of the government, Mr. Chairman, and there was then and later a series of changes in the government as a result of that dissension.

The CHAIRMAN. Did you not say recently on "Meet the Press," and I quote: "Three and a half years ago the South Vietnamese forces were on the verge of defeat. The North Vietnamese and Vietcong forces were on the verge of victory."

Is that accurate?

Secretary McNAMARA. Mr. Chairman, if I said that, I misestimated the date. What I was talking about—I think later in that same broadcast I specifically referred to it, was July 1965. I should have said two and a half years ago. That was the reference I was making.

The CHAIRMAN. That is a quote from just 2 weeks ago.

Secretary McNAMARA. It may be, Mr. Chairman. I would have to have the full transcript of what I said. I believe I mentally deducted

July 1965 from January 1968 and came to three and a-half and it should have been two and a-half. And I believe I also corrected that in the succeeding sentence, or later in the discussion. In any case, what I was talking about was July 1965, at the time the President made the decision to send the large increment of U.S. combat troops.

The CHAIRMAN. In July of 1964 General Khanh delivered a major address calling for carrying the war to the north. Did General Khanh press the U.S. Ambassador in Saigon for further U.S. involvements in the war in Vietnam, and particularly for a commitment to take the war into the north?

Secretary McNAMARA. Mr. Chairman, I would have to check the record on that. I don't believe he did.

The CHAIRMAN. Well, I think the record shows that in his speech, I don't know what reference you have—

Secretary McNAMARA. You asked did he press the U.S. Ambassador. I don't believe the record will show he did press the U.S. Ambassador to take the war to the north.

EXTENT OF U.S. PARTICIPATION IN SVN OPERATIONS AGAINST NORTH IN 1964

The CHAIRMAN. Mr. Secretary, would you describe the organization, the extent of U.S. participation in South Vietnamese operations against the north during 1964?

Secretary McNAMARA. I can't describe the exact organization although I will be happy to try to obtain the information for you.

The operations of the South Vietnamese against the North were carried out by South Vietnamese personnel, utilizing to some degree U.S. equipment. The boats, as I think I stated before this committee in August 1964, were, I believe, wholly supplied by the United States. I was going to say, in part; I think they were wholly supplied by the United States.

The United States was informed of the operations to insure that they did not interfere with patrols of the kind that we are describing now.

I believe, also, some U.S. personnel may have trained, or participated in the training, of some of the South Vietnamese personnel participating in the operations.

The operations, however, were under the command of the South Vietnamese and were carried out by the South Vietnamese. There were no U.S. personnel participating in it, to the best of my knowledge.

AMOUNT OF U.S. TRAINING AND SUPPLIES

The CHAIRMAN. Do you recall, what did America do beyond training and supplying the equipment, do you know? You should know.

Secretary McNAMARA. No. In the first place, I don't believe we carried on all the training, although I think there were some U.S. personnel participating in it.

In the second place, we did provide some of the equipment, but I don't believe we provided all of it.

Thirdly, we were informed of the nature of the operations but we did not participate in them and we did not command them.

The CHAIRMAN. The information provided by the Department of Defense reveals that the U.S. Navy trained South Vietnamese for interdiction missions against North Vietnam beginning in June of

1964. These missions included the bombardments of North Vietnamese positions from both the sea and air; did they not?

Secretary McNAMARA. I don't believe there were any air bombardment missions.

However, I would add, I don't believe the training started as your question implied, in June of 1964. I think it must have started earlier than that.

The CHAIRMAN. Well, it was at least by June of 1964 and possibly it did before that.

EXTENT OF U.S. PARTICIPATION IN TRAINING MISSIONS

I don't believe, however, that this committee or the Congress was informed of these training missions for this purpose; were they?

Secretary McNAMARA. When you say training missions, they weren't training missions. They were U.S. personnel. I don't know whether Navy, or Army, or some other service personnel—who were training them.

The CHAIRMAN. The point I wish to make is at that time we had not declared war or even a substitute for a declaration against North Vietnam, had we?

Secretary McNAMARA. No; certainly not.

The CHAIRMAN. Yet we did participate in the missions which were for the specific purpose of attacking the north?

Secretary McNAMARA. We did not participate in the mission.

The CHAIRMAN. No; in the training.

Secretary McNAMARA. In the training of personnel for that purpose. I made very clear at the time, if I may emphasize, Mr. Chairman, that we supplied the equipment to some degree for most missions and the public debate bore reference to my statement on that subject.

The CHAIRMAN. Yes.

SIZE OF U.S. MILITARY CONTINGENT IN SVN IN 1964

Can you give us the size of the military contingent in South Vietnam in the spring of 1964, approximately?

Secretary McNAMARA. Total U.S. military personnel in South Vietnam in the spring of 1964, I would guess, was on the order of 12,000 or 15,000.

Senator LAUSCHE. It must have been more than that because when President Kennedy lost his life it was 18,000, and he lost his life in 1963.

Secretary McNAMARA. I believe it was 16,000 at the end of 1963. I think it dropped a little bit, but it was on the order of 16,000, Senator Lausche.

In any case, I will check and clear the record.

DISCUSSION OF EXTENDING U.S. MILITARY ACTIONS TO NORTH

The CHAIRMAN. According to an article written by Hansen Baldwin of the New York Times in July of 1964, the Pentagon at that time was arguing in favor of extending the war into North Vietnam. Were there, in fact, recommendations by the U.S. military at any time from late 1963 until July of 1964 to extend the war into the north by bombing or any other means?

Secretary McNAMARA. Mr. Chairman, I would have to check the record on that.

When he says the Pentagon argued for extending the war to the North, I don't know who the Pentagon is—

The CHAIRMAN. Well, but—

Secretary McNAMARA. May I just finish my answer?

I know it wasn't me.

The CHAIRMAN. Was it General Wheeler?

Secretary McNAMARA. Whether there were any recommendations from the Chiefs recommending extension of the war to the North during that period, I can't recall. I will be very happy to check the record and put the proper answer in the record.

(The following answer was later supplied:)

We have identified no such recommendation. A check of the records of the Joint Chiefs of Staff is continuing.

The CHAIRMAN. I wonder if General Wheeler knows that at this time?

General WHEELER. I don't believe so, Mr. Chairman. I think that the proper answer would be that there were certain intelligence activities [deleted] but to the best of my knowledge and belief during that period there was no thought of extending the war into the North in the sense of our participation in such actions, activities.

The CHAIRMAN. You can supply any change?

General WHEELER. I will check for the record.

CONTINGENCY DRAFT OF SOUTHEAST ASIA RESOLUTION

The CHAIRMAN. Mr. Secretary, did you see the contingency draft of what became the Southeast Asia resolution before it was ready?

Secretary McNAMARA. Mr. Chairman, I read in the newspaper a few weeks ago there had been such a contingency draft. I don't believe I ever saw it. I called Mr. Bundy myself to ask him if he had any recollection that I ever saw it. He states he has no recollection that I did, and he believes I did not.

But I can't testify absolutely that I didn't. My memory is not clear on that.

The CHAIRMAN. Mr. Bundy told this committee that this draft was prepared some months before the Tonkin incidents in the hearing. You know that.

Secretary McNAMARA. I know that, but I don't think he said I saw it.

The CHAIRMAN. No, I was asking you, you don't think you saw it?

Secretary McNAMARA. I don't believe I saw it, and he doesn't believe I saw it.

The CHAIRMAN. Isn't it customary for the State Department to consult you on a matter of this kind?

Secretary McNAMARA. Well, if it were a working paper, and apparently that is what it was, no. It hadn't advanced to a point of decision within the Government.

SENDING UNITS TO SOUTH VIETNAM AND THAILAND

The CHAIRMAN. Mr. Secretary, the most immediate result of the Tonkin incidents were the deployment of U.S. fighter bomber aircraft

into South Vietnam, into Thailand, and a movement of interceptors to South Vietnam; is that not so?

Secretary McNAMARA. I would want to check the movement, Mr. Chairman. I don't recall there were any movements after that. As you remember, we had the strike, the night of the 4th, and then I don't believe there were any other air strikes until February the following year, nor do I recall any movement of air units into Thailand or South Vietnam during the period.

May I check the record of that and then introduce the facts?

(The following answer was later supplied:)

The records of the Department are being examined to determine which air units were moved to South Vietnam or Thailand between the Tonkin Gulf incidents and February 1965.

The CHAIRMAN. I think for the record that the attack was on the morning of the 5th, wasn't it, following—

Secretary McNAMARA. It was the 4th, sometime. The launch took place about 10 p.m., the night of the 4th.

The CHAIRMAN. You mean Washington time?

Secretary McNAMARA. Washington time.

The CHAIRMAN. Well, I was just trying to translate it.

Secretary McNAMARA. Right.

The CHAIRMAN. Local time the attack took place at night and of the 4th and we attacked approximately 10 or 12 hours later; is that correct, General?

Secretary McNAMARA. That is correct.

General WHEELER. It would be the morning of the 5th, Saigon time, Mr. Chairman.

The CHAIRMAN. General, maybe you can answer the question I just asked. Maybe you are more familiar with military equipment. Is it not true that fighter bombers were moved into Vietnam and Thailand immediately after this took place?

General WHEELER. We moved some bombers in 1964, but I don't have the exact dates, but you are speaking particularly about aircraft. I would have to—

The CHAIRMAN. Fighter bomber aircraft.

General WHEELER. I would have to check that and supply it for the record.

The CHAIRMAN. I wonder if you would answer this and supply it if you cannot now: Were these units alerted to impending movement prior to the Tonkin incidents?

General WHEELER. To the best of my knowledge, not, Mr. Chairman, but I will check that, also, and make sure.

The CHAIRMAN. Would you check whether or not you were considering sending these units to South Vietnam and Thailand prior to the Tonkin incidents?

General WHEELER. I will check that particular point.

(The following information was later supplied:)

We have not identified any air unit which had been alerted for movement into South Vietnam or Thailand prior to the Tonkin Gulf incidents. A check of the records is continuing.

TIMING OF MILITARY DEPLOYMENT

Senator MORSE. Mr. Chairman, just to supply something for the record, I don't want to involve this, but I think it helps the Secretary, but we have the Secretary's testimony before the committee on August 6, 1964, in which he said:

Certain military deployments to the area are, therefore, now underway. These include (a) transfer of attack carrier group from the Pacific coast to the western Pacific, (b) movement of interceptor and fighter bomber aircraft into South Vietnam, (c) movement of fighter bomber aircraft to Thailand, (d) transfer of interceptor and fighter bomber squadrons from the United States to advance bases in the Pacific, (e) movement of an antisubmarine force into the South China Sea, (f) the alerting and readying for movement of select Army and Marine forces.

In the meantime, U.S. destroyers with protective air cover as needed, continue their patrol in the international waters of the Gulf of Tonkin.

The moves we have taken to reinforce our forces in the Pacific are in my judgment sufficient for the time being. Other reinforcing steps can be taken very rapidly if the situation requires.

This concludes my descriptions of the two deliberate and unprovoked North Vietnamese attacks on U.S. naval vessels on the high seas; of the United States reprisal against the offending boats, their bases and related facilities; and of the precautionary deployment and alerting steps we have taken to guard against any eventuality.

I just assume the chairman got his information from that testimony.

Secretary McNAMARA. I will be very happy to determine when those movements were first initiated, when the units were put on alert, and whether it occurred before the Tonkin Gulf incidents. I don't recall that information.

INTENSIFICATION OF U.S. INVOLVEMENT

The CHAIRMAN. Mr. Secretary, if there had not been a Tonkin incident would you have recommended to the President and Congress that the United States step up its military assistance to South Vietnam because of the security problem facing General Khanh?

Secretary McNAMARA. Mr. Chairman, I think it is a speculative question. I would have recommended, I believe, that if the level of infiltration continued to grow as it did—and it grew very substantially in the latter part of 1964—that we provide additional assistance.

The CHAIRMAN. But to be more specific, was there any plan for such an intensification of the U.S. involvement?

Secretary McNAMARA. No; not that I can recall.

The CHAIRMAN. Did it then include the bombing of North Vietnam?

Secretary McNAMARA. Not that I know of, Mr. Chairman.

I don't mean to say that contingencies and targets hadn't been examined, because they had been, prior to that time, but there was no plan for further buildup that I can remember, and no plan for the bombing of the north.

REASON FOR INTELLIGENCE-GATHERING VESSELS

The CHAIRMAN. Mr. Secretary, why was it necessary to send intelligence-gathering vessels into the Gulf of Tonkin in 1964?

Secretary McNAMARA. For the same reason that it was necessary to do so in 1962 and 1963, and in the early part of 1964. To obtain information on the environment of the gulf, the movement of North Viet-

namese naval forces in the gulf, and certain military installations on the shores of North Vietnam.

The CHAIRMAN. Did we wish this information, want to have this information on radar installations in order to be better able to attack North Vietnam by air from our aircraft carriers offshore?

Secretary McNAMARA. I don't think that we wished to in 1964 for that reason any more than we wished it in 1963 or 1962, Mr. Chairman. I rather doubt that the people who were gathering the information had any basis for believing there would or would not be attacks on North Vietnam.

The CHAIRMAN. On August 6, 1964, in testifying for the Southeast Asia resolution, you described the patrols of the *Maddox* and *Turner Joy*—the ships involved in the incidents on August 2 and 4—as “engaged in a routine patrol in international waters of the Gulf of Tonkin.”

Was the *Maddox* engaged in an electronic spy mission similar to the *Pueblo*?

Secretary McNAMARA. I think that the equipment on the *Pueblo* was more sophisticated than that on the *Maddox*; at least I am told that by technical experts. The *Maddox* was engaged in the same kind of patrol that we carried on in the western Pacific 2 or 3 years prior to the time she was out there, and have carried on in many areas of the western Pacific since that time.

The CHAIRMAN. But was the purpose dissimilar to the *Pueblo*? It was an electronic spy mission, wasn't it?

Secretary McNAMARA. No; the purpose was not primarily electronic, and, as I say, I haven't compared, myself, item by item, the equipment on the *Pueblo* and the *Maddox*; but I am told the *Maddox* had much less sophisticated equipment and less of it, and was less capable, therefore, of electronic surveillance. Electronic surveillance was one of her missions, but was not the only mission by any means, nor was it the primary mission.

PRIMARY MISSION

The CHAIRMAN. What was the primary mission?

Secretary McNAMARA. The primary mission was to observe North Vietnamese naval patrols and the junk fleets in that area. We were concerned at that time, particularly, about infiltration by sea. As a matter of fact, it was a short time after that—about 2 or 3 months, I think—when the large U.S. sea patrol was established, known as Market Time operations.

Senator MANSFIELD. You mean North Vietnamese patrol; not U.S. patrols.

Secretary McNAMARA. No; but the large U.S. patrol known as Market Time Operation was a few months after the Desoto patrol, because of our concern about infiltration by sea from the North to the South; and the Desoto patrol, in August, among other things, was collecting information that would lead to a consideration of the character of the infiltration from North to South. The Market Time patrols established by the United States after that, of course, took place off the coast of South Vietnam but they were based upon the kind of information that we obtained from Desoto patrols.

The CHAIRMAN. Mr. Secretary, in the orders, I mean that we obtained from the Pentagon, the *Maddox* was authorized in its missions,

and I quote from the orders: "to stimulate Chicom-North Vietnamese electronic reaction."

What does that language mean?

Secretary McNAMARA. It means that they turn on certain kind of equipment on board the *Maddox* which, in turn, leads the Chicoms or the North Vietnamese to turn on the radars so that we can measure the radar frequencies, that was clearly one of their objectives.

The CHAIRMAN. That is what I meant. That is what I meant by electronic spy mission.

Secretary McNAMARA. Mr. Chairman, I said specifically that electronic surveillance was part of this mission, but it was not the primary mission. If you read further into those orders, you will find it.

INSTRUCTIONS TO THE "MADDOX"

The CHAIRMAN. And the *Maddox* was given orders to penetrate the territorial waters of North Vietnam and stimulate their electronic networks, assuming their territorial waters was 12 miles.

Secretary McNAMARA. Absolutely not. The *Maddox* was specifically instructed to stay out of territorial waters and was instructed to go no closer than 8 miles to the coastal area.

The CHAIRMAN. I said assuming their territorial waters was 12 miles.

Secretary McNAMARA. But you said the *Maddox* was instructed to penetrate territorial waters.

The CHAIRMAN. Assuming it was 12 miles.

Secretary McNAMARA. I want to just make perfectly clear the *Maddox* was not instructed to penetrate territorial waters assuming anything.

Senator LAUSCHE. What is the further language in that which gives the primary cause.

Secretary McNAMARA. Yes, I was just trying to find the specific cable, and if I may have a moment I will find it and read from it here.

I am reading now from the cable to the commander of CTF 72, which was the task force that the *Maddox* was part of, and this was sent on July 17, [deleted].

Paragraph 9 states "The primary purpose of this patrol is to determine, DRV," meaning Democratic Republic of Vietnam, "coastal activity along the full extent of the patrol track," that is the primary purpose and that was the charge given to the commander.

Now, paragraph 10:

Other specific intelligence requirements are as follows: (a) location and identification of all radar transmitters, and estimate of range capabilities; (b) navigational and hydro information along the routes traversed and particular navigational lights characteristics, landmarks, buoys, currents and tidal information, river mouths and channel accessibility, (c) monitoring a junk force with density of surface traffic pattern, (d) sampling electronic environment radars and navigation aids, (e) photography of opportunities in support of above. In addition, includes photography as best detail track would permit of all prominent landmarks and islands, particularly in vicinity of river and build-up areas, conduct coastal radar scope photography by ship which is transmitting from Point A which is the end of the mission.

12. Specific search location identification requirements [deleted], to be conducted while the *Maddox* is in the Gulf of Tonkin, [deleted].

Then it goes on to say additional intelligence guidance will be provided by the naval commander, Japan, and operational guidance will be provided by MACV, and so on.

So its mission was not primarily electrical surveillance but it also had that as one of its several items to be carried out, to be covered.

The CHAIRMAN. One of the ways to do this is to stimulate electronic reaction?

Secretary McNAMARA. Yes, by its own transmitting equipment.

The CHAIRMAN. This was true of the *Pueblo*, too, it is customary?

Secretary McNAMARA. Mr. Chairman, I am not sure of that. In the case of the *Pueblo*, I don't believe that during the majority of the voyage it was to stimulate the transmitters. I think quite the reverse, it was to collect information on the transmitters assuming they had not been stimulated by the *Pueblo*.

TERRITORIAL WATERS QUESTION

The CHAIRMAN. Well, now, you make the point that they did not give orders to go into the territorial waters, but, and I said assuming it is 12. You are basing it on the assumption it was three. But I notice the order told them to stay off the 12-mile limit of the coast of China, which was next door, isn't that so?

Secretary McNAMARA. I think so.

The CHAIRMAN. I mean, the orders were to go to 4 miles off the islands and 8 miles off the mainland of North Vietnam, but to stay beyond the 12-mile limit of China which was just beyond, where this attack was predicated, is that not correct?

Secretary McNAMARA. I think that is correct. And I assume that the reason—I haven't checked this—but I assume the reason would be that China at that time claimed a 12-mile limit which North Vietnam at that time did not.

The Chairman mentioned to me that the closest approach to China is 15 miles; yes, here it is.

The CHAIRMAN. Yes, Fifteen miles but South Vietnam it was 4 miles off the island.

Secretary McNAMARA. And 8 miles off the coast.

SIMILAR MISSIONS SINCE 1962

The CHAIRMAN. Did you state how many missions there had been of this kind since 1962?

Secretary McNAMARA. I believe this was the fourth. There was one in 1962, one in 1963, one in early 1964, and one in July 1964.

The CHAIRMAN. Similar to this one?

Secretary McNAMARA. Yes, I examined the tracks myself just to check that exact point and they are almost identical.

The CHAIRMAN. And with similar equipment?

Secretary McNAMARA. I am told they had similar equipment.

The CHAIRMAN. Mr. Secretary, were there several officers and men of the U.S. Military Advisory Command in Vietnam aboard the *Maddox*?

Secretary McNAMARA. No. They were invited, but they didn't accept the invitation.

The CHAIRMAN. Well, I thought our information indicated they were aboard.

Secretary McNAMARA. No, sir. The cables I have gone through are quite clear on that. They were invited, but they didn't believe that

this was a patrol connected with their activities and they saw no reason, therefore, to participate in it. They participated, I believe, on board the third patrol, and found that they got so little out of it they didn't want to take the time to participate in a fourth, and, therefore, were not on board that patrol.

The CHAIRMAN. If they had the invitation they were aware of it, though?

Secretary McNAMARA. Oh, yes, indeed; they were aware of the patrol.

But they felt it had so little connection with their activities that they didn't choose to participate in it.

OPERATIONS OF SVN AGAINST NVN ON SPECIFIC NIGHTS

The CHAIRMAN. Could you give a brief description of the operations of the South Vietnamese against North Vietnam on the nights of the 30th and 31st of July, 1964, and the nights of the 3d and 4th of August of 1964? What were they doing?

Secretary McNAMARA. I can give you—it will be a brief description because I don't have all the information on it. But on the night of the 30th of July certain patrol boats of the South Vietnamese bombarded Hon Me and Hon Nieu, and on the night of the 3d of August certain patrol boats of South Vietnamese bombarded Rhon River in North Vietnam and Vinh Sonh radar in North Vietnam.

The CHAIRMAN. That is what was called Operation 34.

Secretary McNAMARA. It was called a 34A operation.

The CHAIRMAN. And they did bombard the coast on those 2 nights?

Secretary McNAMARA. They did.

The CHAIRMAN. During your testimony of August 6, 1964, you state:

Our Navy was not aware of any South Vietnam actions, if there were any.

Do you think after reviewing the case that that is an accurate statement?

Secretary McNAMARA. Well, if you go on in the same paragraph, Mr. Chairman, I think it is an accurate statement.

The CHAIRMAN. How is it accurate?

Secretary McNAMARA. Because you are talking about the commanders of these ships, and whether the ship commander knew enough about the South Vietnamese operation to place their ships in some way in support of those operations, and the fact is that the ship commanders didn't know about the South Vietnamese operation as to target or time. They knew so little about it that one of them on the 31st of July, just as he was starting his patrol, sent a report of vessels that he observed on radar, and I guess visually as well, which he identified as Soviet P6 vessels, when, in fact, they were vessels of the South Vietnamese 34A operations.

I simply mention this to indicate how little they knew about it.

Beyond that, one of my own staff members, called Captain Herrick, who was the commander of the *Maddox* and *Joy* task force, I asked him specifically if he knew of the targets or dates or details of the operations, and he said he did not.

KNOWLEDGE OF THE OPERATION

Senator GORE. Will the chairman yield there?

It seems to me it wasn't so important a commander of a destroyer knew about it, that the command of the operation—the central question is whether the command of the operation knew about it. The *Maddox* was following detailed instructions as to where it was sailing. So it seems to me it is not whether the captain of the *Maddox* knew about it. It was whether the Navy knew about it.

Secretary McNAMARA. Well, I stated at the time that the Government knew about it, and I specifically testified on August 3, before this committee, in informal session, and on August 6, in formal session, that our Government knew about it. But it is important that the commanders on the scene did not know about it because they had great latitude as to where their ships were to be at particular times. They were allowed to orbit at particular points and shift the time schedule of their position along a 200- or 300-mile coastal track within their own discretion, and even if a higher command may have known something and tried to plan it could not have been carried out successfully if the local commanders were not informed of the details of the operations.

NAVY CLAIMED NO KNOWLEDGE OF OPERATION

The CHAIRMAN. I think to complete the record, I ought to read what was said at that time before this committee. And I quote:

Our Navy played absolutely no part in, was not associated with, was not aware of, any South Vietnamese action, if there were any. I want to make that very clear to you. The *Maddox* was operating in international waters, was carrying out a routine patrol of the type we carry out all over the world at all times. It was not informed of, was not aware of, had no knowledge of, and so far as I know today has no knowledge of any South Vietnamese actions in connection with the two islands, as Senator Morse referred to.

That is page 23 of the transcript of hearings.

Senator MUNDT. Was this the Secretary?

Secretary McNAMARA. Yes.

The CHAIRMAN. It was the Secretary's statement at that time.

Senator COOPER. I have a question.

The CHAIRMAN. Yes.

Secretary McNAMARA. May I just—

COMMANDERS KNOWLEDGE OF SOUTH VIETNAMESE ACTIONS

Senator COOPER. Were you stating as a fact, as you knew it at the time of your testimony that the commanders of the ships did not know that the South Vietnamese vessels had attacked the two islands?

Secretary McNAMARA. Yes; exactly so.

Senator COOPER. Do you still say as a result of your investigation that your statement was correct?

Secretary McNAMARA. That is correct, and the third sentence and the fourth sentence of the quotation read by the chairman makes that very clear. The *Maddox* was operating in international waters, was carrying out a routine patrol of the type we carry out all over the world at all times. It was not informed of, was not aware of, had no evidence of, and so far as I know today has no knowledge of any possible South Vietnamese actions in connection with the two islands

that Senator Morse referred to. That was my belief then, it is my belief today.

Since the testimony was given, I have had, as I said, one of the members of my staff talk to Captain Herrick personally, and he certifies that was true then.

Senator MORSE. I want to make this comment on the Secretary's comment. The general proposition laid down in the testimony, and I quote, was "Our Navy played absolutely no part in it, was not associated with it, was not aware of any South Vietnamese actions, if there were any."

Well, the *Maddox* doesn't speak for the Navy, in general.

Secretary McNAMARA. No.

DOUBT AS TO LACK OF NAVY KNOWLEDGE OF OPERATION

Senator MORSE. You go on to say the *Maddox* was operating in international waters but I am still in doubt even in your testimony this morning as to whether or not the Navy was oblivious to the South Vietnamese action.

Secretary McNAMARA. Senator Morse, I think there is an ambiguity in that sentence. I am quite prepared to say that to you in one respect. I will comment on this in a moment, but I want to emphasize that the Navy played no part in, and was not associated with these South Vietnamese actions.

Now, maybe you would say, "Well, even that is too strong a statement," because later in my testimony that same day I stated we had supplied the boats. Maybe that is a "part in it," but it is not "a part in it" in the sense that it was of concern, and I think quite properly of concern to you at the time, and it is not a part of it in the sense that we were addressing. We didn't command the operation, we didn't associate the Desoto patrol with it, and the particular question at issue at the time was did the Desoto patrol commanders know of it; they did not.

Senator MORSE. I only want to say at the time I had information that was given to me that the Navy was aware of it and that there was a maintenance of radio communication with Saigon on the part of our Navy during the time of the attack, and that is what I brought out at the time, and I was seeking to find out whether or not that was true or false.

Secretary McNAMARA. And I stated at the time that we knew of the operation, we knew of the fact that operations of that kind were carried on. Periodically, future programs for such operations were transmitted to higher headquarters above Saigon, including the Pentagon. Beyond that the Navy had worked out an arrangement—and I am not sure I mentioned this at the time, although I think I may have—but it is a fact that the Navy had worked out an arrangement between the separate commands in the Pacific, the Saigon command on the one hand, and the 7th Fleet Command on the other, to insure that these operations stayed out of each other's areas, and the commanders of the ships on patrol were specifically instructed to stay away from certain geographic areas in order to avoid interference or association with the 34A operations of the South Vietnamese.

The CHAIRMAN. Well, on that point, there is one cable which shows the following, and I quote from a cable to the *Maddox*:

"The above patrol will (a) clearly demonstrate our determination to continue these operations, (b) possibly draw NVM"—that is North Vietnamese navy—"PGMS (patrol boats) to northward away from the area of 34A operations, (c) eliminate De Soto patrol interference with 34A operations."

It is unusual that, having received that cable, that the *Maddox* did not know what 34A was.

Secretary McNAMARA. The *Maddox* did know what 34A was, no question about that. But *Maddox* was not associated with 34A, was not playing a part of it, was not planning to draw forces away from it.

Senator MORSE. I thought you said they did not know anything about it.

Secretary McNAMARA. Now wait a minute, I did not say they did not know anything about it.

Senator MORSE. You said "were not aware of."

EXTENT OF KNOWLEDGE OF DETAILS OF ACTION

Secretary McNAMARA. They were not aware of the details is what I said, of the attacks, as to location, or as to time, and unless one is aware of that, you cannot properly plan a diversionary effort.

Now, since we are on that subject, may I mention some other points that bear on it. I have already mentioned that they knew so little about it that they identified certain of the 34A ships as Soviet vessels. They very much wanted to avoid interference with it, and CINCPAC fleet advised MAC/V that they would make every effort to give him 36 hours' notice of changes in the time schedule of the patrol at certain points, in order to allow MAC/V to change the suggestion that he might make regarding location of 34A attacks. MAC/V came back and said that they had worked out with the South Vietnamese adjustments to assure that 34A operations would prevent interference with the patrols.

Senator MORSE. Could I read one—

Secretary McNAMARA. May I just continue?

Senator MORSE. I thought you were through. I am sorry.

TWO OPERATIONS SEPARATE

Secretary McNAMARA. I am simply trying to develop the point that every possible effort was made to keep these two operations separate.

In the message on the 1st of August, the commander of the task force, which included the *Maddox*, stated that he thought that in view of the hostile intent of the North Vietnamese they should consider stopping the patrol, and the 7th Fleet stated, "You are authorized to deviate from itinerary" any time that the risk appears too great.

(Subsequently the chairman inserted in this record the full text of the cable cited by Secretary McNamara, as follows: "1. Ref Alfa Bravo and Charlie noted. When considered prudent, resume itinerary IAW ref Delta. You are authorized deviate from itinerary at any time you consider unacceptable risk to exist. Keep Alcon advised.")

Again later the same day on the 2d the commander of the 7th Fleet directed the *Maddox* to retire from the area to avoid hostile fire.

Senator LAUSCHE. What date was this?

Secretary McNAMARA. This was on the second.

On the second they also put in restrictions on hot pursuit that were much more severe than we normally apply in situations like this. The U.S. vessels were not allowed to carry on hot pursuit of enemy vessels closer than 11 miles from shore and the aircraft were not allowed to carry on hot pursuit closer than 3 miles from shore.

Again on the second, MAC/V told the commander of the 7th Fleet to keep the De Soto patrol clear of a designated area. Later, on the third, MAC/V sent another request that the De Soto on patrol be moved even farther north to stay farther away from the area the South Vietnamese were planning to operate in.

Also on the third, later in the same day, the commander of the 7th Fleet reported his intention to terminate the patrol on the evening of August 4 in order to move it away from the area and avoid any possibility of conflict with 34A.

I mention this simply to tell you that the higher commands were knowledgeable about the 34A and De Soto and took every possible action to separate the two.

BASIS OF STAFF STUDY DISCUSSED

Senator LAUSCHE. It is regrettable that our staff study contains none of these facts which negative all that is in our secret report.

The CHAIRMAN. Well, I will say—

Senator LAUSCHE. It is a tragedy.

The CHAIRMAN. I will say to the Senator we requested all relevant documents, and Mr. Nitze—

Senator LAUSCHE. But it is thoroughly apparent that none of this material is relevant to any of the papers I have before me. All of the paper is directed to show that there was falsehood presented.

The CHAIRMAN. The paper contains all of the information supplied to the committee, and we could not put in what they did not supply, and there is no selection as far as the documents supplied, and I had a meeting with Mr. Nitze—

Senator LAUSCHE. Well, the paper which I have before me has nothing justifying the action that was taken. All that I have in my paper is material showing that the action should not have been taken.

The CHAIRMAN. I wish to make it clear, I had a meeting with Secretary Nitze and Senator Russell at Secretary Nitze's request, and we discussed this matter, and Senator Russell advised Secretary Nitze that he thought that the Department of Defense should make available to this committee—to this committee, which met jointly with the Armed Services Committee when this matter was heard in 1964—and he told Mr. Nitze he should make available relevant documents to these incidents, and it was my understanding he would make those available with one sole exception which I have already described to the committee. If those documents are not in here, it is because the Department of Defense did not supply them to us upon request of all relevant documents. Not being aware of them, we could not ask for them specifically, but we have asked for other documents specifically, but not these because we did not know about them.

Secretary McNAMARA. Mr. Chairman, may I simply say that four of the facts that I just stated to you were supplied to the committee. Others may have been. But I can check from my list in front of me

that four of the statements I made, the committee, was aware of. Whether they are in your report, I do not know. I do not have access to the report.

Senator LAUSCHE. Will the chairman point out a single statement in this report to the committee that shows that there is in it anything justifying the action that our U.S. Government took? Every statement in this secret report tends to prove that we should not have done what we did, and I cannot understand how we did it.

Senator GORE. I respectfully submit that is not an accurate statement.

Senator LAUSCHE. It is pretty substantial.

Senator CLARK. Mr. Chairman, I do not think this discussion is seemly. I think we ought to proceed in a normal manner. You ought to wait until your turn.

Senator LAUSCHE. If he will quit, I will get my turn.

Senator CLARK. He is your chairman. You owe him some courtesy and you are not giving it to him.

CABLE FROM "MADDOX" TO THE FLEET COMMANDER

The CHAIRMAN. I will go on with the record. On the 3d of August some 15 hours before the second incident the operational commander of the *Maddox* and the *Turner Joy*, who was aboard the *Maddox*, sent the following cable to the commander of the 7th Fleet: '(a) Evaluation of info from various sources indicates that the DRV (Democratic Republic of Vietnam) considers patrol directly involved with 34-A operations. DRV considers U.S. ships present as enemies because of these operations and have already indicated readiness to treat us in that category. (b) DRV are very sensitive about Hon Me. Believes this is PT operating base and the cove there presently contains numerous patrol and PT craft which have been repositioned from northerly bases.'

Secretary McNAMARA. Mr. Chairman, may I comment on this specific cable?

The CHAIRMAN. Yes.

Secretary McNAMARA. Two points: First, we can find no basis for the commander making this statement, that the DRV considered the De Soto patrol directly involved in 34-A operations.

Second, Herrick himself now states he can recall no basis for coming to that conclusion.

Third, the PT boat officer that we captured and interrogated in July 1966 told his interrogators that it was clear in his mind that the De Soto patrol was separate from 34-A operations.

The CHAIRMAN. Well, you are not saying this cable was not sent.

Secretary McNAMARA. I simply stand on what I said, Mr. Chairman. Of course the cable was sent.

The CHAIRMAN. You are not saying it was not sent.

Secretary McNAMARA. But I am saying it is a complete distortion of the fact to leave the record indicating that the commander of the *Maddox* task force had any basis whatsoever for believing that North Vietnam confused 34-A and De Soto. He did not have the basis. He now says he did not have the basis, and a North Vietnamese captured since that time states that North Vietnam distinguished between the two operations.

The CHAIRMAN. Well, at the time, all I am saying—I am not going into his mind, this is what he is saying.

Secretary McNAMARA. I am perfectly happy to have it on the record along with my refutation.

The CHAIRMAN. That is all right.

Senator Williams, did you want to say something at this point?

COULD "MADDOX" HAVE BEEN OPERATING 4 MILES OFF COAST?

Senator WILLIAMS. The question in my mind, Mr. Secretary, is that you say the *Maddox* was operating with substantial freedom in this area with no knowledge of the operation of the plans of the South Vietnamese. Would it not have been conceivable or possible that it could have been operating 4 miles off the coast of one of these islands during the attack?

Secretary McNAMARA. No.

Senator WILLIAMS. What would have prevented it?

Secretary McNAMARA. No, because as the cables submitted to the committee showed, the commander of the 7th Fleet and the U.S. commander in Vietnam had an arrangement under which the position of the *Maddox* on its patrol was to be submitted to Vietnam so that the South Vietnamese could plan their operations to stay away from the patrol.

Secondly, the commander of Vietnam had said to the commander of the 7th Fleet, "In addition to knowing where you are, we would like you stay away from certain particular places," and he, on two occasions during the period of patrol, gave to the commander of the 7th Fleet, who in turn passed it on to the commander of the *Maddox*, specific instructions to stay out of certain areas.

I recall one of the areas was an area set by a line between 17 degrees and about 17 degrees, 50 minutes north and a line running north-south into which area the patrol was not to penetrate, and later that restricted area was substantially expanded to everything south of 19 degrees, 10 minutes.

Senator WILLIAMS. That is all.

FULBRIGHT LETTER TO NAVY SECRETARY IGNATIUS

The CHAIRMAN. I think we should put in the record the fact that I sent a letter on January 12 to Hon. Paul R. Ignatius requesting one of the cables relating to this question. I say this was with regard to the Senator from Ohio's observations. I will ask the reporter to put it in the record, this is January 12. I might read it. It is very difficult to translate it except by those familiar with the symbols that are used by the Navy:

In the message sent by CTU72.1.2 to AIG-181 dated [deleted] the following sentence is included: "RCVD info indicating attack by PGM/P-4 imminent. My position 19-10.7 N 107-003 proceeding southeast at best speed."

The reply to that—I will put the whole letter in—Mr. Ignatius replied that:

With respect to your letter to me of January 12, it is my understanding that the points you raised were discussed at length in a meeting with Secretary Nitze, Senator Russell, and yourself. There is nothing further I can add to these discussions.

In other words, it was not supplied to the committee although it was requested.

(The letters referred to follow:)

JANUARY 12, 1968.

Hon. PAUL R. IGNATIUS,
Secretary of the Navy,
Washington, D.C.

DEAR MR. SECRETARY: As you are well aware, over the past few months the Department of Defense has been providing the Committee with information and materials on the incidents in the Gulf of Tonkin. One of the cables you provided on November 24 has given rise to a particular question.

In the message sent by CTU 72.1.2 to AIG 181 dated [deleted] the following sentence is included:

"RCVD INFO indicating attack by PGM/P-4 imminent. My position 19-10.7N 107-003 proceeding Southeast at best speed."

The staff of the Committee is unable to determine from the text whether the information in question was received from shipboard radar as the chronology of the *Turner Joy* would indicate or through special intelligence means such as interception of North Vietnam messages.

Would you please provide me the information necessary to clear up this point. If the information comes from a communication intercept, I would appreciate having the text of that intercept as well as any other intelligence interceptions relating to the second incident in the Gulf of Tonkin.

Sincerely yours,

J. W. FULBRIGHT, Chairman.

THE SECRETARY OF THE NAVY,
Washington, D.C., January 16, 1968.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: With respect to your letter to me of January 12, it is my understanding that the points you raised were discussed at length at a meeting with Secretary Nitze, Senator Russell and yourself. There is nothing further I can add to those discussions.

Sincerely,

PAUL R. IGNATIUS.

Secretary McNAMARA. Mr. Chairman, I am confused on that. The message that you read from has a date code of [deleted]. My information is that it has been supplied to the committee. Am I in error on that?

The CHAIRMAN. Mr. Bader, has it been supplied?

Mr. BADER. Senator, we have the message.

Senator MANSFIELD. We have?

Mr. BADER. The letter reads in part as follows:

The staff of the committee is unable to determine from the text whether the information in question was received from shipboard radar as the chronology of the *Turner Joy* would indicate or through special intelligence means such as an interception of North Vietnam messages.

Would you please provide me the information necessary to clear up this point?

This was the crux of the letter. We were unable to determine the source of the information referred to in the cable. Therefore, we had no way of evaluating it.

STAFF CLEARANCE FOR CERTAIN INTELLIGENCE INFORMATION

Secretary McNAMARA. We have some problems, because the staff has not been cleared for certain intelligence and we are under specific written instructions from the President, as are all executive departments, not to furnish such intelligence to uncleared personnel.

Senator LAUSCHE. I do not understand that. The members of our staff are not cleared?

Secretary McNAMARA. Certain members of congressional staffs have requested clearance, others have not, and we are under instructions from the President in writing not to submit intelligence to individuals that have not been cleared other than to Members of Congress.

Senator LAUSCHE. May I ask the chairman, are all the members of our staff cleared?

The CHAIRMAN. All of those who have worked on this matter, but he is talking of a special classification of intelligence communications.

Secretary McNAMARA. I do not believe any member of the staff has been cleared for certain kinds of intelligence relating to this incident.

Senator LAUSCHE. Of the Foreign Relations staff?

Secretary McNAMARA. That is correct, on specific items of intelligence.

The CHAIRMAN. I might say for the information of the committee, Mr. Bader was cleared at one time for such intelligence information. He has not been cleared subsequent to that, and I assume—you say they do not carry their clearance?

Secretary McNAMARA. Mr. Chairman, I do not know the rules of clearance. All I know is that because of receiving these written instructions from the President, I made a personal effort to find out who had been cleared and who had not been cleared, and there was no member of this staff cleared on the registries of the FBI, the Central Intelligence Agency, or the Defense Intelligence Agency—cleared for this kind of intelligence.

Senator GORE. Mr. Chairman, could we know what particular classification that is? I had not heard of this particular super classification.

The CHAIRMAN. The staff, Mr. Marcy, and Mr. Holt are cleared for top secret information. This is something I never heard of before either. It is something special with regard to intelligence information. However, Mr. Bader was cleared for that.

Secretary McNAMARA. If the staff would wish to request clearance, I am sure the Government would do it.

Mr. MARCY. All of the members who are here submitted renewal requests for top secret clearance recently and, so far as I know, all of those requests have been granted.

Secretary McNAMARA. But that is not the issue. Clearance is above top secret for the particular information involved in this situation.

Senator CASE. Mr. Chairman, may I clear this up in my own mind?

The CHAIRMAN. Yes.

Senator CASE. On this particular request for information, it was denied on the ground of lack of clearance.

Secretary McNAMARA. Yes.

Senator CASE. I see. That was made clear; there was no question.

Secretary McNAMARA. I do not know that that was made clear, but that was the reason.

Senator CASE. I think it is important to know whether the committee was told that information was not being given it and for what reason.

The CHAIRMAN. I told the committee that Mr. Nitze showed me one message—

(Subsequently the chairman inserted in the record the following paragraph from the staff study dated January 17, 1968:)

In late December Under Secretary of Defense Paul Nitze asked to see Senator Fulbright. At that meeting Mr. Nitze presented for Senator Fulbright's eyes only a cable from special intelligence which he said was "conclusive" evidence that the *Maddox* and *Turner Joy* had been attacked. The staff has not seen this information and has no way of judging whether this particular piece of information is the conclusive piece of evidence that will demonstrate without doubt that the *Maddox* and *Turner Joy* were actually attacked.

Senator CASE. Is that the one you are talking about?

The CHAIRMAN. At this particular moment I think that is the one we are talking about. There may be others.

Senator CASE. This is not a question where we were not given information and we were not told that we were not being given it.

The CHAIRMAN. I would like to go through these. I want to try to make the record and then let the members engage their own time.

WHY DID "MADDOX" NOT BREAK OFF PATROL?

Mr. Secretary, why was the *Maddox* ordered to go within what the North Vietnamese believed to be their territorial waters and why, once the *Maddox* had received information that the North Vietnamese were in an uproar about the activities of the *Maddox*, did the ship not break off its patrol?

Secretary McNAMARA. Mr. Chairman, as I explained earlier, the North Vietnamese had not claimed waters beyond 3 miles, so I do not think the question is pertinent.

TERRITORIAL LIMIT DISCUSSED IN MAY 1966 HEARING

Senator MORSE. Could I put in the record at that point, because I am confused about this—I take you back to page 24 of the May 24, 1966, executive hearings. The chairman was examining Mr. John McNaughton and on the top of page 24 he first quoted from Secretary McNamara's testimony of August 6, 1964:

As part of that, as I reported earlier to you this week, we understand the South Vietnamese Sea force carried out patrol action around these islands and actually shelled the points they felt were associated with this infiltration. Our ships had absolutely no knowledge of it, were not connected with it, and in no sense of the word can be considered to have backstopped the effort.

That is the quote from Secretary McNamara. Now to quote the chairman on May 24, 1966:

First, I want to ask you: had your ships within days before the incident gone within territorial limits recognized by North Vietnam?

Mr. McNAUGHTON. Within the 12-mile limit, Mr. Chairman.

The CHAIRMAN. That is the territorial limit.

Mr. McNAUGHTON. I think that it is. If that is the case, the answer is "Yes".

The CHAIRMAN. That had been the limit.

Senator PELL. May I interject for a moment. Is 12 miles the territorial limit that we recognize?

Mr. McNAUGHTON. No, sir, it is the one—the chairman, I understood the chairman to say territorial limits recognized by North Vietnam.

Mr. U. ALEXIS JOHNSON. Claimed by North Vietnam.

The CHAIRMAN. That is right. Many countries have different ones.

Senator MCCARTHY. Texas claims the 12-mile limit.

The CHAIRMAN. They vary, but they claimed 12 miles. But our ships had gone into it.

Mr. McNAUGHTON. Yes, sir; that is correct.

I still think it is a little vague, but we certainly—and in those hearings—asked the Defense Department if they were within the 12-mile limit.

You now say they did not claim the 12-mile limit, and we were advised they did.

Secretary McNAMARA. Senator, if I understood, the testimony you read from were the hearings of May 24, 1966.

Senator MORSE. That is right.

Secretary McNAMARA. I do not believe during the hearings of 1964 any of us stated that North Vietnam claimed a 12-mile limit. I believe further that it is rather ambiguous in the testimony you read as to whether it was Mr. McNaughton or the chairman who was stating North Vietnam claimed the 12-mile limit; but to the extent Mr. McNaughton either stated or acquiesced in the chairman's statement of it, he was wrong.

IDENTITY OF CLEARANCE STATUS

Senator GORE. Mr. Chairman, would you please clear up the exact identity of this clearance status that is something superior to top secret and whether or not the President's letter applied only to this particular operation? I would like to be informed. I never heard of this kind. I thought top secret was top secret.

The CHAIRMAN. I am not sure that I can do it justice. I never heard of this clearance before. But at the meeting I attended, which is referred to, and is referred to in the staff report, with Mr. Nitze, he said that this particular message was beyond top secret, and it has to do with intelligence communications, and that was the reason he could not give me that particular communication. He allowed me to look at it. It was a very short message; I think it was only about a paragraph, and I read it very rapidly. He said this was beyond top secret, and only a few people are allowed to see it. I was given to understand it relates to what is called an intercept, and it is my information, well, my memory, that he stated this was the conclusive evidence upon which the Pentagon relied to prove beyond all doubt that there was an attack upon our ships on the 4th of August.

Senator GORE. Excuse me, what is the classification, what is the name of it?

Senator SPARKMAN. "Eyes only."

Senator MANSFIELD. Does this have to do with codebreaking or things of that sort?

Senator GORE. No; that is not it.

Secretary McNAMARA. Mr. Chairman, may I try to answer it?

The CHAIRMAN. The Secretary can do better than I can.

Senator MANSFIELD. Or General Wheeler seems to want to say something.

The CHAIRMAN. Or General Wheeler.

TYPES OF CLEARANCES

Secretary McNAMARA. Mr. Chairman, let me comment on this first. Senator Gore asked, "Does this instruction from the President apply only to this incident?" The answer is "No." All of the executive departments, because of recent security violations in this country, have

been instructed to tighten up on security, with their own personnel and with all other personnel. All of the executive departments have been instructed to observe strictly the appropriate clearance procedures. They are many. There are a host of different clearances. I would guess I have perhaps 25. There are certain clearances to which only a handful of people in the Government are exposed. There are others with broader coverage, and overlapping coverage, and it is not really a question of degree of clearance. It is a question of need to know, and need to know clearances apply to certain forms of data.

Now, there is a top secret clearance that covers certain kinds of information, and is a rather broad clearance and is related to a level of clearances starting for official use only, rising through confidential and secret and top secret and generally speaking that is a pyramidal clearance. There is another clearance, Q clearance, that relates to certain categories of information.

There is another clearance which is the special intelligence clearance we are talking about, that relates to intercept information, and it is this latter clearance in particular that is at issue here, and the staff members of this committee have not been cleared for that kind of information. So far as I know they have not requested clearance. If they do request clearance, we will be happy to consider it.

The President instructed me specifically to make information available to members of the committee—Members of the Congress, whether they are cleared or not. I have the information here with me this morning and I will be happy to go over it with you, but I will have to ask individuals in the room, staff members and others, who are not cleared to leave the room when I do it.

Senator GORE. Because it deals with intercepts.

Secretary McNAMARA. It deals with intercepts.

Senator GORE. Ambassador Goldberg discussed the intercepts at the U.N. on television.

Secretary McNAMARA. But the problem here involves an intercept with the particular traffic involved. Our intelligence analysts have gone over this and have stated the area is a danger to us in certain kinds of intercept material and disclosure of it. [Deleted.] We are under instructions to deny it other than to Members of Congress and others properly cleared.

Senator PELL. Mr. Chairman, the fact we have publicly stated that intercept information confirmed the location outside North Korean territorial waters of the *Pueblo*, which has strengthened our case to this effect, has this not thrown into the public domain quite a portion of the fact that we have access to this kind of intelligence?

Secretary McNAMARA. The intelligence analysts believe not. Well, I do not want to get into a further discussion until the room is cleared of those not authorized to handle it. We would run the risk of compromising intelligence sources if disclosed.

NORTH VIETNAM TERRITORIAL LIMIT CLAIM

Senator SPARKMAN. Mr. Chairman, may I ask just one very brief question. Going back to this 12-mile limit, I believe you said in your paper; did you not, that sometime following the Gulf of Tonkin incident, North Vietnam did claim through a radio dispatch a 12-mile limit?

Secretary McNAMARA. They did, Senator Sparkman.

Senator SPARKMAN. But that was the first time they had stated it.

Secretary McNAMARA. That is correct.

Senator SPARKMAN. I think that might explain the difference between 1964 and 1966.

Secretary McNAMARA. It might well.

WHY DID "MADDOX" NOT BREAK OFF PATROL?

The CHAIRMAN. I forgot that. Did you reply to why the *Maddox* did not break off the patrol when they believed they had stimulated—according to this cable, they said that the North Vietnamese regarded them as hostile and an enemy and that they were very sensitive about Hon Me. Why did they not break off at that point?

Secretary McNAMARA. I am not certain I know which particular message you are referring to.

The CHAIRMAN. The one I read.

Secretary McNAMARA. Yes. Can you give me the time date group on it? I think I have it here, and it is [deleted] and in that particular message he was speculating on North Vietnam's interpretation of his operations. He did not at that point consider the risks sufficiently high to break off the patrol.

You will recall that later the following day he did state that he believed it might be advisable to break off the patrol, but he had not reached that point of judgment then.

The CHAIRMAN. Well, that was his judgment. Why did his superiors not order him to break it off in view of that cable if they did not wish to provoke an incident?

Secretary McNAMARA. Because we were on the high seas and operating legally and entirely within our rights. The President stated publicly that we would continue to carry out the patrol in international waters in a legal fashion.

The CHAIRMAN. Here, this is the—have you identified that now?

Secretary McNAMARA. Yes.

The CHAIRMAN. I read from a cable from the operational commander of the two ships sent some 15 hours before the second incident:

(a) Evaluation of info from various sources indicates DRV considers patrol directly involved with 34A ops. DRV considers U.S. ships present as enemies because of these ops and have already indicated their readiness to treat us in that category. (b) DRV very sensitive about Hon Me, believe this is PT operating base, and the cove there presently contains numerous patrol and PT craft which have been repositioned from northerly bases. (c) Defense against PT's very difficult when in close proximity to Hon Me in that they can hide behind it until the opportune moment and start their run leaving very little time for tracking and spotting and allowing no international water working space for aircraft. (d) Under these conditions 15 minutes reaction time for obtaining air cover is unacceptable. Cover must be overhead and controlled by DD's at all times.

It seems to me it is very clear they thought they were extremely exposed and in a dangerous position and were requesting authority to break off.

Secretary McNAMARA. No, I beg your pardon, Mr. Chairman, they specifically did not request authority to break off, and, had they wanted to break off, they would have requested it. Those were their orders, and later in the sequence of messages you will find that they did not suggest breaking off.

The CHAIRMAN. Maybe I overstated it. At least they did not even want a 15-minute delay in aircraft. They wanted the aircraft right over them.

Secretary McNAMARA. That is clear.

The CHAIRMAN. They thought they were pretty exposed.

Secretary McNAMARA. Oh, yes; I do not dispute that.

WERE WE IN TERRITORIAL WATERS?

Senator LAUSCHE. Mr. Chairman, are you trying to prove—

Senator MUNDT. What is the date of that?

Secretary McNAMARA. August 3.

The CHAIRMAN. It is shortly before the attack.

Senator LAUSCHE. Mr. Chairman, are you trying to prove we were in territorial waters?

The CHAIRMAN. I am trying to get the truth of what took place, that is all, Senator.

Senator LAUSCHE. Well, I would be able to follow you better if I can learn—

The CHAIRMAN. What this means will have to come later. I cannot tell what the answers are. All I am trying to do is develop the truth.

Senator LAUSCHE. Let me finish my question.

Are we trying to prove that because we were not in international waters but in territorial waters that North Vietnam had the right to shoot at us?

The CHAIRMAN. I am not a witness, Senator. I do not propose to answer those questions. I am trying to develop a case of what happened.

WARNING SHOTS FIRED BY "MADDOX"

Mr. Secretary, as to the attack of August 2, 1964, your testimony states that the *Maddox* first fired "three warning shots before taking the North Vietnamese torpedo boats under fire."

Is there such a thing as a warning shot between naval combatants?

Secretary McNAMARA. Mr. Chairman, I do not know. I would be happy to check with the Navy and answer the question for the record. (The following was subsequently supplied:)

There is a difference of opinion as to the use of warning shots between combatants. Obviously, a commanding officer would only have recourse to such shots under very special and compelling circumstances.

The CHAIRMAN. Well, a former admiral communicated voluntarily to this committee, Adm. Arnold True, said he was a destroyer commander during quite a number of years. He said that this is not a recognized procedure between naval combatants.

General, do you know anything about this?

General WHEELER. I am not a naval officer, Mr. Chairman.

The CHAIRMAN. I understand.

General WHEELER. However, I would submit this, that we were not at war with North Vietnam, and I would think that rather than the commander opening fire directly on approaching vessels in daylight that, as a precautionary measure, he might very well have fired warning shots rather than firing directly at them.

The CHAIRMAN. I may add that a gunnery officer aboard the *Maddox* when asked about the so-called warning shots, was quoted as saying,

and I quote, "Oh, no. We were definitely aiming right at them because the speed factor was there. We did not want to waste much time in spotting our shots."

Then the logs of the *Maddox* reveal that the *Maddox* simply opened fire on the patrol craft. That is what the log reports.

Secretary McNAMARA. Did we furnish you the testimony from the gunnery officer, Mr. Chairman?

The CHAIRMAN. Where did it come from, Mr. Bader?

Mr. BADER. Mr. Secretary, that quotation is not from material provided by the Defense Department.

Secretary McNAMARA. Is that in the staff study? I would like to have the name of the gunnery officer in order to check the testimony. I am not familiar with it. I never heard it or saw it. I would like to have it and I will check it. May I have it, Mr. Chairman?

The CHAIRMAN. I do not have the name.

Senator LAUSCHE. I do not have the name.

Mr. BADER. I have it right here.

Senator LAUSCHE. Is this one of the x's in the addendum?

Mr. BADER. It is a newspaper quotation from a gunnery officer.

(Subsequently the chairman inserted the following information in the record:)

Lieutenant Raymond P. Connell, gunnery officer aboard the *Maddox*, quoted in AP dispatch in the *Arkansas Gazette*, July 16, 1967.

The CHAIRMAN. Mr. Secretary, considering the fact that the *Maddox* was heading for an island recently attacked by South Vietnamese raiders using U.S. equipment, is it not possible that the North Vietnamese could have concluded the United States had a role and had remained in North Vietnamese waters and to attack the island again?

Secretary McNAMARA. I think not, Mr. Chairman. My reasons are twofold. First, Vietnamese radar could track our vessels and 34-A vessels and, therefore, knew they were separated by time and distance.

Secondly, as I mentioned to you earlier, prisoners that we have since captured indicate that they knew that these were separate operations.

WHY AIR COVER WAS PROVIDED IN TONKIN INCIDENTS

The CHAIRMAN. Mr. Secretary, in your recent "Meet the Press" interview you stated that the *Pueblo* was not given air cover and an armed escort because this would have been provocative to the North Koreans. Yet in the case of both incidents in the Gulf of Tonkin, American aircraft carriers provided air cover.

If in the case of the *Pueblo* air cover and protection would have been provocative, why would not the same term apply in the Gulf of Tonkin, particularly since the *Maddox* and the *Turner Joy* had orders that would take them within what the North Vietnamese considered to be territorial waters?

Secretary McNAMARA. First, the North Vietnamese did not consider them to be territorial waters, as I have pointed out on several occasions this morning.

Secondly, there is a major difference between the situation with the *Pueblo* off the coast of North Korea and the situation of the *Maddox* and *Joy* off the coast of North Vietnam.

North Vietnam at that point, in fact, was infiltrating several thousand armed personnel a year from North to South Vietnam, and there was reason, therefore, to protect our craft, a reason that was not present in the case of the *Pueblo*.

The CHAIRMAN. Well, it was present, but you did not recognize it because they took the ship, did they not?

Secretary McNAMARA. Well, the same reasons were not present, Mr. Chairman.

Senator MUNDT. Will you yield?

The CHAIRMAN. Yes, I will yield.

NORTH KOREAN INFILTRATIONS INTO SOUTH KOREA

Senator MUNDT. Were not the North Koreans infiltrating people into South Korea?

Secretary McNAMARA. Not several thousand.

Senator MUNDT. In this Blue Palace incident?

Secretary McNAMARA. Not several thousand a year, Senator Mundt, nor was North Korea at the time of the *Pueblo* incident carrying out direct, and from its capital, armed attacks upon the people and the political institutions of South Korea to the extent as that North Vietnam was then doing against South Vietnam.

Senator HICKENLOOPER. If I may observe there, it is my understanding North Koreans went through the American lines and we did not do anything to stop them, but they do not go through the ROK lines. The Koreans stop them, the South Koreans, and they attacked Seoul.

Secretary McNAMARA. On the point of whether we are stopping the North Korean infiltrators or not stopping them, and whether our record compares favorably with South Korea's, I cannot testify. But I will be happy, Senator Hickenlooper, to check.

(The desired information will be supplied at a later date.)

Secretary McNAMARA. Now, on the question of the relations between North Korea and South Korea, on the one hand, and North Vietnam and South Vietnam, on the other, there is just a major difference in the situation is Southeast Asia in 1964 and that in North and South Korea today.

Senator HICKENLOOPER. I should not have asked it. I got that information from a soldier who has been over there for quite a little while.

Secretary McNAMARA. It may be correct, but I am not familiar with it.

Senator HICKENLOOPER. He seemed to know what he was talking about. But I do not know.

Senator MUNDT. Is it your position that the attack by the North Koreans on the Blue Palace was not a planned attack on the high Korean Government?

Secretary McNAMARA. No, Senator Mundt, my position is very simple. There is a major difference between the situation in the North and South Korea today, on the one hand, and that which existed in Southeast Asia between North Vietnam and South Vietnam, on the other, and I will be very happy to take some hours of the committee's time to document it.

EVIDENCE OF NORTH VIETNAMESE INFILTRATION INTO SOUTH QUESTIONED

Senator MORSE. Mr. Chairman, I do not want to argue the point now, but as the Secretary knows, I always have believed in pretrial hearings and giving advance notice of your case. But, if I understand you now, Mr. Secretary, your position is that prior to the Tonkin Bay incidents there was heavy infiltration of North Vietnamese forces into South Vietnam. I have just asked Mr. Marcy to have someone go to work on our hearings, because unless I have lost all power of recollection, it is my recollection that prior to the Tonkin Bay incident the administration, through an administration witness, testified to a committee, and we will find it on the record, there was not infiltration of North Vietnamese forces into South Vietnam prior to Tonkin Bay. You will find one administration witness who says they did not have any evidence of a single cadre. He pointed out that South Vietnamese had been sent to North Vietnam for training, but they had gone back. But the administration could not give us any proof that North Vietnamese forces had infiltrated into South Vietnam, and I want to tell you so in order that we may discuss it later.

Secretary McNAMARA. Senator Morse, I think, without arguing the point of whether there was evidence of North Vietnamese forces, meaning formal units of its military service, infiltrating from north to south, there was ample evidence of infiltration from North Vietnam to South Vietnam of thousands of people sent from the north to the south to subvert the government of the south, and operating there in the south for that purpose under the direct control and literally the hour-by-hour direction of Hanoi.

Senator MORSE. Military personnel?

Secretary McNAMARA. Military personnel.

Senator MCCARTHY. Mr. Chairman, may I ask a question?

The CHAIRMAN. Yes.

TRANSMISSION OF INFORMATION TO SVN NAVY

Senator MCCARTHY. Was the information that our destroyers were gathering transmitted to the South Vietnamese Navy for its use?

Secretary McNAMARA. I cannot answer the question.

Senator MCCARTHY. Well, you must know that.

Secretary McNAMARA. No, I do not know that.

Senator MCCARTHY. You cannot answer that? If we get information that would be helpful to the South Vietnamese Navy, we would give it to them?

Secretary McNAMARA. I do not say we would not. I simply cannot answer it.

Senator MCCARTHY. If we were transmitting it, wouldn't it be the equivalent of an act of war against North Vietnam? In other words, you were not just out gathering information for the files of the Defense Department, were you?

Secretary McNAMARA. We were gathering information that we needed to assist the South Vietnamese in reducing the adverse effect on them of the infiltration from north to south by sea, and I so stated.

I further stated, and I stated this at the time, it was part of the public debate at the time, that we were furnishing to South Vietnam the boats they used.

Senator McCARTHY. I know.

Secretary McNAMARA. Whether we gave information or not, the fact is—

Senator McCARTHY. The question of the time lapse, and so on, has become much less important. If you picked up information one day and gave it to them, and the next day South Vietnam took military action, it becomes almost a part of the same naval operation.

Secretary McNAMARA. Whether we gave information to them or did not give information to them, we did supply boats, and that was known on August 6, at the time. I think it is extremely unlikely that we gave any information from the patrol to the South Vietnamese in the time interval such as you suggested. It is possible that over a period of weeks or months we may have. But I am certain we did not in a matter of hours or days after the collection of the information.

WHY INTELLIGENCE SHIP WAS OFF NORTH KOREAN COAST

Senator McCARTHY. I was interested in your comparison of the situation of the difference between North and South Vietnam as contrasted to North and South Korea. So, therefore, the protection given the destroyers can be quite different from that of the *Pueblo*. What was the role of the *Pueblo*?

If the relationship between North and South Korea was so much better, why do we have a spy ship off the coast, which we assume was helping South Korea?

Secretary McNAMARA. We have patrols that we are carrying out all over the world in the air and on the sea, international waters and international airspace, collecting information that would be of benefit to us in protecting our security. That was the mission of the *Pueblo*.

Senator McCARTHY. Shouldn't we—

Secretary McNAMARA. Pardon me, Senator, if I may finish.

Senator McCARTHY. Yes.

Secretary McNAMARA. That was the mission of the *Pueblo*, and it is the mission of literally thousands of reconnaissance flights that we carry out, and many seaborne missions that we carry out each year.

Senator McCARTHY. Would it not seem to be more provocative to have a ship like the *Pueblo* there if supposedly the relations between North and South Korea were reasonably good, and we were not as directly involved as we were in South Vietnam? Isn't this a kind of unnecessary intrusion of American power?

Secretary McNAMARA. No. I think American ships, when it is in our interest should move any place in international waters—

Senator McCARTHY. Spy any place they want to, but take the consequences.

Secretary McNAMARA. I believe—

Senator McCARTHY. Get the information.

Secretary McNAMARA. If you want to change the entire legal basis—

Senator McCARTHY. I am not going to change anything.

Secretary McNAMARA (continuing). Of operations of the sea, that is your prerogative.

Senator McCARTHY. Well, there really are not any, as you know. I mean everybody claims different things.

Secretary McNAMARA. Of course, there are. Let us not say there is not a basis.

Senator McCARTHY. We do not have to go into it now.

Secretary McNAMARA. We will go into it.

Senator McCARTHY. Well, we won't.

Secretary McNAMARA. We will.

Senator McCARTHY. I would like to ask my questions. He is not answering the question I wanted to ask him.

The CHAIRMAN. Let him try, and then you can respond.

Senator McCARTHY. I do not want to go into the law of the sea.

Secretary McNAMARA. Mr. Chairman, may I simply ask permission to respond?

Senator McCARTHY. Yes.

The CHAIRMAN. Go ahead.

Secretary McNAMARA. May I ask permission to respond for the record, because the question I was answering Senator McCarthy several minutes ago—I do not want to ask the reporter to go back and find it—but it did attribute to me a statement for the record, and I want to correct my own statement for the record.

The CHAIRMAN. Do you want to do it now?

Secretary McNAMARA. I would like to do it later.

Senator McCARTHY. I will take it all out.

Secretary McNAMARA. No, I want to leave it in, but correctly.

Senator McCARTHY. I did not get a chance to finish it with you. I have no objection to our spying for our own purposes, but I say if we have a spy ship picking up information and then transmitting that information to another country which is engaged in hostilities with a nation on which we are spying, then we are not quite so pure as we represent ourselves to be. That is the point I wanted to make.

DID UNITED STATES TRANSMIT ITS INFORMATION TO SOUTH KOREA?

With reference to the *Pueblo* off the coast of North Korea, I think it is somewhat the same thing that applies to the destroyers. It was really in that sequence that I wanted to ask the question, Mr. Secretary.

Secretary McNAMARA. What was the question?

Senator McCARTHY. All right. We can say—you say—America has the right to do it. That is fine, I think we have, too. But it becomes different if we pick up information that should be ours, and we then transmit it to another country like South Korea, which, in turn, uses it against North Korea. Then our ship picking up the information is not quite in the same immune position as it would be if it were picking up information for our use alone. That is my question.

Secretary McNAMARA. That is a statement not a question, but I will let it stand, and I would be happy—

Senator McCARTHY. That was the point I wanted to make.

Secretary McNAMARA. I disagree with the statement. I do not think it is factual.

Senator McCARTHY. It is a question. I ask—

Secretary McNAMARA. What is the question?

Senator McCARTHY. Two questions I asked. Let us answer them.

Secretary McNAMARA. Let the reporter go back and read the question.

Senator McCARTHY. I will ask the question, first of all, about the destroyers, as to whether the information they were picking up would be transmitted to South Vietnam.

Then I tried to ask the same question with reference to the *Pueblo*, that is all. I said if it was doing this—and you said there was a difference in the relations between North and South Korea from those of North and South Vietnam—if the *Pueblo* was picking up that kind of information, and giving it to South Korea, the justification for that action, it seems to me, would be less clear than the justification for what might have been taking place off the coast of South Vietnam. That is all.

Secretary McNAMARA. Let me rephrase it and see if I state your question properly, and then I will see if I can answer it.

USE OF U.S. INFORMATION FOR SVN NAVAL OPERATIONS

Your first question was whether information picked up by the destroyers *Maddox* and/or *Joy* while the 4th DeSoto mission was taking place in the Tonkin Gulf was transmitted to the South Vietnamese.

Senator McCARTHY. Well, not immediately. I want to know whether that information was being used to give direction to South Vietnamese naval operations, not necessarily on the same day or the same 2 days, but as part of the pattern of operation.

Secretary McNAMARA. Well, to the best of my knowledge, it was not transmitted at the time. It was not transmitted shortly thereafter and, so far as I know, it was not used in the planning of the South Vietnamese operation. I do not know the latter for a fact. I will check it and answer it for the record.

(The following was subsequently supplied:)

We have found no evidence that any information gained on the DeSoto patrols was used in the planning of the South Vietnamese operations.

Senator McCARTHY. All right.

TRANSMISSION OF INFORMATION TO SOUTH KOREANS

Secretary McNAMARA. Your second question—the same question with respect to the *Pueblo* in relation to South Korea. To the best of my knowledge, the *Pueblo* did not break radio silence from the time it moved on station, some time around January 10, to approximately January 22 and, therefore, could not during that period have transmitted any knowledge to the South Koreans. I am not aware that we had any plans, had the *Pueblo* voyage been completely successful, to transmit any knowledge to the South Koreans.

Senator McCARTHY. That answers the question. I am sorry we had the confusion over the question.

CARRIERS IN THE TONKIN GULF AREA

The CHAIRMAN. Mr. Secretary, what carrier was in the Gulf of Tonkin when this affair started?

Secretary McNAMARA. Pardon me, Mr. Chairman?

The CHAIRMAN. What carrier, aircraft carrier?

Secretary McNAMARA. I believe the *Ticonderoga* was there.

The CHAIRMAN. Was a second carrier moved in shortly before the second incident on the 4th?

Secretary McNAMARA. Mr. Chairman, my memory is faulty, I do not recall. I will be happy to answer it for the record.

The CHAIRMAN. Do you know, General Wheeler?

General WHEELER. At the time of the first incident, the *Ticonderoga* was in the Tonkin Gulf area. The *Constellation* was in Hong Kong, and we started to sail her south from Hong Kong toward the Gulf of Tonkin.

The CHAIRMAN. Shortly before August 4?

General WHEELER. Before August 4.

The CHAIRMAN. Had she arrived in the Gulf of Tonkin by August 4?

General WHEELER. She had not, sir. She was still outside the Gulf of Tonkin.

WHY IT WAS NECESSARY TO GO CLOSE TO COAST

The CHAIRMAN. Mr. Secretary, according to the orders sent to the *Maddox* and *Turner Joy* the ships were directed to go toward the North Vietnam coast and then retire to sea at night. The track of the ships took them within 8 nautical miles of the North Vietnam coast, and 4 nautical miles of the North Vietnamese islands. Why was it necessary to go so close to the coast?

Secretary McNAMARA. Just a minor point, Mr. Chairman. I think the *Maddox* was authorized to go as close as 8 miles, not directed to go to 8 miles, and I believe the *Joy*, when it was added to the *Maddox*, was restricted to an area no closer than 11 miles, and in the latter case the *Maddox* and the *Joy*, operating under the restriction of no closer than 11 miles, did not actually go closer than 16 miles. The purpose of allowing such a proximity to the coast was, of course, to obtain the maximum amount of information on coastal activities.

The CHAIRMAN. They went as close as 4 miles to the islands, did they not?

Secretary McNAMARA. Yes, I am not sure they went as close as 4 miles, but they were authorized at least on July 30, to go as close as 4 miles.

The CHAIRMAN. They were authorized, and they were authorized to go no closer than 15 miles from the coast of Communist China; is that correct?

Secretary McNAMARA. That is correct.

OUR LEGITIMATE RIGHTS IN INTERNATIONAL WATERS

The CHAIRMAN. According to the cables the Defense Department sent to the committee, the commander in chief of the Pacific Fleet sent a message to the *Maddox* and *Turner Joy* on August 4, stating that the termination of the patrol after 2 days as called for in the operational plan, "Does not in my view adequately demonstrate the U.S. resolve to assert our legitimate rights in these international waters."

What did the commander mean by this? That is a quote from his statement.

Secretary McNAMARA. Well, the portion that is the quote, of course, does not indicate the ship went within the territorial waters of North Vietnam. I would simply like the record to show that it did not enter the waters claimed as territorial waters by North Vietnam or recognized as territorial waters by the United States.

The commander you referred to was simply responding to a suggestion from the task force commander or intermediate headquarters—I have forgotten which suggested that the patrol be terminated, and the commander you referred to said in his opinion, it should not be terminated, in view of the present President's statement of August 3, that we would continue to operate the patrol in international waters.

If we then terminated it, it would appear to him that we were changing the directive as made public by the President.

The CHAIRMAN. And he did not think it adequately demonstrated our resolve to assert legitimate rights.

Secretary McNAMARA. I think that is exactly the language he used.

The CHAIRMAN. That is the language from the cable.

Secretary McNAMARA. Yes.

Senator MORSE. May I refer to that cable a moment, the cable you just cited?

The CHAIRMAN. Yes.

Senator MORSE. Mr. Secretary, don't forget in paragraph 2 of that cable he said, "Accordingly."

According to paragraph 2 of that; "Accordingly, recommend following adjustments in remainder of patrol schedule. Provided paragraph T2, reference B in order to accommodate commander, U.S. Military Assistance Commander in Vietnam. Request patrol ships remain north of latitude 19-10 north until 060600H—to avoid interference with 34A OPS. Four August patrol from points Delta to Charlie remaining north at 19-10 north."

Then later in the cable, he says, "The above patrol will clearly demonstrate our determination to continue these operations."

"B. Possibly draw NVN (North Vietnamese Navy) PGNS (patrol boat) northward away from the area of 34A OPS."

"C. Eliminate DeSoto patrol interference with 34A OPS."

CONNECTION OF MADDOX AND TURNER JOY WITH SVN FLEET

Here you get from the commander of the fleet out there, specific reference to the operations of the South Vietnamese attacking boats with instructions to our destroyers. That is where you lose me, unless there is some break in my thinking, that is where you lose me if it is the contention that we were not using the *Maddox* in connection in some way with the attacks.

It is only my premise, and I am not reaching any final conclusion until I hear all of the record—I hope I am too good a lawyer for that—but it seems to me that these cables that we got from your own Department show that instructions went out to the *Maddox* and to the *Joy* in relationship to 34A, and they were being used.

Now, if they were, does that make any difference whether they were on the high seas or not, if they were acting as a provocateur, if they were in fact cooperating with the South Vietnamese boats? You are not arguing, are you, that the North Vietnamese had no right to attack them on the high seas?

Secretary McNAMARA. I am arguing, Senator Morse, that the reason for the change in the area border from which area the *Maddox* was to be restricted was designed by the U.S. commander in South Vietnam to further separate the *Maddox* from the 34A operations in order to assure that there was less reason for anybody, including the North Vietnamese, to associate the two.

I am arguing further that the North Vietnamese themselves have stated that they did not confuse the two.

Senator MORSE. Well, Mr. Secretary, you give us the testimony of a captured prisoner or two, which does not bespeak what the naval operators of North Vietnam not captured were thinking. After all, when you are using a prisoner as a witness, you are certainly not using the best witness.

POSITION OF DESTROYERS IN 34A PROJECT

You see, one of the things that disturbs me is that I think the cablegram itself shows that we were trying to draw those North Vietnamese boats away from the South Vietnamese boats in order to give the South Vietnamese boats greater freedom of action, and that if that is not involving our destroyers in the 34A project, I do not know what it is.

I think we were using them as a decoy.

Secretary McNAMARA. Senator Morse, had we been using them as a decoy we would not have so substantially increased the restricted area.

This move to north of 19 degrees 10 minutes was a move of about, I would say, 90 miles, moving the northerly boundary of the restricted areas farther and farther away from the 34-A operations.

Senator MORSE. It is a pretty good decoy if you are trying to get the North Vietnamese boats to follow them.

Secretary McNAMARA. No, because then the North Vietnamese boats knew that our boats had no hostile intent and played no hostile role. They knew that from having tracked them the previous nights, and they knew that from previous patrols, so there was no basis for this assertion by the author of that cable and, by the way, he said it would possibly draw them to the north. There was no—

Senator MORSE. Possibly in that context could be interpreted as hopefully.

Secretary McNAMARA. In any case it was not possible and it was not a plan, and it was not the purpose of the DeSoto Patrol, and the Joint Chiefs had never considered that, and would never have approved that purpose, nor was the patrol carried out in such a way to permit such a purpose to be achieved.

Senator MORSE. It is most unfortunate you had them anywhere near there while the South Vietnamese attacks were going on because you opened yourself, I think, to just this kind of an interpretation of the messages.

The CHAIRMAN. Could I say to the committee that the Secretary has a luncheon engagement, and I thought we would adjourn at 12:30. The Secretary has agreed to come back at 2:30 if that is agreeable to the committee. We will have our floor vote around 1 o'clock.

FURTHER PRISONER IN 1967

Could I ask this, Mr. Secretary, I wonder why were we not given the fact that you had another prisoner in 1967? They told us about the prisoner in 1966, but Mr. Nitze never indicated you had a further prisoner in 1967 who testified. I think you should have notified us of that.

Secretary McNAMARA. I think so, too, Mr. Chairman. I must say I wish we had. We would have avoided some of the controversy because the testimony of a 1966 prisoner was not nearly as comprehensive or as illuminating on the participation by North Vietnam in the August 4 attack as was the testimony of the prisoner of July 1967 which, I think, came to light only within the past few days.

The CHAIRMAN. I see.

Senator LAUSCHE. Mr. Chairman, may I have just 1 minute?

The CHAIRMAN. The Secretary wants to go.

Secretary McNAMARA. Mr. Chairman, I am quite happy to stay longer if the committee wants me to. I would be delighted to that, and also come back later this afternoon.

The CHAIRMAN. We will go to a quarter of one if you like.

Senator LAUSCHE. Yes.

WHAT IS OBJECTIVE OF THIS MEETING?

I would more clearly be able to see what is sought to be proved if I knew the objective of this meeting. One, were we trying to prove we were in territorial waters of North Vietnam and, therefore, North Vietnam had the right to shoot at us?

Two, are we trying to prove we were not shot at and that we initiated the shooting under a misapprehension of the facts?

Two avenues are sought to be followed, and there is nothing clear in what has been developed this morning after two and a half hours of what the real objective of this meeting is.

It looks to me as if it is trying to put the United States in a bad light and the North Vietnamese in a good light, and I cannot subscribe to that.

Senator MORSE. Mr. Chairman, could I say something about procedure?

The CHAIRMAN. Senator Morse.

Senator MORSE. It is easy in situations such as this for sincere men with some different viewpoints trying to find out, to check their own viewpoints against the evidence that the Secretary of Defense can offer us, to take the position that we are trying to put our country in a bad light, as Senator Lausche suggests.

There is no basis for that at all. I think this is so important that we try to find a way of reaching an understanding with regard to the Gulf of Tonkin.

I am not convinced by anything the Secretary has said this morning that we followed the proper course in regard to the *Maddox* and the *Joy* in reference to this incident, and that is why we want his answers to these cables, and we want the supplements to these cables of information we do not have, anything that he can give us.

There is still every reason for my continuing to believe that we followed an unwise course of action in the Tonkin Bay incident, and that we do not have clean hands in regard to what happened over there. It just happens to be my honest opinion. But that does not mean I am not going to change it before this hearing is over.

So the procedural point I make, Mr. Chairman, I think we ought to continue. I think this has been very beneficial. Each person will get his turn to discuss this.

I think you have done a magnificent job in carrying out this meeting. We ought to meet this afternoon, but whatever hours the Secretary has indicated are necessary would be of assistance to us. I am not so sure that you can finish it this afternoon. If you cannot, we ought to meet tomorrow morning. This is the last opportunity that we will have to talk to the man, who is the best witness in regard to helping us get the facts because he was Secretary of Defense at the time, and I hope that there will be no attempt to restrict the chairman or any other member of this committee from taking the time we need to carry out what we think our duty is.

Senator GORE. Mr. Chairman, could I have a half minute to answer, to attempt to answer, Senator Lausche's question?

The CHAIRMAN. Yes.

EXAMINATION OF TONKIN INCIDENTS

Senator GORE. Before you entered the room, Senator Lausche, the chairman stated the purpose of the hearing was to develop as fully as possible the true facts relating to the incidents in the Gulf of Tonkin in the process of examining the decisionmaking process of the United States in a crisis; is that correct?

The CHAIRMAN. That is correct.

Senator GORE. Now, the country, rightly or wrongly, has taken itself—has been taken into a war that has proved rather disastrous, and it is important not only from the context of history but for the future of our country to examine this particular incident and develop the truth. Insofar as I am concerned, I share in the objective the chairman stated, as the chairman stated it.

The CHAIRMAN. That is correct. This resolution has been interpreted by the administration as a "functional equivalent" of a declaration of war under the Constitution. I do not accept that definition, but in any case that is what Under Secretary of State Katzenbach said.

It seems to me how one makes a decision that inspires a functional equivalent of a declaration of war is very important to the country and to this committee.

Senator LAUSCHE. The paper that was submitted in the last 2 weeks, and which I read, premised its judgment or its implied recommendations on the claim that we were never fired upon, that there was proof of those on the ship who said, "We saw no torpedoes," and the implication was that we initiated the firing.

Well, today I do not know, the questions are directed not to that, to proving that point, but to prove the point that we were in waters in which we were not allowed to be and, therefore, the Communists had the right to shoot at us.

I do not know which direction you are moving and in trying to establish some conclusions as a consequence of this meeting.

The CHAIRMAN. Mr. Secretary, then with your permission we will go until a quarter of one.

I would like to get through this because then each member will be called upon for his own questions. These questions are all based upon official documents which we have received, and that is why I thought it was important to address the initial questions to them.

I will go through one or two more before we adjourn.

NATURE OF INFORMATION RECEIVED BY "MADDOX"

Mr. Secretary, some 15 hours before the second incident on the 4th of August, the *Maddox* sent a message to the commander of the 7th Fleet stating that evaluation of information from various sources indicated that the North Vietnamese considered the patrol directly involved with the South Vietnam attacks on North Vietnam. These attacks, as has been stated, took place on the night of the 3d and 4th of August.

Could you tell us what the nature of this information that the *Maddox* received was?

Secretary McNAMARA. Mr. Chairman, I have already responded to that question. It was asked an hour or so ago, and I stated then that the *Maddox* had not received any information that would have supported such a conclusion.

Captain Herrick, the man who wrote the cable, testifies today he can recall no information that would have supported the conclusion and, as I mentioned, a North Vietnamese prisoner stated that the North Vietnamese separated the patrol from the operations, knew they were not connected.

Senator CASE. Was the cable sent?

The CHAIRMAN. Yes. This is a cable from the *Maddox*.

Senator CASE. No question about that, Mr. Secretary?

Secretary McNAMARA. Oh, no, no.

The CHAIRMAN. This was the language I mentioned.

Senator CASE. Is there a suggestion that somebody else other than the commander sent a cable?

The CHAIRMAN. No. Who was the commander?

Secretary McNAMARA. Herrick.

The CHAIRMAN. Where is he now?

Secretary McNAMARA. He is in this country.

The CHAIRMAN. What is his assignment?

Secretary McNAMARA. I think he is in the Norfolk area.

The CHAIRMAN. He was the then commander of the *Maddox*?

Secretary McNAMARA. He was the commander of the task force.

The CHAIRMAN. Who was commander of the *Maddox*?

Secretary McNAMARA. He was CTG 72.1 who was superior to the commander of the *Maddox*. They embarked a task force commander onboard the *Maddox* in addition to the commander of the *Maddox* itself.

The CHAIRMAN. Just for the record, who was the commander of the *Maddox*?

Secretary McNAMARA. I do not know.

The CHAIRMAN. Commander Ogier?

Secretary McNAMARA. Yes.

The CHAIRMAN. Who was commander of the *Turner Joy*? Barnhard?

Senator GORE. Who sent the cable?

Secretary McNAMARA. Herrick sent the cable.

Senator MORSE. Do I understand he was on the *Maddox* when he sent the cable?

Secretary McNAMARA. Yes.

Senator CASE. Now he says he did not have any —

The CHAIRMAN. Justification for it.

Secretary McNAMARA. This was speculation on his part, and he says he has no basis for speculation.

The CHAIRMAN. What I was really asking for, he says from various sources. I assumed this to have been some of these messages that we have previously talked about.

Secretary McNAMARA. We have gone over all the messages and I know of no information in them that would lead to such a conclusion, so I can only conclude that it was sheer speculation, unfounded speculation.

Frankly, I have in my own mind an explanation of why he sent it, but I do not think it bears on the issue at hand, and I am not going to repeat it to you.

WHY WAS PATROL NOT BROKEN OFF?

The CHAIRMAN. For the record, why was the patrol not broken off if we were certain that the North Vietnamese considered our ships part of an attack on North Vietnam?

Secretary McNAMARA. We were not certain they considered it. We had every reason to believe that they did not believe our ships were preparing to attack North Vietnam.

The CHAIRMAN. They did not?

CABLE FROM THE PHILIPPINES

As to the second incident itself, I want to read a cable sent to Washington in the immediate aftermath of the second incident by the Naval Communications Center in the Philippines. I want to note, as background, that this naval facility had monitored all of the messages coming from the *Maddox* and the *Turner Joy* during the incident. The text of the message from the Philippines, after review of all the reports from the *Maddox* and *Turner Joy*, reads as follows:

Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather effects and over-eager sonarman may have accounted for many reports. No actual visual sightings by *Maddox*. Suggest complete evaluation before any further action.

With a cable like this coming from the Philippines, it seems to raise a very serious question as to why, in view of this suggestion, at least some reasonable investigation or delay in time in order to clarify was not taken.

I think, Mr. Secretary, you will have to admit that this was a pretty clear warning that there were some uncertainties about the situation.

Secretary McNAMARA. Mr. Chairman, let me make sure we have the right cable so we can all be talking about the same thing.

The CHAIRMAN. Mr. Bader, bring the document.

Secretary McNAMARA. Give me the time date, let me get it from them.

[Deleted.]

The CHAIRMAN. Will you place it in time context?

Secretary McNAMARA. Yes. You say that is from the Philippines? My message in front of me indicates it is from the commander of the task force.

COMMUNICATION FROM PHILIPPINES SUGGESTS ATTACKS UNCONFIRMED

Mr. BADER. It is from the Communications Center, Philippines to CINCPAC Fleet, and then it—

Senator GORE. Read it.

Mr. BADER. It is the same cable that the Senator just read:

Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather—

Secretary McNAMARA. Let me look at the cable because you may have misidentified it.

Senator GORE. Let him read it first.

Mr. BADER (reading):

Freak weather effects and over-eager sonarman may have accounted for many reports. No actual visual sightings by *Maddox*. Suggest complete evaluation before any further action.

This is a copy of the original cable, Mr. Secretary.

Secretary McNAMARA. I just want to see the identification on the top.

General WHEELER. It is a relay from the commander of the task force.

Secretary McNAMARA. I think I am correct in saying this is a message from the task force commander. It is of some importance, as you will see later, who it came from. The underlying message is here. I will be happy to give it to you. It is exactly the same words.

Mr. BADER. Mr. Secretary, it is marked as NCS Phil.

Secretary McNAMARA. Yes, but that is the relay point. The message from the task force commander goes to the Philippines and then is relayed in here, and that message, therefore, is from the task force commander.

Now, the reason it is important—

The CHAIRMAN. I am not sure it makes it any weaker.

Secretary McNAMARA. I am not arguing. I just want to get the facts straight.

The CHAIRMAN. All right.

Secretary McNAMARA. Now, that message came in to us, I believe, at 1327 on the 4th of August, and it is a message from the commander of the task force stating that atmospheric conditions and sea conditions and other conditions cast doubt on some of the reports of firings, observations, and torpedoes.

Senator MORSE. Is that Herrick again?

Secretary McNAMARA. Yes.

Senator MORSE. He was on the *Maddox*?

Secretary McNAMARA. Yes.

Senator MORSE. And from the *Maddox* he sends this wire which raises questions of doubt.

Secretary McNAMARA. That is correct. At least, that is the way my message reads. It reads "From the Commander of Task Group 72.1," which is him.

Senator MUNDT. Would he be in a better position to know what happened?

SOURCE OF MESSAGE IS IMPORTANT

Secretary McNAMARA. Oh, yes, I am not disputing the point. I am just trying to get the record clear as to where the message came from, and it is important that he raised these points himself.

What would you think we would do when we got it? Well, obviously, we were concerned, and we immediately began to examine it, and I have here a whole series of steps we took at that point as to what was done. I personally called Admiral Sharp and brought this to his attention, and said we obviously do not want to carry out retaliatory action unless we are "damned sure what happened." Those were the exact words.

The CHAIRMAN. Did you see the cable?

Secretary McNAMARA. I am not sure I saw the cable or whether it was brought to my attention in an oral report. General Burchinal, who was then Director of the Joint Staff, was downstairs a floor below my office, and I had a number of telephone conversations with him, and I do not know whether I saw the document or whether he reported it to me. But anyhow, I got the information, because I then called Admiral Sharp, and I have a transcript of that telephone conversation in which the specific words were, "We obviously don't want to carry out the retaliatory strike unless we are damned sure what happened." Then the instruction was to go find out.

Now, there is a lot of exchange here, Mr. Chairman. You may not want to take the time now to go into it.

Senator MUNDT. We had better wait until 2:30.

Secretary McNAMARA. If you do I am willing to go through it.

The CHAIRMAN. If you wish then, it is a quarter of 1, and we will just resume at this point, if that is agreeable.

Secretary McNAMARA. I will be happy to do that.

The CHAIRMAN. All right.

Secretary McNAMARA. Mr. Chairman, may I say I notice there were press out in front when I came in. It will be my intention to walk out there and say nothing.

The CHAIRMAN. That is mine, and I am going to say I have nothing to say, which is exactly what I am going to say.

(Whereupon, at 12:45 p.m., the committee recessed to reconvene at 2:30 o'clock the same afternoon).

AFTERNOON SESSION

PRESS RECEIVES SECRETARY McNAMARA'S STATEMENT

2:40 p.m.

The CHAIRMAN. The press says the Pentagon has released it.

STATEMENT OF HON. ROBERT S. McNAMARA; ACCOMPANIED BY GEN. EARLE G. WHEELER AND CAPT. H. B. SWEITZER—Resumed

Secretary McNAMARA. We have, Mr. Chairman.

The CHAIRMAN. In view of that, there are some here who said their people called them and they wanted it. You have some copies here.

Secretary McNAMARA. Yes, right. I will tell you what I did, Mr. Chairman. UPI 109, which came out about 1:22 this afternoon, after we had all left here, stated that a member of this committee said today one of the vessels involved in the 1964 Gulf of Tonkin incident penetrated North Vietnam's 12-mile limit. The information was given the committee by McNamara. That is just—

The CHAIRMAN. Who did that?

Secretary McNAMARA. I would rather not say. I have it here if you wish to read it. UPI 109. But that is just contrary to what I said this morning. I cannot stand without having what I said in my statement issued.

Senator COOPER. I have been asked if you said it. I said you did not.

The CHAIRMAN. It says Senator McCarthy said it.

Secretary McNAMARA. That is why I released it.

Mr. Chairman, I had instructed my people under no circumstances to release it and they did not release it until I issued the instructions to them.

The CHAIRMAN. When I went out I said I had nothing to say.

Secretary McNAMARA. So did I.

The CHAIRMAN. They said, "Are you going to have anything to say this afternoon?" I said, "Not so far as I know."

Senator SYMINGTON. Will the chairman yield?

Mr. Chairman, the Navy is up before the Armed Services Committee, and I plan to go back there. Before leaving, however, may I remind us that at a previous meeting I felt we first ought to have somebody discuss this matter, somebody from a "high classification" standpoint, CIA or DIA. We kicked that around a bit.

It is clear the Secretary himself was not alone responsible for the orders out there. Every Senator should have the right to know the full details of what went on, but I would again point out the witness would not be the only one to make any decision.

I would express my regret that any member of the committee said anything to the press if there was agreement not to say anything.

If you will excuse me, Mr. Secretary, I would like to go back and listen to why we need all that money. [Laughter.]

Secretary McNAMARA. Thank you very much, Senator.

Senator SYMINGTON. It is a lot.

The CHAIRMAN. Well, the committee will come to order.

NAVAL COMMUNICATION RECEIVED FROM PHILIPPINES

We were, when we adjourned, discussing—just for the record I will reread it, a report, a cable, or message that was relayed by the communications—Naval Communications Center in the Philippines, a message that had been sent by Commander Herrick of the task force. It reads:

Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather effects and overeager sonarman may have accounted for many reports. No actual visual sightings by *Maddox*. Suggest complete evaluation before any further action.

To pin it down again, when was that message sent?

Secretary McNAMARA. I believe it was sent—the number date group is [deleted] meaning Greenwich time, and that would mean it was sent at—on the 4th of August at around 1:30 p.m. eastern daylight time.

The CHAIRMAN. What was local time?

Secretary McNAMARA. Local time would have been around 1:30 a.m. August 5.

The CHAIRMAN. Approximately 4 or 5 hours after the attack took place.

Secretary McNAMARA. Yes, perhaps 3 hours.

The CHAIRMAN. Is that approximate?

Secretary McNAMARA. Three hours.

The CHAIRMAN. Three hours afterward and it was received in Washington—

Secretary McNAMARA. Essentially a few minutes.

Senator GORE. If you will yield so that I may relate something.

The CHAIRMAN. Yes.

Senator GORE. One instruction to the task force was that it search the area for debris. Was this after the search for debris?

Secretary McNAMARA. Substantially before the search for debris. I have forgotten the exact times. I can give it to you or insert in the record. It was the following day that the search for debris was to take place.

(The following was subsequently added:)

The instruction to search for debris was initiated at 5:11 p.m. e.d.t.

Senator GORE. In that connection, did they find any debris?

Secretary McNAMARA. I do not believe so.

Senator GORE. Thank you, Mr. Chairman.

The CHAIRMAN. As a matter of fact, this approximately 1:30 a.m. would be on the 5th, would it not? It would have been a.m. of the 5th.

Secretary McNAMARA. That is correct, local time. If I said around 1:30, I meant around 1:20, Mr. Chairman.

The CHAIRMAN. 1:20.

Secretary McNAMARA. On the 5th.

The CHAIRMAN. The morning of the 5th.

Secretary McNAMARA. That is correct. Local gulf time.

The CHAIRMAN. That is right.

Well now, will you come back to that message. Did you have something to say?

Secretary McNAMARA. Yes, Mr. Chairman; if I may take a few minutes of your time, I would like to tell you of a sequence of conversations with respect to this subject. Because needless to say we were concerned about the question raised. Although the message itself does not state that he questioned whether an attack had taken place, it did say that many reported contacts and torpedoes fired appeared doubtful. So we began then to correlate information and ask for further views and evaluations from the commander in chief of the Pacific.

CONVERSATION WITH PACIFIC COMMANDER

At roughly 2:45 Eastern Daylight Time, which is roughly an hour and 20 minutes later, the commander in the Pacific, or rather the commander of the task force, reported to the commander in the Pacific that he was certain that the original ambush was bona fide. This is a message on [deleted]. Details of the action present a confusing picture, but he had made positive visual sightings of cockpit lights or similar lights passing near the *Maddox*, and the *Turner Joy* reported two torpedoes passed near her.

Then, at 1500, roughly 15 minutes after the report I just gave you, I met, along with Secretary Vance, with the Joint Chiefs of Staff to review all of the evidence relating to the attack, to determine whether, in fact, an attack on the destroyers had occurred. We met for about 2½ hours discussing it, reviewing it, considering particularly

the communications intelligence information we had available to us, and then at 1723, which was 2 hours 23 minutes after the meeting started, we received a telephone call from the commander in chief of the Pacific stating that in his opinion the attack had occurred.

I should have mentioned earlier that about 40 minutes before that telephone call, this is to say at 1640, the commander in chief Pacific had called in stating that he had received the information from the commander of the task group, saying that the commander of the task group was certain the original ambush was bona fide and had made positive visual identification of cockpit lights, and reporting that the *Turner Joy* had reported two torpedoes.

Then, as I say, about 43 minutes after that the commander in chief Pacific called back again while I was still in the meeting with the Joint Chiefs, stating that he was convinced the attack had occurred and that all were satisfied it had.

Then, at 1807, which was 34 minutes after that, the commander in chief Pacific called again, and I was present down in the Joint Chiefs quarters when the call came in. We discussed it, and he stated he was fully assured the attack took place. I stated that I was then convinced that it had, and I released the Executive order on the strike. So that between 1327 and 1807 we were reviewing the information that bore on whether an attack had taken place.

Senator GORE. Would you mind stating again what he said in the call at 1807?

Secretary McNAMARA. Yes. I spoke to the director of the Joint Staff and asked him to make certain that the commander in chief, Pacific was willing to state that the attack had taken place, and therefore that he was free to release the Executive order because earlier in the afternoon I had told him that under no circumstances would retaliatory action take place until we were, to use my words, "damned sure that the attack had taken place."

He confirmed that he believed the attack had taken place. I stated that after my further discussions with the Chiefs and reexamination of all of the evidence, particularly the communications intelligence, that I was convinced it had taken place and therefore he was free to release the Executive order.

COMMITTEE REQUEST FOR RELEVANT INFORMATION

The CHAIRMAN. Were these conversations—did we receive copies of these reports?

Secretary McNAMARA. I do not know that you did, Mr. Chairman.

The CHAIRMAN. It seems to me they are relevant to this situation. Why did we not?

Secretary McNAMARA. I do not know that anyone asked. Nobody asked me for them. But in any case I will be happy to see that you get such information.

The CHAIRMAN. We—I think we should have them. As I told you in the beginning, obviously we cannot know all that is available. It was my understanding with Secretary Nitze that all relevant communications would be made available. It seems to me this certainly should be made available. They do not involve any highly secret matters, and I think all of it should be made available.

Secretary McNAMARA. Mr. Chairman, I am quite happy to make it available to you. Nobody queried me about it. These were conversations I had with Admiral Sharp. I do not know all of the records that are available in the Department on such matters. But I know what I said to him, and I will be happy to check to see whether there are records.

(The check is in progress according to the Department of Defense.)

Senator LAUSCHE. What was Sharp in charge of?

Secretary McNAMARA. He was commander in chief of the Pacific at that time.

Senator LAUSCHE. Pacific.

Secretary McNAMARA. Yes, and had his headquarters in Hawaii.

The CHAIRMAN. I do not think I recall seeing any records of conversations of that kind, Mr. Bader; did we?

Mr. BADER. I did not hear.

Mr. MARCY. No, sir; we did not have any conversations.

The CHAIRMAN. I think we should have all of those that are relevant to this situation. It was my understanding that we were to be given those, with the sole exception of that one communication that you said was an intercept.

Secretary McNAMARA. Mr. Chairman—pardon me, sir.

Senator LAUSCHE. May I put a question at this time, Mr. Chairman?

The CHAIRMAN. Sir?

Senator LAUSCHE. May I put a question?

The CHAIRMAN. Yes.

Senator LAUSCHE. The report that was submitted to us by the staff indicated that the commander of the Pacific sent a communication back to the commander of the 7th Fleet asking that a careful check be made to make certain that there was an attack and that communication indicating that the commander of the Pacific was in doubt has been used as the basis of a charge that there was no attack made. Will you comment on that?

Secretary McNAMARA. Yes.

DOUBT ABOUT ATTACK

The commander in the Pacific at one point was in doubt—I do not believe as to whether an attack had been made, but as to the character of the attack and the details of the attack and his doubts occurred for at least two reasons: First, because he had received a copy of the message that we referred to a moment ago, message [deleted] from the commander of the task force reporting questions about certain of the details of the incident, and, secondly, the commander in the Pacific expressed doubts because I, having seen the same message, called him on the telephone and said I had seen it. I had doubts as to the details. I wanted him to examine them, supply me additional evidence and, to use my words, “be damned sure that no retaliatory action was taken until any doubts as to what went on were eliminated, at least to the point of justifying retaliation.”

Senator LAUSCHE. Then the use of the commander of the Pacific's communication to the commander of the 7th Fleet asking for extreme caution was the consequence of talks which you had with the commander of the Pacific that no retaliatory action be taken unless it was damned certain that there was an attack.

Secretary McNAMARA. That was one of the two contributing factors, the other being the cable he had gotten from the commander of the task force.

Senator LAUSCHE. I might say that the report filed with the committee, the secret report, predicated doubts about the alleged—about the attack, because the commander of the Pacific asked for further information wanting to make certain.

Senator GORE. Mr. Chairman, I must say again that is not an accurate statement. I would like my friend from Ohio—

Senator LAUSCHE. Point out where it is not an accurate statement.

Senator GORE. I will not take the time now, but I will be glad to do it privately.

Senator LAUSCHE. Point out where it is not, because that is the communication that went through.

Senator GORE. My friend from Ohio is all emotional about this.

Senator LAUSCHE. I certainly am.

Senator GORE. But it is not an accurate statement. I will be glad to point it out to you privately.

Senator LAUSCHE. Yes.

The CHAIRMAN. Proceed, Mr. Secretary.

Secretary McNAMARA. Mr. Chairman, that covers my comment on the details of the incident.

The CHAIRMAN. Is it understood you will make available all of the conversations during this period relative to this attack?

Secretary McNAMARA. That we have a record of; yes. I am not certain, Mr. Chairman, how much record we have. Generally speaking, there are no records made of telephone conversations in the Defense Department other than communications that happen to go through a very special channel, which is the channel of operational command. I do not allow any recordings, I have none in my office, and there are no recordings made of conversations in any other offices of the building with this single exception of the operational command channel.

I do not know how much of this will be recorded. I will have to examine it to see.

The CHAIRMAN. What is the source of your statement there?

Secretary McNAMARA. The source of my statement is my memory of what I myself said and did, since I am reporting on my own conversations.

The CHAIRMAN. I see.

Secretary McNAMARA. May I say one further thing? A moment ago someone mentioned that you understood you had been given all information excepting for one communications intelligence message. There were many communications intelligence messages that bore on this, at least nine, that I would like to acquaint you with this afternoon. I do not—if we have misled you to believing there was only one, I regret it. I am just commenting on the statement that someone made a moment ago.

CLASSIFICATION OF COMMAND AND CONTROL STUDY

The CHAIRMAN. Are these matters you are talking about now in the study that was prepared, the command and control study, which was not given to us?

Secretary McNAMARA. I do not know how much of it was in there. It does not bear a communications intelligence classification. I do not know why it does not. It is classified top secret. If it were to be—if it were based on communications intelligence and referred to it, it would have to be more highly classified. I myself cannot explain whether he did or did not have access to it. I have asked people to look into it. This is one of the problems I have with it. We do not know exactly what access the author had to all the information available. I know he did not talk to me. I know he did not talk to General Wheeler. I do not believe he talked to others who participated in the decisionmaking and evaluating process.

The CHAIRMAN. If I can clear up a point, did you agree this morning to make that study available to the committee?

Secretary McNAMARA. If the author of it had access to raw material such as to allow him to give a balanced picture of it—and I frankly do not know—it is a very long, long detailed study. I understand it was for the purpose of examining some of the procedures of the Joint Staff. The Chairman of the Joint Chiefs was not aware of it. I have not been aware of it. Neither one of us has yet had time to examine it in detail. I cannot tell you to what degree the author was acquainted with all of the facts relating to the incident. I know he was not acquainted with the facts I had in my mind because he did not ever talk to me about it.

Senator GORE. Mr. Chairman, if the chairman will yield.

The CHAIRMAN. Yes.

Senator GORE. Well, even though that be the case, it seems to me it would contribute to the probity of this procedure if we had the report and study, together with such information as the Secretary and his assistants think was lacking by reference or availability to the author. I hope the committee is going to dig quietly and thoroughly into this whole proposition because this is a very fundamental question about the decisionmaking process, and a question of war or peace.

The CHAIRMAN. It is.

Senator GORE. And I would hope that the Secretary would make it available, together with such deficiencies as in his view it suffered.

VERIFICATION OF INCIDENT WAS ADEQUATE

The CHAIRMAN. That raises a question, Mr. Secretary, that is after the incident in September I understand you convened a formal inquiry into that incident, is that not right?

Secretary McNAMARA. I think that I first sent out certain representatives of my own on an informal basis to check—to see whether there was sufficient basis for questioning whether the incident took place, and then later asked the Navy to set up an investigating group, Mr. Chairman.

The CHAIRMAN. That was not done on the August 2 one.

Secretary McNAMARA. No.

The CHAIRMAN. Why not?

Secretary McNAMARA. Or August 4.

Because the information was persuasive that it took place. I myself had doubts as to the incident of September 18 right from the beginning of the set of reports we received on it. It was not preceded

by, nor accompanied by, nor followed by intelligence reports of the kind that we had available to us on both the August 2 and August 4 incident.

The CHAIRMAN. Is that all you have then to say on that matter from Commander Herrick?

Secretary McNAMARA. Yes, sir, it is.

Secretary McNAMARA. Who was the sonarman on the *Maddox* to whom he refers—an overeager sonarman—do you know?

Secretary McNAMARA. I do not know whether he said man or men.

The CHAIRMAN. It says man.

Secretary McNAMARA. I can find out the name of the man.

The CHAIRMAN. I just thought you had it there. If you could supply it for the record.

Secretary McNAMARA. Surely, I would be happy to.

(The following information was supplied:)

To the best of our knowledge, his name is David E. Mallow, Sonorman Third Class.

The CHAIRMAN. You said this morning Commander Herrick is in Norfolk.

Secretary McNAMARA. Norfolk, I believe.

I believe the message says "men," not "man," "overeager sonar-men."

The CHAIRMAN. Was there more than one?

Secretary McNAMARA. Well, at least the message says "men."

TIME OF ORDER FOR ATTACK

The CHAIRMAN. When was the order you mentioned a moment ago, the executive order—

Secretary McNAMARA. Execute order.

The CHAIRMAN. When was that issued?

Secretary McNAMARA. When was it what, sir?

The CHAIRMAN. When did you authorize it to be sent?

Secretary McNAMARA. At—

The CHAIRMAN. What time?

Secretary McNAMARA. 1807 eastern daylight time, August 4.

The CHAIRMAN. Which would be?

Secretary McNAMARA. 6:07 p.m.

The CHAIRMAN. Out there?

Secretary McNAMARA. Which would be in the morning out there.

The CHAIRMAN. Just 12 hours different, is it not?

Secretary McNAMARA. That is right, exactly; 6:07 a.m. August 5, gulf time.

The CHAIRMAN. Right. That was approximately 8 or 10 hours after the attack.

Secretary McNAMARA. That is right.

The CHAIRMAN. I will proceed with these others.

A review of the communications sent by the *Maddox* and *Turner Joy* during and after the incident on August 4 suggests that there was much confusion on the ships and contradictory information coming from the ships. Are you personally satisfied that the evidence then available of the second attack on these vessels was so conclusive that

it was reasonable for the United States to retaliate by sending 64 sorties against North Vietnam?

Secretary McNAMARA. I am, Mr. Chairman, and in answer to the question, rather than take your time, I would like to have inserted here the first full paragraph on page 19 of my statement including the 10 or 11 bits of evidence available to me at the time the execute order was sent establishing beyond any reasonable doubt that the attack took place.

(The following information was subsequently supplied:)

Some of the details cited above, particularly the statements of eye witnesses, although gathered immediately after the attack, had not reached Washington at the time that the reprisal air strikes were ordered executed. Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place. Allow me to repeat again that information:

- An intelligence report of a highly classified and unimpeachable nature received shortly before the engagement, stating that North Vietnamese naval forces intended to attack the MADDUX and TURNER JOY.
- Reports from the ships that their radars indicated they were being shadowed by high speed surface vessels.
- Reports from the ships that they were being approached by the high-speed vessels and an attack appeared imminent.
- Reports from the ships that they were under attack.
- A report from the ships that searchlight illumination had been utilized by the attacking craft and that gun fire against the patrol had been observed.
- A report that two torpedoes had passed close to the TURNER JOY and that there had been positive visual sightings of what appeared to be cockpit lights of patrol craft passing near the MADDUX.
- An intelligence report stating that North Vietnamese naval forces had reported they were involved in an engagement.
- Reports from the U.S. ships that they had sunk two and possibly three of the attacking craft.
- An intelligence report stating that North Vietnamese naval forces had reported losing two ships in the engagement.
- A report from the on-scene Task Group Commander that he was certain that the ambush had taken place, although precise details of the engagement were still not known.
- A report from the Commander-in-Chief, Pacific that he had no doubt that an attack had occurred.

COMMAND AND CONTROL REPORT

The CHAIRMAN. The committee has information that the Department of Defense has a report on the operational command and control procedure during the second incident. Our information is that this study includes the text of communications between President Johnson and Admiral Sharp and others during the period when the critical decisions were being made. I understand that you have reviewed this study yourself; is that correct?

Secretary McNAMARA. Which study are we talking about, Mr. Chairman.

The CHAIRMAN. I did not know there was but one, on the operational command and control procedures, the one to which we have already referred.

Secretary McNAMARA. I have not read the entire study. It is a very thick document. I first learned of it a few days ago when you asked for it. I asked my staff to get it for me at the time. They did. I glanced through it. It raises lots of questions, one, because its classification is not high enough to indicate that it covers all of the intelligence in-

formation which contributed significantly to our conclusion that an attack took place and, two, I know that the author of it did not discuss with me, and I am told he did not discuss with General Wheeler, events which took place during the day, and there are certain events which took place during the day that only General Wheeler, or I, or the President, or one or two others whom the author did not contact, had knowledge of.

I am not aware, for example, of any communication between President Johnson and Admiral Sharp.

General Wheeler, do you know of any?

General WHEELER. I know of none, sir.

The CHAIRMAN. Who was the author?

Secretary McNAMARA. What was the author's name?

General WHEELER. Ponturo. He was an employee of the Institute for Defense Analysis.

The CHAIRMAN. How do you spell his name?

General WHEELER. I do not know. I would say P-o-n-t-u-r-o.

The CHAIRMAN. Ponturo. Is he still there?

General WHEELER. Yes; he is, sir.

Senator GORE. Mr. Chairman, do I understand he made an unauthorized study or was it authorized?

STUDY NOT BROUGHT TO THE ATTENTION OF PENTAGON CHIEFS

Secretary McNAMARA. He made a study for one of the sections of the Joint Staff on certain procedures and operations that that section was interested in. The study was not brought to the attention of the Chiefs and it was not brought to my attention, and I am not familiar with how he made it or what access he had to information that bore on the attack.

Senator GORE. Are copies widely distributed in the Department?

Secretary McNAMARA. Not to my knowledge.

Senator GORE. How many are there?

Secretary McNAMARA. I do not know.

The CHAIRMAN. General Wheeler, do you know about that?

General WHEELER. In the first place, this was not a study. It was a critical incident report. I understand that there were some 40 copies made. It was never coordinated within the Joint Staff. It has been the practice within the Joint Staff to have a series of examinations of staff procedures, and this was one of the inputs to the methodology of improving our staff procedures, Mr. Chairman.

The CHAIRMAN. Is this the only attempt to bring together these various elements in one place? Is there any other study?

General WHEELER. I know of no other, Mr. Chairman.

The CHAIRMAN. This is it. If there is one, this is it.

General WHEELER. This is it, and, as I say, until a request was made the other day, just like Mr. McNamara, I had never heard of this study or critical incident report or whatever you want to call it. And it had never been reviewed by the Joint Chiefs. It had never been subjected to cross check within the Joint Staff, and, as the Secretary indicates, scanning it, which is all I have had time to do, I find errors of fact and I believe omissions that would be pertinent to any definitive study of the operation.

The CHAIRMAN. Would either of you be willing to inform the committee as to what you do or you have observed in this report or do you wish not to?

Secretary McNAMARA. I would rather not, Mr. Chairman, because I have not had time to read this. I have been testifying before committees of Congress in the last 2 weeks and this is a document of great length, and I have not read it.

General WHEELER. I have read maybe a half dozen pages, Mr. Chairman, and that is all. And any comment I make would be incomplete and maybe misleading.

The CHAIRMAN. All right.

Does either the study of your own knowledge indicate there were considerable delays in receiving information from the ships and that as time went on there was increasing evidence throwing doubt on whether there had been an attack at all?

Secretary McNAMARA. Absolutely not.

Mr. Chairman, I would like at some point, subject to your permission, to review in detail the communications intelligence information which was very important in its effect upon our interpretation at the time of other evidence we received and very important in its influence on our decision at the time that an attack had taken place.

Senator MORSE. I think that is very important.

The CHAIRMAN. Pardon me?

Senator MORSE. I think it is very important whenever you want to have the Secretary do that that it be done.

The CHAIRMAN. I do, too.

SPECULATION ON NUMBER OF TORPEDOES FIRED

In the reports of the attacks from the ships on August 4, the figure of 22 torpedoes is given as the number of torpedoes fired at the *Maddox* and *Turner Joy*. How many North Vietnamese patrol boats would have had to have been 65 miles at sea at the time of the incident in order to fire 22 torpedoes?

Secretary McNAMARA. I do not know, Mr. Chairman. I am not entirely sure how many torpedoes each of the boats carried, but we had reason to believe at the time that there were not a large number of torpedo boats participating in the attack.

The CHAIRMAN. Then the report that there were 22 is still in error.

Secretary McNAMARA. I think it probably was. The report that came in from Admiral Sharp, after he began his investigation of the details, stated that the *Turner Joy* reported two torpedoes passed near here.

The CHAIRMAN. I think we have been told by someone that a PT boat carries two torpedoes. Does your staff know about that?

General WHEELER. That is correct.

The CHAIRMAN. Is that not correct?

General WHEELER. That is generally.

The CHAIRMAN. Does a Swatow boat carry torpedoes?

Secretary McNAMARA. A Swatow does not carry torpedoes.

Senator MORSE. Could I ask a question there, because you raised it, and I was going to ask the Secretary later.

On page 17 of your statement this morning you said:

In addition to the above, intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making prepara-

tions to attack our destroyers with two Swatow boats and with one PT boat if the PT could be made ready in time.

Before I jump to a conclusion, I thought that if the Swatow boats attacked, they would attack with torpedoes but apparently they make some other kind of attacks.

Secretary McNAMARA. They have guns, but they do not have torpedoes, Senator MORSE.

Senator MORSE. Do they have heavy-caliber guns?

Secretary McNAMARA. No; relatively light, 37-millimeter guns, and it was this information that we had available to us that caused us to question some of the reports of numerous torpedo attacks.

The CHAIRMAN. It is unusual for a Swatow with a 37 millimeter to attack a destroyer with 5-inch guns anywhere under any circumstances, is it not?

ORDER FOR SWATOWS TO ATTACK

Secretary McNAMARA. Well, Mr. Chairman, I am prepared today to show you the order to Swatows to do that.

Senator MORSE. How fast can they go? Can they catch a destroyer?

Secretary McNAMARA. Yes.

General WHEELER. They can do 43 knots.

Senator MORSE. They can?

Senator PELL. Excuse me; if I may interrupt for one second. You mean there is available, there can be shown to us, an operational order directing a small light ship armed only with machineguns to attack a destroyer?

Secretary McNAMARA. Yes.

The CHAIRMAN. Do you wish to do it at this point?

Secretary McNAMARA. Yes, I will have to ask the room be cleared of all personnel for special—

The CHAIRMAN. Why do we not finish these and then we will come to that. I did not know that was necessary.

Secretary McNAMARA. Very good.

The CHAIRMAN. Did the North Vietnamese use shipboard radar during the attack?

Secretary McNAMARA. I believe the answer is "Yes," but I cannot say for sure.

General WHEELER. Yes; there is one message which talks about being painted by what they thought was a skinhead radar, and the skinhead is a name for a type of radar, a surface-search radar, which is carried on a Swatow-class vessel.

The CHAIRMAN. Skinhead is a strange name. What does that mean for a layman?

General WHEELER. All it is, it is a surface-search radar.

The CHAIRMAN. Surface search.

General WHEELER. Yes.

The CHAIRMAN. And you are saying that the Swatow did have skinhead radar?

General WHEELER. They do have them, and, as I say, there is one message in the events leading up to the attack. The commander reported that he thought he had been contacted by a skinhead-type radar.

The CHAIRMAN. What was that message from? Who was it from?

General WHEELER. I will have to locate it, Mr. Chairman.

The CHAIRMAN. Do we have that message?

Mr. BADER. Senator, that is the summary of the attack from the ship itself.

The CHAIRMAN. This is from the *Maddox*.

Mr. BADER. It is from the *Turner Joy*. But this is a summation.

General WHEELER (reading) :

The commander of Task Force 72.1 reported at (deleted) hours position of vicinity of Point Delta, suspect Red Shadow 15 miles to west. Skinhead radar detected on same bearing.

The CHAIRMAN. What is the time of that message?

General WHEELER. It would be roughly, 2:30 in the morning, eastern daylight time.

Captain SWEITZER. The daytime group is (deleted) Zulu.

The CHAIRMAN. The time, the local time?

General WHEELER. The local time would have been around 1430.

The CHAIRMAN. Is that 2:30?

General WHEELER. Around 2:30 in the afternoon.

The CHAIRMAN. A.m.

General WHEELER. No, p.m. I gave it to you first in eastern daylight time.

The CHAIRMAN. You mean long before the attack?

General WHEELER. Yes.

The CHAIRMAN. This was very early in the game, before—

Captain SWEITZER. It is the afternoon. The attack took place that evening.

The CHAIRMAN. This was about 6 hours before the attack took place?

General WHEELER. Roughly.

The CHAIRMAN. Is that correct?

General WHEELER. That is correct.

The CHAIRMAN. It was the afternoon of the 4th at approximately 2:30. I thought it was afterward. Read that again. I am getting the picture now.

General WHEELER. It said:

The commander of the task force reporting his position as being in the vicinity of Point Delta. Suspect shadow 15 miles to west, skinhead radar detected on same bearing.

The CHAIRMAN. Is that the only evidence of a radar being used?

General WHEELER. I cannot answer the question.

LOCATION OF TORPEDO BOAT

Senator GORE. Mr. Chairman, Point Delta is close to the Vietnamese coast, and I do not know what would be unusual about a torpedo boat or some other Vietnamese craft being at that point.

The CHAIRMAN. How close is it to the island?

Senator GORE. It is not—if you look on your map, it is not near the island. It is up here.

The CHAIRMAN. At the top.

Senator GORE. Just judging from this distance, I would say it is maybe 12 miles or 15 miles, something like that, from the coast.

The CHAIRMAN. I see. What I was trying to understand in my question here and I will ask if the North Vietnamese used shipboard radar during the attack. Yours is long before the attack, 6 hours before the attack.

General WHEELER. Then I responded incorrectly, Mr. Chairman. I do not recall any message reporting anything during the attack. I wanted to make the point here. Since you asked about radar, I was making the point that shipboard radar associated with Swatow type vessels were in the vicinity—

The CHAIRMAN. I see.

General WHEELER. Of the task group.

Senator GORE. Mr. Chairman, would there be anything particularly significant about a Vietnamese Swatow boat being within the coastal—

General WHEELER. The only point I am trying to make, Senator, is this: He reported he suspected a shadow 15 miles to his west, a vessel that was shadowing him and using radar to keep him under detection.

Senator GORE. If he was near the Point Delta which I am advised here was 11 miles east of the Vietnam east coast, and if he observed a Swatow some miles west of him, that would mean that he observed maybe, if that is what it was, a Vietnamese Swatow somewhere along the Vietnamese coastline.

General WHEELER. This would be possible, yes, sir.

Senator GORE. What would that indicate?

General WHEELER. The point I am trying to make, Senator, is that he felt he was being shadowed by this vessel. The vessel was following him and tracking him, keeping him under observation.

Senator GORE. Would that be unusual if a U.S. vessel were 11 miles off the Vietnamese coast, would it be unusual for a Vietnamese Swatow or gunboat to be watching somewhere between him and the coast?

General WHEELER. Well, I would say that in the past De Soto patrols there had been intermittent contacts but not the steady contact that the task force commander was reporting.

Senator GORE. I do not wish to be niggling about it, but it just does not seem to me it shows anything.

The CHAIRMAN. Let me see if we can get to this. If during the attack the *Maddox* and *Turner Joy* detected this radar, they would report that, would they not, during the attack?

General WHEELER. I am not sure, Mr. Chairman. I cannot answer the question.

MEANS OF LOCATING AMERICAN VESSELS

The CHAIRMAN. Let me ask you, if there was no radar, how would these patrol craft manage on a dark night, which the Secretary has already described, to find the *Maddox* and *Turner Joy* 65 miles at sea, how would they possibly locate them without radar?

General WHEELER. They could be using some variety of radar, which is one way of doing it. I have some naval officers here. Maybe they could advise me better as to other ways they might do it.

The CHAIRMAN. Would radar be the normal way for this kind of a boat to locate another?

General WHEELER. I have been given three answers. They could track on the wakes of the destroyers, they could have been vectored by radars on the shore, or they could have been vectored from Swatows over the horizon.

The CHAIRMAN. Well, in the *Turner Joy's* communication of the 5th, it is hard to identify this, the date time is [deleted] says this:

"Estimate two PT's attack originally. However must admit two factors defer. No. ECM"—which I take it is electronic activity—activity from PT boats. However, tactics seem to be to bore-sight on wake thus accounting for lack of radar signals. No sonar indications of torpedo noises even that which passed down side. Self noise was very high."

In other words, he is saying there was no radar signal during the attack. He says no sonar indication or torpedo noises, even that which passed downside. Self-noise was very high. We gather from other messages that when these destroyers rev up to 30 knots or more, that it interferes with the operation of the sonar; is that correct?

General WHEELER. That is my understanding.

The CHAIRMAN. That is my understanding from this. So it would indicate there was no radar during the attack.

Mr. Secretary, I will try to get on with this. Are you satisfied that the command and control techniques then used were adequate and that the President had such reliable information available to him that he could reasonably have ordered the air strikes against a nation with which we were not at war?

Secretary McNAMARA. Yes, sir, I am.

SCOPE AND RETALIATION

The CHAIRMAN. Why did the United States consider it necessary to retaliate against North Vietnam in a manner so completely disproportionate to the nature of the offense?

Secretary McNAMARA. Mr. Chairman, I do not believe it was disproportionate to the offense. We had had two attacks on U.S. naval vessels operating on the high seas in an entirely legal fashion. One of the attacks occurred after a warning from the President that we would continue to operate in those waters in a legal fashion and that a further attack would have grave consequences. The attack itself was very limited in character; it was directed against the bases of the attacking boats and their petroleum support facility. It was not followed by any further actions.

The CHAIRMAN. How many missions were flown against the installations on the shore?

Secretary McNAMARA. I cannot give you the answer from memory, but I will be happy to insert it here.

(The following information was supplied:)

64 attack sorties were flown against the installations.

The CHAIRMAN. Well, there were 64, were there not?

Secretary McNAMARA. I do not recall the number.

The CHAIRMAN. Why do you call 64 missions such a limited attack occurring within hours after that? I think that is a very vigorous attack.

Secretary McNAMARA. It is a limited response because we attacked such low-value targets as the bases of the PT boats instead of the much more important military targets that lay within the range of those 64 flight paths.

The CHAIRMAN. Why did we not take the issue to the United Nations before retaliation?

Secretary McNAMARA. We had no reason to believe the United Nations could have acted in any effective manner.

The CHAIRMAN. Why did we not protest to the International Control Commission as the North Vietnamese did on July 31, 2 days before the first incident, when Hanoi formally protested the attacks on its islands?

Secretary McNAMARA. Because the International Control Commission has a record of failure in investigating incidents of this kind and has consistently refused to extend its operation to the point where it can investigate them effectively.

Senator LAUSCHE. May I ask a question?

The CHAIRMAN. Yes.

Senator LAUSCHE. Do you know of any incident in which the International Control Commission, I think made up of Canada, Poland, and India, has taken action when requested so as to bring about a settlement of disputes,

Secretary McNAMARA. I know of none. I know of some cases, some of them quite recent, where it has even refused to accept outside help offered to it when the ruler of the nation in which it is located has asked that it increase the effectiveness of its investigation.

ROLE OF THE UNITED NATIONS

Senator LAUSCHE. Have we gone to the United Nations asking it to intervene in South Vietnam and has the United Nations in any event intervened?

Secretary McNAMARA. The United Nations has not taken effective action with respect to South Vietnam although we have on many occasions indicated our willingness to have it act in the situation.

Senator LAUSCHE. Why has it not taken action?

Secretary McNAMARA. Senator Lausche, I can only conclude—

Senator LAUSCHE. Well, Russia will not permit it to do it.

Secretary McNAMARA. Yes.

Senator LAUSCHE. So the questions why we did not go to the International Control Commission and why we did not go to the United Nations are answered by the fact that neither of those agencies have ever exercised the authority assigned to them.

The CHAIRMAN. I do not wish to argue about it.

Senator LAUSCHE. But your questioning implies—

The CHAIRMAN. I do not think it is correct. I think your statement is quite in error.

Senator MORSE. We never submitted a resolution to the United Nations that meets the law—never.

The CHAIRMAN. It is not the issue in this case about Vietnam. The North Vietnamese did protest after the attack on the 31st, which was just a few days before, to the ICC.

Mr. Secretary, when was the decision made to bomb North Vietnam?

Secretary McNAMARA. The execute order was released at 1806, I believe, 1807.

The CHAIRMAN. That is the issue.

Secretary McNAMARA. On the 4th of August.

The CHAIRMAN. When was—was there no consideration of this prior to that time?

Secretary McNAMARA. No decision was made prior to that time, Mr. Chairman. The consideration of it, the discussion of it, had proceeded all day long starting at the Department of Defense level at about 10 o'clock that morning.

The CHAIRMAN. And the decision to execute it was deferred until after the attack, but the orders were already made, is that right?

Secretary McNAMARA. No, sir; consideration of it was not even undertaken until we received a message indicating that the North Vietnamese had issued orders to initiate the attack. The discussion of it took place during the attack and after the attack, and the execute order was issued after we were certain in our own mind that the attack had taken place and that it was intentional.

The CHAIRMAN. So that you are certain that no decision was made to attack North Vietnam prior to the issuance of the execute order.

Secretary McNAMARA. I am positive of that.

The CHAIRMAN. General Wheeler told us during the August 6 hearings that the North Vietnamese patrol boats were found dead in the water at their base as the U.S. aircraft attacked. If the North Vietnamese had actually attacked the *Maddox* and *Turner Joy*, why would they leave offensive patrol craft tied up at the dock without any alert?

General WHEELER. I suppose they presumed since we had not retaliated against them after the first attack on *Maddox* that we would not retaliate when they had a second attack, Mr. Chairman.

Senator LAUSCHE. May I on that item comment, Why did we leave the *Pueblo* unprotected and unguarded when we were in there?

The CHAIRMAN. Well, I remember from your testimony it strikes me that they are extraordinarily stupid. If after having attacked at approximately 9, 10 o'clock in the evening, that all those boats are in their berths only a few miles, 60 miles away without any alert at all, sitting there quite vulnerable to destruction from attack—I would not do that.

General WHEELER. I would say there were two factors, Mr. Chairman. The one I mentioned a moment ago and the others would be the speed with which we retaliated. In other words, had they anticipated retaliation, they probably did not anticipate that we would be quite as prompt.

Furthermore, vessels which had taken part in the attack would undoubtedly have had to replenish after having gotten back to port.

BRIEFINGS ON NORTH VIETNAMESE TARGETS

The CHAIRMAN. Were the patrols and crews that participated in the attack against the North Vietnamese oil depots and patrol bases briefed on their targets prior to the incidents of August 4?

General WHEELER. No, sir; I do not see how they could have been.

The CHAIRMAN. Do you know anything, Mr. Secretary?

Secretary McNAMARA. No, I would say exactly the same thing, Mr. Chairman.

The CHAIRMAN. You say they were not.

Secretary McNAMARA. I do not know how they could have been. There was no plan to attack those targets, no decision to attack them. I do not know any reason why the crews would have been briefed on those targets.

General WHEELER. I was not present for a portion of the day because I had been absent in New York, and I did not get back to Washington until 4:30 of the afternoon—

The CHAIRMAN. What day is this?

General WHEELER. This was the day of the 4th, Mr. Chairman. In my absence the Secretary had met with the JC's on a couple of occa-

sions, and when I returned I found that my colleagues were engaged in discussing the types of targets that might be struck and so on. As I recall, they had recommended a series of targets which in turn were recommended to the Secretary, and the targets, after having been modified, were the ones that were finally approved for strike. So I do not see how the pilots could possibly have been briefed prior to the time.

Secretary McNAMARA. Refresh my memory on this. Am I not correct in saying that the time of the strike was influenced in part by Admiral Sharp's statement that he would need time to brief the pilots and load the aircraft?

General WHEELER. That is correct—and load the aircraft.

Secretary McNAMARA. I think we can find that in some message. I believe I remember reading it or hearing it at the time.

General WHEELER. In fact, he said it would be tight, if I recall correctly.

The CHAIRMAN. How long does it normally take to brief—strike that. How many planes were engaged in making the 64 strikes? There were 64 missions according to the information we have.

General WHEELER. There were about 59 aircraft, all told, Mr. Chairman, that engaged in the operation, and there was a total of 59 in the first wave, and 21 in the second wave on a recycle.

The CHAIRMAN. How many targets were there?

General WHEELER. There was a total of six all told, I believe.

Senator LAUSCHE. Mr. Chairman, may I ask a question?

The CHAIRMAN. Just as soon as he finishes.

General WHEELER. Six.

The CHAIRMAN. Six targets.

General WHEELER. Yes.

The CHAIRMAN. How long does it normally take to brief a crew of 59 on a mission?

General WHEELER. I would say that in a case like this you have to get out target materials and so on, and that you would want at least an hour in order to do it, Mr. Chairman.

The CHAIRMAN. Well, how would you account, Mr. Secretary—well, pardon me—yes, Senator?

PRESIDENTIAL APPROVAL FOR ATTACKS

Senator LAUSCHE. Did the President approve these attacks upon the Vietnamese patrol bases?

Secretary McNAMARA. Oh, yes, Senator Lausche. The President was kept informed fully during the day. I was just checking my diary last night as to the number of calls and meetings I had with him and it exceeded 11 during the day and it was late in the afternoon that he approved the attacks.

The CHAIRMAN. Did the President also order a series of additional measures such as sending aircraft into South Vietnam and fighter-bomber aircraft into Thailand?

Secretary McNAMARA. Yes.

The CHAIRMAN. And following that the President came to the Congress, the Senate of the United States, Congress of the United States, asking for the passage of the resolution.

Secretary McNAMARA. Yes; that is correct.

The CHAIRMAN. When does your diary show that the President authorized the attack, what time?

Secretary McNAMARA. I think it was about 6 o'clock in the afternoon that his final authorization was made. It had been tentatively authorized subject to the final information on the details of the incident earlier in the afternoon. We met some time shortly after 3, and then I talked to him five times after that and it was in the last conversation that it was authorized at about 6 o'clock.

The CHAIRMAN. Six o'clock on the evening of the—

Secretary McNAMARA. August 4.

The CHAIRMAN. Of the 4th, which would be 6 o'clock on the morning of the 5th in Vietnam.

Secretary McNAMARA. That is correct.

The CHAIRMAN. Yes.

Mr. Secretary, how do you account for the fact that the North Vietnamese boasted of their attack on the *Maddox* on August 2 and yet vehemently denied that there had been an incident on August 4?

Secretary McNAMARA. I cannot answer the question, Mr. Chairman. Their damage may have been greater on the 4th than it was on the 2d, I just do not know.

The CHAIRMAN. Do you have any idea, General Wheeler?

General WHEELER. I have no idea, Mr. Chairman.

EVIDENCE FROM CAPTURED NORTH VIETNAMESE OFFICER

The CHAIRMAN. A North Vietnamese commander who was a squadron commander of the North Vietnamese patrol craft told U.S. investigators after his capture that the North Vietnamese had attacked the *Maddox* on August 2 but that there had been no attack on August 4.¹ This denial was consistent with interrogation reports of several other members of a North Vietnamese naval vessel who were captured by the United States in 1966.

How can we account for this denial when this particular officer gave the United States valuable information that led to the destruction of a number of North Vietnamese installations? In other words, the report we have shows that he did give you quite a lot of information which was very useful in your attacks but he denied there was any attack at all on the 4th?

Secretary McNAMARA. First, Mr. Chairman, I believe I am correct in saying he was not a squadron commander. This is of some importance because the name of the squadron commander was given to us a year after the interrogation you speak of by another North Vietnamese naval officer whom we captured. We had evidence at the time of the attack that a man by that name participated in the attack and we have the boat number that he was operating from, and it was stated that that boat participated in the attack, so I think that the statement you made is erroneous.

Second, I do not believe he stated there was no attack on the 4th. I think he said he had no knowledge of such an attack.

Third, I do not believe that it is correct to say that his statement was consistent with information of others from other captives whom

¹ Identified in a Navy publication as a "division commander" of a "torpedo boat division."

we interrogated. I am not aware that that is true. It is possible it is true, but I would have thought it would have come to my attention if it was. I am not aware of it.

And finally, most importantly, as I mentioned to you earlier today, in July of 1967 we captured an individual of some rank in the North Vietnamese Navy who gave us the name of the squadron commander in charge of the PT boats participating in the August 2 attack, and it is that name that we had reported to us as having participated in the August 4 attack at the time of the attack, and it is his boat by number that we had reported to us as having participated in the August 4 attack at the time of the attack.

The CHAIRMAN. Will you give us the second report—

Secretary McNAMARA. Yes.

The CHAIRMAN (continuing). That you got in 1967?

Secretary McNAMARA. I would be very happy to.

The CHAIRMAN. For the record, I want to complete it, and read what the Navy's own report has to say with regard to this interrogation.

Extensive interrogation of all potentially—

this is from the report of the Navy—

Extensive interrogation of all potentially knowledgeable sources reveals they have no info concerning a NVN attack on U.S. ships on 4 August 1964. They state definitely and emphatically that no PT's could have been involved. They do have knowledge of a U.S. air attack on 5 August in which at least one and possibly three *Swatow PGM's were sunk by ACFT in vicinity of the Gianh River (17-43N/106-30E). Slight damage was also inflicted by ACFT on 2 PT's this date as stated Ref Alfa.

2. The possibility that Swatows could have committed the 4 Aug attack has also been carefully explored. Here again, however, all sources disclaim any knowledge of such an attack. Based on the experience of interrogations thus far it is very possible that PT boat crews in general might not have heard of this attack since they apparently have little contact with other ship types. On the other hand, source [deleted] obviously has traveled in higher circles and has proved himself exceptionally knowledgeable on almost every naval subject and event of interest. Yet he specifically and strongly denies that any attack took place. When pressed further on this issue he states that if such an attack did take place, it could only have been committed by Swatows.

Senator LAUSCHE. Will you comment on that?

Secretary McNAMARA. Yes. I think, Mr. Chairman, we should stop here and get into this communications intelligence because it bears on this issue and I am afraid that the record will be distorted unless we introduce it at this point.

The CHAIRMAN. All right.

Secretary McNAMARA. With your permission I would like to do so and I would like to ask those who have not received clearance for special intelligence other than the Members of Congress to leave the room if they would.

The CHAIRMAN. All right.

(Discussion off the record.)

The CHAIRMAN. Mr. Secretary, I would like to ask, I know that your time is very limited—do I understand that you do not wish to come back again at any time before the committee before you leave?

Secretary McNAMARA. Mr. Chairman, if the committee feels that it is essential that I return, I will in some way or other try to return,

*Note: From earlier interrogation source stated that Swatows are neither designed nor intended for missions against large ships.

but I look at the 10 or 11 days that lie ahead of me. I don't see how it is possible.

The CHAIRMAN. We may not.

I would like to ask a few questions.

POSSIBLE APPEARANCE OF OTHER WITNESS

Is there any objection on the part of the Department to our having Commander Herrick who was commander of the task force appear before the committee?

Secretary McNAMARA. None, no objection.

The CHAIRMAN. Mr. Ponturo, is that his name?

Secretary McNAMARA. In his case—

The CHAIRMAN. Ponturo. Is he still in the Department?

Secretary McNAMARA. He is not an employee of the Department so far as I know. He is an employee of an outside agency, the Institute for Defense Analysis. I don't know whether it would be appropriate Mr. Chairman, for him to appear.

The CHAIRMAN. Then you have nothing to do about it.

Secretary McNAMARA. We have something to do about it because the Institute for Defense Analysis is under contract to the Defense Department; but I just can't answer your question.

The CHAIRMAN. Put it this way: the Defense Department will not raise any objection to his appearing; is that correct?

Secretary McNAMARA. I can't say that, Mr. Chairman. I just don't know the man. I don't know his qualifications, I don't know just how much he knows about this. I am very reluctant to see witnesses appear for the Defense Department who are not qualified to testify fully and completely on the questions raised to them. I am quite happy to have Commander Herrick appear and testify on anything that relates to his activities there because I know he was present and is a qualified witness.

I don't know Ponturo, I never heard of him. I haven't the faintest idea what his qualifications are. I know nothing about the man and, hence, I am reluctant to say we concur in his appearance.

The CHAIRMAN. It is strange he would be given access to all these papers and be given the duty to prepare a report without having him cleared.

Secretary McNAMARA. I can only tell you I lack knowledge.

The CHAIRMAN. General Wheeler, you know nothing about it?

General WHEELER. I know nothing of him, sir. At one time in the operations of the J-3, this is the operation division of the Joint Staff, certain employees of IDA were in there assisting and looking at the Joint Staff operations with an idea of helping us to improve them, and this gentleman was one of several at some time or another who assisted.

The CHAIRMAN. They would be of the highest clearance. They wouldn't allow him to assist without being cleared.

General WHEELER. It would depend on what type of operation they are working on, Mr. Chairman. If he were operating in the communications intelligence field he would have to have the necessary clearances. I mean we grade them according to whatever they have to do.

STATUS OF COMMAND AND CONTROL REPORT

The CHAIRMAN. I understand the grading. You have seen this report, Mr. Stempler wrote the committee, with regard to this document, "It is an internal paper of the Joint Chiefs of Staff, is currently under review by the Chairman," that was January 23. I just want to try to get where we stand with regard to this matter. You have had all the time—or do you want more time or will you make it available? I want to know what to instruct the staff.

Secretary McNAMARA. I think I covered that this morning.

The CHAIRMAN. You will make it available?

Secretary McNAMARA. I simply stand on what I said.

The CHAIRMAN. I have forgotten what you said. Will you refresh my memory?

Secretary McNAMARA. What I said was that I was not familiar with the report, I am not familiar with the man, and I don't know the degree to which he had access to all of the information that is required to obtain a proper understanding of the incident. I know he didn't have access to some of it; he didn't talk to General Wheeler about his participation, and he didn't talk to me about my participation. There is information that he could not have obtained regarding the incident unless he talked to General Wheeler or me, or to the President or one or two others who had been in on the discussions, and under these circumstances I am not willing to release a report until I know more about it.

General WHEELER. Furthermore, I don't know, but I am informed that Mr. Ponturo's report has no communications intelligence in it. I don't know whether he is cleared or not, and that is one of the weaknesses of the report.

Secretary McNAMARA. At least it doesn't have a communications—

The CHAIRMAN. Could you clear this up for us? Could you inform the committee, give us a memorandum on what the situation is? Could that be done?

Secretary McNAMARA. We will be happy to.

The CHAIRMAN. In the near future?

Secretary McNAMARA. Yes.

Senator GORE. And the location now of the 40 reports, the 40 copies?

Secretary McNAMARA. Surely; I don't know where they are.

The CHAIRMAN. I don't care where they all are, but I would just like to get one of them.

Senator GORE. Let's know where they are. You will find some in the Rand Corp.

The CHAIRMAN. I have been told there was a very responsible scientist who was well informed about and working in Defense Intelligence by the name of Fubini. Do you know such a man?

Secretary McNAMARA. I do indeed, although I don't think he was working in Defense Intelligence.

The CHAIRMAN. Well, do you trust him? Is he a trustworthy man?

Secretary McNAMARA. He is a very able individual in his field, which is electrical engineering and associated subjects.

The CHAIRMAN. Assuming he did have knowledge of this matter, do you have any objection to our calling him?

Secretary McNAMARA. No, I have objection to his being called. He is a private individual now not working for the Defense Department.

Let me simply say this, I am certain he didn't have full and complete knowledge of this incident.

The CHAIRMAN. Well, he may have had some knowledge.

Secretary McNAMARA. He was at that time, he would have been Deputy Director of Research and Engineering. He was not a part of the intelligence organization.

The CHAIRMAN. Yes, but as a man, you regard him as a trustworthy American?

Secretary McNAMARA. I do indeed, but I don't regard all trustworthy Americans as competent witnesses on the Gulf of Tonkin inci-

COMMITTEE CONTACT WITH OTHER INTERESTED PERSONS

The CHAIRMAN. As a result of the committee's review and the general interest in this subject, there have been certain individuals, civilian and military, who have sought out the committee or the staff. There also have been newspaper reports based on press interviews based on officers and men on the *Turner Joy*. I refer to an AP report in July 1967, for example, which was well before this committee had any idea of review. Have any military or civilian employees been disciplined in any way for talking to the press, communicating with this committee or otherwise breaching security?

Secretary McNAMARA. None to my knowledge. As a matter of fact, we have leaned over backwards to avoid talking to certain of the individuals to whom the committee has talked, to avoid any indication that we might in any way have disciplined them or pressured them in relation to what they would say to us or to the committee.

The CHAIRMAN. Are you aware of a commander who voluntarily called up and came to a member of the staff of this committee, talked, at his request, with the chairman and a member of the staff, and the next day was picked up and sent to a psychiatric ward?

Secretary McNAMARA. No, sir; I am not aware of that incident.

The CHAIRMAN. Would you believe it if I told you it is a truth?

Secretary McNAMARA. Well, I would not believe that we would penalize a man in any way for talking to this committee, assuming he told the truth. I think it would be a monstrous act if we sent a man to a psychiatric ward even if he told a falsehood to the committee, and I can't believe it was done. I will be very happy to investigate it.

Senator MORSE. How do you mean, Mr. Chairman, that he was requested to take a psychological examination?

The CHAIRMAN. That is right. And he was examined by this place, I can't—it slips my mind at the moment—but this was all initiated by him, we had nothing to do with it. I mean we didn't initiate it. I never heard of him. He called a member of the staff and requested to relieve, as he said, himself of a burden. He was, the next day, taken for a psychiatric examination but after the examination he was found to be fit, and returned to duty. It seemed to me to be a very ominous thing if a man like this would be picked up like he was.

Lastly—

Secretary McNAMARA. Mr. Chairman, may I simply say on that if there is any feeling on the part of the committee that the examination of this man by psychiatric personnel was in retaliation for his report to the staff, I will personally have the Inspector General analyze the case and I will promise to discipline anyone who took action of that kind.

The CHAIRMAN. I am not really seeking to discipline anyone, but it seemed to me it was an unusual circumstance that the next day after he came over, and this man had been in the so-called flag plot of the Pentagon during the incidents referred to here, and he felt it was on his conscience, and he had been in the Navy a long time, and I am sure your people, some of them know about it, and I would interpret it since he was picked up the next day, as being a gesture intended to intimidate him or anybody else who did such a thing.

Secretary McNAMARA. Mr. Chairman, I will have the Inspector General investigate it and send a report to the committee. I can't believe that any individual, civilian or military in the Defense Department would behave that way with respect to any man whether he gave true or false testimony to the committee.

Furthermore, if the man you are speaking of is the man I am thinking about he was not assigned to flag plot at the time of the August 2 and August 4 incidents.

The CHAIRMAN. Well, he said he was. That is subject to proof, I guess.

JUSTIFICATION OF COMMITTEE INQUIRY

Lastly, it was, I think you said this morning—I don't have the quotation—that anyone who entertained a doubt about these events was engaged in a monstrous affair. Don't you agree that in view of the conflicting nature of the testimony, especially from the commander of the task force, that there was a reasonable justification for at least this committee inquiring into these incidents?

Secretary McNAMARA. First, Mr. Chairman, I don't think I said this morning that it was monstrous for anyone to retain a doubt about this. I think I said there is no doubt about the attack of August 2. That was one statement I made.

The CHAIRMAN. We don't allege that at all.

Secretary McNAMARA. I understand. I am saying what I said, and, secondly, I stated in the latter part of my statement that the insinuation or the suggestion that the Government of the United States induced the incident on August 4 with the intent of providing an excuse to take retaliatory action, I could only characterize as monstrous. That is quite a different thing from saying it is monstrous that anybody should doubt what happened.

The CHAIRMAN. Well, I don't think anyone, I don't believe anyone, certainly myself, entertained the idea this was a plot or a conspiracy.

The point really is, and I think there is evidence sufficiently to justify an inquiry as to whether or not the decisionmaking process, with all these conflicting reports coming in, is sufficiently accurate and reliable to justify taking such a decision to declare war on another country, which was the immediate outgrowth of this particular series of events.

Secretary McNAMARA. I didn't comment on that.

COMMITTEE ACTED WITH INCOMPLETE EVIDENCE

The CHAIRMAN. I think this committee, and certainly as chairman of the committee I think it was very unfair to ask us to vote upon a resolution when the state of the evidence was as uncertain as I think it now is, even if your intercepts are correct. Of course, none of those

intercepts were mentioned to us, I don't believe, in the testimony on August 6. Your statement and General Wheeler's was without any doubt, any equivocation that there was an all-out attack.

I submit that even if you give the most favorable interpretations to these reports that it was far less than positive and unequivocal as your statement before the committee indicates.

This has been very serious to me and all members of this committee and the Senate.

We have taken what is called the functional equivalent of a declaration of war upon evidence of this kind, and action as precipitate as this was. Even the commander, that is one of the crucial cablegrams from the commander of the task force, recommended that nothing be done until the evidence was further evaluated. I read it this morning, I won't read it again.

But that alone almost, if I had known of that one telegram, if that had been put before me on the 6th of August, I certainly don't believe I would have rushed into action.

We met, if you will recall for 1 hour and 40 minutes, in a joint meeting of the Armed Services and this committee and we accepted your statement completely without doubt. I went on the floor to urge passage of the resolution. You quoted me, as saying these things on the floor. Of course all my statements were based upon your testimony. I had no independent evidence, and now I think I did a great disservice to the Senate. I feel very guilty for not having enough sense at that time to have raised these questions and asked for evidence. I regret it.

I have publicly apologized to my constituents and the country for the unwise action I took, without at least inquiring into the basis. It never occurred to me that there was the slightest doubt, certainly on the part of Commander Herrick who was in charge of the task force that this attack took place. He obviously had doubts, his own cablegram so states. That is the reason for it. I feel a very deep responsibility, and I regret it more than anything I have ever done in my life, that I was the vehicle which took that resolution to the floor and defended it in complete reliance upon information which, to say the very least, is somewhat dubious at this time.

Well, I just wanted to make that for the record.

Now, I think other members should have an opportunity.

Secretary McNAMARA. May I simply at this point make one very brief comment?

I don't believe Commander Herrick in his cable stated he had doubt the attack took place. He questioned certain of the details of the attack and, secondly, his questions—

The CHAIRMAN. Mr. Secretary—

Secretary McNAMARA. Pardon me, Mr. Chairman, secondly, his doubts we resolved that afternoon before the retaliatory action was taken.

The CHAIRMAN. I think he went much further than that. He advised you not to do anything until it had been reevaluated. I don't want to burden the record but it is a very strong statement.

Secretary McNAMARA. Nothing was done until it was reevaluated.

The CHAIRMAN. He says "Suggest complete evaluation before any further action."

Now, that is a very strong recommendation from a man on the scene in charge of the operation.
 Senator GORE. Read it.

CHAIRMAN WOULD HAVE ACTED DIFFERENTLY IN 1964 WITH MORE
 EVIDENCE

The CHAIRMAN. If I had had enough sense to require complete evaluation I never would have made the mistake I did. If I had had notice of that particular cable in 1964 I think I would have had enough sense at least to raise a warning sign, and normally this committee does have hearings and questions. I don't know why, what possessed me, the background was such that I went along, of course I wasn't the only one. Both committees, except for the Senator from Oregon, unanimously accepted your testimony then as the whole story, and I must say this raises very serious questions about how you make decisions to go to war.

I mean, this is not a small matter that we are in, in Vietnam, and I think for the future, the least I can do and the committee can do, is to alert future committees and future Senates that these matters are not to be dealt with in this casual manner.

I felt very badly about it, about the matter. I must say that I don't blame you personally for this. These communications were very conflicting, and I don't think—I never meant to leave the impression that I thought you were deliberately trying to deceive us, but I must confess I think the evidence is very conflicting and warrants what Mr. Herrick suggested—time to evaluate what the evidence was—which we didn't do.

Well, I delivered myself.

Senator Mansfield, do you have a question?

Secretary McNAMARA. Two points, Mr. Chairman, if I may, only 10 seconds.

One, the commander evaluated it that afternoon, concluded an attack took place and came to a conclusion before the retaliatory action was executed.

Two, I know of no evidence since that time that would support the conclusion this attack did not take place. That is all I have to say.

The CHAIRMAN. Well, there is evidence, you, yourself, I mean, the evidence of one captured man, there are a number of things depending upon credibility of the people.

It isn't all that clear cut.

Senator GORE. Mr. Chairman, there is at least evidence that a doubt existed even after the order went out, because the order to loose the retaliation we are informed went on at 6:30 and at 7:06 Admiral Moorer of CincPac cabled the *Maddox* and *Turner Joy* to report immediate confirmation of the earlier attack on them.

The CHAIRMAN. He still had evident doubt after the order had been given there or he wouldn't make the inquiry.

Secretary McNAMARA. This was simply a response to the earlier inquiry of Sharp who got the information by other channels before that time.

Senator MANSFIELD. Mr. Chairman, my remarks will be brief.

SECRETARY McNAMARA TESTIFIED IN GOOD FAITH

I felt at the time that Secretary McNamara when he was before us that he was being as candid and as honest as he could be in the light of all the facts which were at his disposal.

I still feel the same way, and I happy that this additional highly confidential information was made available, and because to me it seems to establish a fairly close correlation between the intelligence and the reports sent back from this particular task force at that time.

Of course there are questions in all of our minds, I am sure there are still questions in the Secretary's mind.

But three and a half years ago is a long time, and you were under pressure, we were under pressure. Maybe we did some things that we wouldn't do if we would be more careful and that is the reason for that resolution of yours.

The CHAIRMAN. Don't call it mine. I didn't originate it. It was the administration's resolution.

Senator MANSFIELD. No, no, I am speaking of the resolution which is pending on the calendar as to which we will take up later this year.

The CHAIRMAN. I see. I thought you were talking about this commitment resolution. I apologize. [Laughter.]

Senator MANSFIELD. I wonder myself what I would say if 3½ years later I was called upon to testify. I am quite sure that I wouldn't do a very good job because I have a hard job remembering what goes on the week before, let alone what happened so long ago.

That is all I have got to say.

The CHAIRMAN. Senator Aiken, do you have any questions?

Senator AIKEN. I hate to see Russia reaping so many benefits, that is all. We ought to do something about that.

The CHAIRMAN. That is, from the war you mean?

Senator AIKEN. Yes.

The CHAIRMAN. Well, I do, too.

Senator AIKEN. That is the only thing that came to mind. I have nothing to say. But, as I have said frequently, the last 3 years have gone by. The next 3 years, the next 3 months should be very interesting.

The CHAIRMAN. Is that all?

Senator AIKEN. That is all.

The CHAIRMAN. Senator Morse?

Senator MORSE. Mr. Chairman, I would have very, very many questions if we were going to trial. We are not on trial. Time would not permit the asking of the questions if we were in trial, and I only want to say to the Secretary that I think he knows no matter how much I disagree I have an exceedingly high regard and respect for him.

I am sorry I shall so completely disagree.

NEW EVIDENCE DOES NOT ALTER SKEPTICISM

He has not said anything here today, a single thing today, that changes anything I said on the floor of the Senate in August 1964 and what I said in committee at the time in our very short hearing. I don't think we have been talking all day about what we ought to be talking about, the Tonkin Bay Resolution.

I think we ought to be talking about what preceded the incidents and what brought about the incident and our involvement in Tonkin Bay at the time. We have a right to have freedom of the sea. But a right with regard to it doesn't justify following the course of action or give the right to create it. As to comments that I made in August 1964, I didn't make them in a vacuum.

I was communicated with by sources at the Pentagon Building in whom I have high confidence, that raised a lot of doubts in my mind. I remember, I said, I don't have to have it in front of me but I paraphrase it, "You ought to get the logs because this Senator suggests you had better ask for the logs. You had better ask for some facts as to where those ships were and how they got there and what the knowledge of the Navy was in advance of the incident."

What I have heard here today verifies all the information I received before I ever said anything in August 1964.

You see, what I think we never come to grips with is what we were doing long before the 2d and the 4th, long before the incidents of Tonkin Bay. The fact we had this kind of a presence there, that we were stimulating the electronic devices of the North Vietnamese, that we were carrying on intelligence operations was wrong. The *Maddox* was, on this occasion, a spyship and quite a different body of international law applies to spy activities than applies to other activities. So I only want to say for the record that I don't think we should have been there and especially under those circumstances when the Navy and the administration knew that South Vietnamese naval vessels that we had furnished and the personnel whom we had trained were on their way in that period of time to bombard North Vietnam and its two islands. The *Maddox* and the *Turner Joy* were in the area, despite all our talk about the distances. The fact is that the North Vietnamese had no reason to believe that we were trying to keep separate the South Vietnamese boat operations and our patrol. They had no reason to know or believe that. We don't know what conclusions they reached. I think it would be a very reasonable conclusion if they thought there was a connection.

CONNECTION BETWEEN AMERICAN AND SOUTH VIETNAMESE OPERATIONS

I happen to think there was a very clear connection.

The very fact that you were electronically invading, so to speak, North Vietnam, while at the same time, in that series of time, the South Vietnamese boats were going to make their attack, put us, I think, in the position where the North Vietnamese and the rest of world, for that matter, would see some interrelation.

But I still go back beyond that.

What worries me is that we were at that time escalating, we were involving ourselves more and more in the difficulty in South Vietnam. We know from the record what the thinking was in the administration, having in their pocket a resolution ready to spring on us.

We have some evidence that the resolution, or a draft of a resolution was prepared before the Tonkin Bay incident ever occurred. It was to give to the President the authority that the Congress gave. I am willing to let history be the judge, eventually it will be recorded that it was a completely unconstitutional move.

You can't possibly give the President that power under the Constitution. That always has been the position that I have taken from the beginning of many aspects of this matter. With this preparation for bombarding North Vietnam, I want to say most respectfully, I think that wisdom dictated that we should have had the *Maddox* and the *Turner Joy* far removed from any area, high seas or not, that would possibly justify anybody making this connection. To be on the high seas and commit an illegal act on the high seas constitutes a form of aggression, constructive or actual, that was really our position, in part, in October 1962 during our conflict with Russia over her clear act of constructive aggression against us vis-a-vis Cuba.

So one of my bones of contention is that I don't think our hands are clear if we fall back on technical defenses of our rights on the high seas and making perfectly clear to North Vietnam we were going to enforce those rights.

The basic question is why were we following this course of action at that time in the Gulf of Tonkin when the South Vietnamese boats were going up there to make an attack? I think all the explanation of the Secretary, all the explanation of the administration just ducks that problem.

One of the reasons why we find ourselves so much isolated is because the world does not like this involvement we got ourselves into on a unilateral basis.

I only want say we have had this information given to us. I, as a lawyer, don't question for a moment that it is subject to a considerable amount of attack and qualifications, just as I think Secretary McNamara's use of captured North Vietnamese prisoners isn't a very reliable source upon which to form a judgment. In fact, even in domestic law, as a lawyer I never thought too much about the stool pigeon testimony because too frequently it is not worth the lips that emit it.

ALL EVIDENCE SHOULD BE MADE AVAILABLE

But here we do have, and it bears on something you said, Senator Fulbright, we do have a communication. It is anonymous, it is true; but on the other hand, its content gives a pretty good idea of the reliability of the source. Although some of the ideas I don't agree with, I think the Secretary is entitled to hear it. I don't think we are fair with the Secretary if we have this kind of material in our records and don't discuss it with him. Just as I said this morning, as far as I am concerned, I think he should have every memorandum we have. I don't see why we should keep it from him.

As far as I am concerned, I would give him everything we have, and whatever help he can give to us in regard to it, I would welcome.

But we have this communication, received December 26, 1967. The letter is to this committee through its chairman. It reads in part:

Getting the logs of the *Maddox* and the *Turner Joy* may be of some use to you in trying to get to the bottom of the Tonkin Gulf incident, but it really won't help much.

What you most need is the record of events of communications passing through the national military command and control center. Most of them have probably now been destroyed.

Whatever study was made on the basis of most of these records, fresh after the event, by the Weapons System Evaluation Group entitled "Command and Control of the Tonkin Gulf Incident, 4-5 August 1964," this document is Top

Secret and it is very tightly held because it is based in part on the tape recordings of conversations over the phone of the President, the Secretary of Defense, Admiral Sharp and others during the period when the critical decisions were being made. Very probably an effort will be made to have all copies of the study destroyed when and if there is any intimation that you know of the existence of the study. The study will not disclose that the incident was a put-up job. It will disclose several embarrassing things, however.

One is that the first attack, that on the *Maddox*, was very probably made because the NVN confused the *Maddox* with [deleted] operations which were covering SVN hit-and-run attacks against NVN coastal areas. This was probably due simply to lack of coordination.

Another point will be that the attack on the *Turner Joy* the following day was indeed probably imaginary.

After the first report of the attack there was a report there probably had not been an attack at all. But the President was to go on the air to address the Nation about the retaliatory attacks that had already been planned, and after another flurry of confusion Admiral Sharp said there had been a real attack after all.

At this point the Secretary of Defense decided to advise the President that the attack on the *Turner Joy* was real and to order the retaliatory attacks and go ahead with the speech because it was getting very late for the address to the Nation and, moreover, the retaliatory attack planes had been kept in a state of take-off readiness for the maximum time.

It was clearly a case of making a definite decision when operational circumstances dictated haste but the facts suggested caution.

One may wonder how much the Secretary of Defense, who is a man of honor and conscience, has worried about this since. Because later events all indicate that the second attack was at best a trick of false radar images.

I am sure if I signed this I would lose my job, but if you proceed wisely, you should be able for the good of the country to learn the truth of all I have suggested here and much more.

The Tonkin Gulf incident, upon the basis of which the resolution was so quickly obtained, was not a put-up job. But it was not the inexcusable and flagrant attack upon U.S. ships that it seemed to be, and that would have justified the resolution and retaliation had there been so. It was a confused bungle which was used by the President to justify a general course of action and policy that he had been advised by the military to follow. He, like the Secretary of Defense, was a prisoner. He got from them all the critical and decisive information and misinformation and he simply put his trust in the wrong people.

One of the things your committee should really look into is the constant use of security regulations to conceal the blunders and the connivings in the field of national security.

But I doubt that all the power of the United States Senate could ever penetrate far enough into the supersecret world to learn much about what goes on. Right now the JCS is refusing materials in their field wanted by people working on Vietnam for the Secretary of Defense, most obviously because they are fearful it would serve the Secretary of Defense's purposes, not theirs.

I want the Secretary to know that one must weigh that with great caution and circumspection and some doubt. It is only one of several memorandums or letters that we have in these files. We have a lot of signed material, but on this committee you have to weigh this and doublecheck it to see if there is any other evidence that bears out any of these contentions. We have plenty that bears out some of his contentions.

But I close, Mr. Chairman, by saying that the thing that is wrong with the whole case we have listened to today is that it doesn't go back far enough, back to 1954 when you have the Gavin report against involvement in Asia, where you have the Ridgeway support of the report.

Other military officers in the next few years will look askance at what we were doing, and yet the administration step by step gets us more and more involved.

NO LEGAL BASIS FOR AMERICAN INVOLVEMENT CLAIMED

So here we are now, involved over there by what the former Attorney General of the United States tries to justify as a kind of a functional declaration of war, which is of course pure nonsense legally.

This is what bothers me. I think we ought to go back to the beginning. We ought to be devoting ourselves to trying to find out how we can honorably get out of the mess that we are in. We need some kind of a multilateral takeover to settle this war.

I wish he were still in the room because I quite agree with what the Senator from Montana himself said to the President, and his top foreign policy advisers in one conference. We have never submitted a resolution to the international bodies that have jurisdiction over this matter, if they would exercise their jurisdiction.

I don't see how we can ever expect them to exercise their jurisdiction unless we are willing to commit ourselves to abide by their jurisdiction provided they, in turn, will carry out their corollary responsibility to enforce the peace.

I am so concerned. I think history has got us recorded as engaging in what I think is the unilateral making of war. That is the great foreign policy mistake.

I am sorry I took as much time as I did, but I thought the record ought to show my respect for the Secretary. He doesn't share any of my views on this or my major premises, I am sure, that is where our great division is.

I am never going to support the kind of a military operation that we are engaged in over there, or the policy of this administration until it gets back to the Constitution and declares war. You know why we don't. You wouldn't have the world with you.

The CHAIRMAN. Senator Case?

Secretary McNAMARA. Mr. Chairman?

Senator MORSE. I think the Secretary should be allowed to say anything.

DENUNCIATION WITHOUT FOUNDATION

Secretary McNAMARA. Mr. Chairman, Senator Morse is certainly one of the most able advocates that it has ever been my fortune or misfortune to sit opposite. He has presented a case very powerfully.

I think it is built on an entirely false foundation, and I think the earlier testimony today indicates that.

There are certain legal points he has made which I am not qualified to comment on, but as a layman, I can't believe that there was a constructive act of aggression committed by the *Maddox* or the *Joy* and if there wasn't, they were acting entirely legally. As I understood what he said, he accepted the statement that an attack had taken place on the 2d and he was at least willing to recognize the possibility of an attack on the 4th.

He referred to an anonymous letter which made very grave charges, which I would assume the committee would want to expose.

I can't refute people who are faceless accusers. I know some of the statements in the letter are absolutely false. I don't make tapes of my conversations with the President. I don't know of anybody else in the Department who does.

I can't believe any study made by the Department refers to tapes of conversation with the President.

All of the investigations that I know of that have been made by the commanders involved of the attack of the 4th, after the attack, concluded that the attack did take place. So I think it extremely ill-founded for the anonymous writer to conclude that the attack was imaginary.

There are a number of other charges there that I would be happy to investigate if the committee wishes me to do so.

I think it would be very helpful if the individual could muster up enough courage to make his accusations, state his evidence openly, so we can discuss them and follow them down.

I don't have anything to hide.

DEFENSE DEPARTMENT POLICY RE INFORMATION

For 7 years I have tried not to hide the actions of the Department. We have disclosed more to our Nation and to our enemies, for that matter, about the national security of this country and the factors that we take account of in protecting it than has ever been disclosed before. I believe in disclosure, and I believe that the truth will support itself, and I am perfectly prepared to have the anonymous accuser or anybody else come in and examine the raw material available in the Department that bears on this.

But I think, as does Senator Morse, that you do yourself a disservice and you do me a disservice by withholding information from me and expecting me to comment on information which has not been available to me.

The CHAIRMAN. This letter, I may say, was in no way included in the report and nothing in the statements based on it. It was in the addendum, as the Senator knows, and was volunteered as an anonymous message.

We had others that were not anonymous, but that is not a part of the report, and we did not question you about that today. That is the reason I didn't refer to it.

Senator MORSE. I thought I made clear in my statement I am not basing my case on this anonymous letter, but only giving you an idea of the kind of information which has been made available to the committee.

My case has nothing to do with what happened on the Tonkin Bay, on the 2d and the 4th.

It is what preceded it.

When I talk about an act of constructive aggression, my case is that I think there was clear knowledge of what the South Vietnamese boats were up to. I think the fact that the *Maddox* and the *Joy* were kept in the Tonkin Bay, in close proximity to North Vietnam, justified the enemy in assuming that we were giving aid and abetting.

I think they did aid and abet by their very presence there. I think they created a problem with North Vietnam.

I think while the preparation for that bombardment was going on that the electronic stimulation of North Vietnam at that time couldn't be justified, and would justify North Vietnam striking back, and I think that is why, as I said in my speech in August 1964, we cannot

escape the conclusion that we are to a degree a provocateur in this whole matter.

SECRETARY McNAMARA INFORMED OF SOURCES OF STAFF STUDY

The CHAIRMAN. I want to make it clear, too, that I did give the Secretary a complete list of all the documents which were the basis of the staff study. They are all available to him in the Department.

There is nothing else in the staff report except the staff views about the documents, which is not a matter in issue at all. It is the significance of the documents which we have read to you, and we gave you a complete list of everything we used. You had them available the same as we did. In fact, you have a lot more.

If there is any complaint, I will say that despite my understanding with Mr. Nitze, at least, the Department did not supply the committee by any means with all relevant documents which I had understood they had.

Senator CASE.

Senator CASE. Mr. Chairman, thank you. If I may, I would yield to the Senator from Kentucky because I have to go, and if I do not get back here before the Secretary leaves, that is all right, too. But I do have to be away for the next few minutes.

I will yield to him and say, so far as the record goes, my concern is not about this incident, but about the use of this resolution subsequently in ways that were never intended by Congress. That is my basic concern.

The CHAIRMAN. Senator Cooper.

Senator COOPER. I will be brief.

I would like to say, first, that I appreciate the willingness of the Secretary to give the committee his testimony. His testimony has been helpful and forthright. I would also like to say that I think the Secretary has been a faithful, able, and conscientious servant of our country.

Secretary McNAMARA. Thank you very much, Senator.

The CHAIRMAN. I will join him in that.

Senator MORSE. If you will permit me, I would say one of the most dedicated public servants I have experienced in my 23 years in the Senate.

Secretary McNAMARA. Thank you very much, Senator Morse.

Senator COOPER. As the Chairman has stated, his chief purpose and that of the committee in conducting this inquiry is to evaluate the effectiveness of decisionmaking decisions, which could bring about the involvement of American military forces, and the Nation's engagement in war. I think it is a proper inquiry.

It has also raised other questions, extreme charges and you have referred to one of them. In asking the question I am now propounding to you, I do not do so because I accept it. But it has been stated in some quarters that the administration did not have any information which would justify either retaliation or the submission of the resolution. It has been speculated that the incident was contrived to bring the resolution before the Congress.

As I understand it, you say, there is no truth at all in such a statement or speculation. Is that correct? That is my question.

Secretary McNAMARA. My answer is as you have indicated, Senator Cooper. There was nothing to it.

EXECUTIVE ATTITUDE REGARDING PROVOCATION

Senator COOPER. It has also been suggested that the incident was provoked in order to have a reason to come to the Congress. Was there ever any discussion or consideration of provoking an incident which would enable the administration to come to the Congress with the Tonkin Bay resolution?

Secretary McNAMARA. No, sir. The reverse was the case. Every reasonable effort was made to reduce what otherwise would have been illegal operations or reduce what were legal operations in order to avoid provocation. It was no intention to provoke an incident. We do not believe it did provoke an incident. It is inconceivable to me that a plan to provoke an incident could have been developed within the kind of government we have without this having been known to enough people for one of them to report authoritatively to the Congress that such the case. There was, I can just state unequivocally, there was, no intent to provoke. Quite the contrary.

Senator COOPER. Now, turning toward the evaluation that was made on August 4, is it correct that you did consult on that day with the Joint Chiefs of Staff?

Secretary McNAMARA. Yes, sir. I did on numerous occasions during the day.

Senator COOPER. You have said that you consulted with other advisers. Would that include the Secretary of State?

Secretary McNAMARA. Yes. As a matter of fact, the matter was so urgent and so important that I asked the Secretary of State to join me at the Pentagon before lunch, on August 4, which he did. We met there for a considerable time with representatives of the Chiefs. I say representatives because the Chairman was not then present, being out of the city, and subsequently the Secretary of State and I met with the President at the White House, and on several other occasions during the day the Secretary of State and I directly or indirectly discussed our views with the President—indirectly only in the sense that we may have been on two telephones at the same time with the President.

Senator COOPER. Did you detail your reasons for finding that an engagement had taken place?

Secretary McNAMARA. Yes, sir.

Senator COOPER. Acting upon the basis of information received from the destroyers themselves and also from intercepts, was there included a message from the commander of the *Turner Joy* before the retaliatory strike, reporting that there had been an engagement?

Secretary McNAMARA. Yes, sir. The commander of the Task Force 72.1, who was not the commander of the *Turner Joy*, but was the superior officer to the commander of the *Turner Joy*, and was on the scene on the *Maddox*.

Senator COOPER. There is a statement in the record, furnished us by the staff, which says that 3 hours before the retaliatory strike, the commander of the *Turner Joy* reported there had been an attack.

Secretary McNAMARA. That is correct. I simply wanted to differentiate between him and the commander of the task force.

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Secretary McNAMARA. That is correct. I simply wanted to differentiate between him and the commander of the task force.

CONFIRMATION OF ATTACK

Senator COOPER. At the time the decision was made to make the retaliatory strike, was any question raised or was there any in your mind that an engagement had not take place?

Secretary McNAMARA. No, sir.

Earlier in the afternoon, because of some of the uncertainty as to the details of the engagement, I had said that we should not carry out any retaliatory strike until we satisfied ourselves that an engagement had taken place. We did so satisfy ourselves during the remaining hours of the afternoon, and that is not just my view. It is the view of every one of the key senior and civilian and military officials in the Department.

Senator COOPER. Accepting the fact of the engagement, and I do, there remains a question of judgment whether the scope of the engagement was such that a resolution should have been presented, and also whether in hindsight the Congress should have voted one.

You have said categorically that our ships were never in territorial waters. Is that correct?

Secretary McNAMARA. That is correct, sir.

Senator COOPER. That conclusion is based upon the statement that the United States did not consider territorial waters of North Vietnam to extend a distance beyond 12 miles?

Secretary McNAMARA. That is correct.

Senator COOPER. This is bound to be questioned, you know. What authority do you find for making that statement?

Secretary McNAMARA. The authority I cited in my statement based upon the lawyers of the Department who are familiar with the law of the sea, which is that unless a nation claims beyond 3 miles its territorial waters are not believed to be extending beyond that limit, and North Vietnam had not claimed beyond 3 miles before August 4, 1964.

Senator COOPER. There has been brought in question a statement you have made when you came before the committee to testify for the Tonkin Bay resolution, that the Navy was not associated with the South Vietnam 34A operations. You said further, "I must emphasize the *Maddox* did not know of these actions."

NAVAL KNOWLEDGE OF SOUTH VIETNAMESE OPERATIONS

Were you intending to say that the Navy had no knowledge of them or were you emphasizing that the *Maddox* had no knowledge of them?

Secretary McNAMARA. I was emphasizing the *Maddox* did not, Senator Cooper, because I knew at the time—as a matter of fact I informed the committee at the time—that I knew and the senior commanders in the Navy knew of the South Vietnamese operations, at least in terms of the general character of them.

At the time of the specific incidents of August 4, I did not know of the attack on August 3 by the South Vietnamese, but we knew of the operations, and some senior commanders above the level of the commanders of the task force did know the specific dates of the operations.

Senator COOPER. Questions have been raised about the patrolling of North Vietnam, Tonkin Bay, and an analogous situation in North Korea.

Is there communication in the Department between the naval authorities, between you and the President and the Secretary of State about patrolling these coasts when it involves the possibility of actions such as occurred in the Tonkin Bay and off North Korea?

Secretary McNAMARA. There is a special group set up, on which I am represented by the Deputy Secretary of Defense, and which includes comparable senior officials from the State Department, the CIA, and certain other agencies of Government before which must be presented every one of these missions for the approval of the members of that group.

If there is any difference of opinion among those members, the matter is to be brought to the attention of the Secretary of State and the Secretary of Defense. So the answer to your question is, "Yes."

I do not mean to say that the President is personally involved in this. But I am personally involved in it through my Deputy Secretary, and the Secretary of State is personally involved in it through a very high level representative of the State Department.

Senator COOPER. I would assume that such measures must be taken at times when necessary to protect the security of our country.

RISKS OF NAVAL INTELLIGENCE OPERATIONS

I do think, however, that there is a very serious problem involved when, as has been evidenced by the *Pueblo*, and when we are rather thinly spread, it seems to me risks are taken which result in incidents which humiliate our country and also place the United States in a position where there is danger of deeper involvement and not of our choice.

I assume that you look at these problems. But I give my own view that there should be the most thorough and immediate consideration of this problem undertaken—so that we will not become further involved.

I think that is all I have to say at present.

Secretary McNAMARA. Thank you very much, Senator.

The CHAIRMAN. Senator Gore.

Senator GORE. Well, Mr. Secretary, it is painful to subject you to this interrogation after the sacrifices you have made for public service, and I regret that I do feel the necessity of doing so.

CLAIM THAT ADMINISTRATION HAS BEEN MISLEADING

I do not in any sense question your patriotism or your sincerity. On the other hand, I feel that I have been misled, and that the American people have been misled. Indeed, the statement that you released to day does not fully comport with the testimony that you gave to this committee earlier today.

I cite one instance, the statement—well, when I say "testimony" I mean other than the prepared statement. I read from your prepared statement:

In addition to the above—

This is on page 17—

intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making preparations to attack our destroyers

with two Swatow boats and with one PT boat if the PT could be made ready in time.

The second sentence—I raise no question about the first sentence I just read, except the characterization of the source as “highly classified and unimpeachable.”

The second sentence:

The same source reported, while the engagement was in progress on August 4, that the attack was under way.

I submit, Mr. Secretary, you have cited nothing from the intercepted message to support that.

Secretary McNAMARA. Let me put in at this point in the record, if I may, the four messages, starting with the first at [deleted] indicating there were two objectives, enemy attack vessels, located at a point at which the *Maddox* and the *Turner Joy* were located or located within 3,000 yards of them; and the second message, which stated that—

Senator GORE. Directing them to make ready for military operations.

Secretary McNAMARA. Make ready for military operations, again referring [deleted] and the third message indicating that the Swatow boats reported an enemy aircraft falling and enemy vessel wounded, and that message coming 12 minutes after our ships reported that they were being attacked.

The fourth message later reporting that they had shot down two planes and sacrificed two ships, and adding further details of the engagement.

I submit that any reasonable explanation of these messages leads one to the conclusion that the attack was underway, as I stated in my statement.

Senator GORE. Well, that interpretation is possible. Another interpretation is that this was an exaggerated report by the North Vietnamese commander, just as they exaggerated the losses of our planes.

But your statement released to the public is that the same source reported while the engagement was in progress on August 4 that the attack was underway. That is a flat-footed statement that nothing you have submitted today supports.

Secretary McNAMARA. I take issue with that, Senator Gore, and I think it is not proper to say that the four messages were just a report from a commander. These four messages were flowing back and forth among various stations.

Now, I am going further than I should in discussing this classified information.

Senator GORE. Well, your publicly released statement this is compounded by your flatfooted statement on page 5:

During this same time, intelligence sources reported that North Vietnamese vessels stated they had our ships under attack.

Well, the same flatfooted statement is repeated. Nothing you have submitted supports this unqualified statement.

Secretary McNAMARA. Well, I differ on that, Senator Gore, and I do not think we should discuss this further unless we want to back into messages which I do not want to do in the room with uncleared people present.

Senator GORE. Then I would like to call to your attention, and I do not know what the committee wishes to do, but I think we have no choice but to make an incisive examination to reveal the actual facts.

Now, without identifying the messages to which I will refer on page 17 as to time, you quote the task group commander this way:

Vice Admiral Roy L. Johnson, USN, Commander of the U.S. Seventh Fleet at the time, stated in his review of the combined chronology and track charts submitted by the Task Group Commander: "Commander, 7th Fleet, is convinced beyond any doubt that *Maddox* and *Turner Joy* were subjected to an unprovoked surface torpedo attack on the night of 4 August 1964."

POSTMISSION EVALUATION NOT REVEALED

Now, what I wish to point out is not any inaccuracy there but the failure to reveal to the American people that this statement was made on August 14.

Secretary McNAMARA. Quite right.

The CHAIRMAN. August 14?

Senator GORE. August 14.

Secretary McNAMARA. That whole paragraph relates to postmission evaluations and, as I pointed out on page 19, some of the details cited above, particularly the statements of eye witnesses, although gathered immediately after the attack, had not reached Washington at the time the reprisal air strikes were ordered executed.

Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place, and I cite the information available, and I do not include Admiral Johnson's report or Admiral Moorer's report or General Burchinal's report, all of which came in as a result of their evaluations of the reprisal attack.

Senator GORE. I understand. I have read this report, and I realized when I read it that the evaluation made was after the fact, after the attack had been ordered.

This goes to the matter that troubled this committee, and I will say troubles me—I won't speak for the committee, I will say it troubles me.

I do not hold that this was a rigged affair, but from all the testimony you have submitted here today the administration stands revealed as having acted very hastily and out of proportion to the provocation and, it seems to me, to further compound the thing you quote, let me see, you refer here to Lt. Gen. David A. Burchinal.

Secretary McNAMARA. Burchinal.

Senator GORE. It says he analyzed the information from message traffic with the assistance of the Joint Staff. You do not say when. He gave his evaluation to the Secretary of Defense, "The actuality of the attack is confirmed."

Now, you had sent out messages hours before the order to attack North Vietnam asking that that attack on our ships be confirmed. You got your confirmation from Lieutenant General Burchinal on August 7, 2 days after we had made an attack on North Vietnam. So this has gone out to the public today.

Now, I have said nothing publicly, so far as I know the chairman has said nothing publicly, but once again the facts have been twisted, Mr. Secretary.

FACTS ARE PRESENTED IN A STRAIGHTFORWARD MANNER

Secretary McNAMARA. No, sir; I beg your pardon, Senator Gore, the facts have not been twisted. I am talking about no one within the Department of Defense has reviewed all of the information which I later point out came in after the incident. All of these eyewitness reports came in after that. That is known to you, it is known to the members of the committee, it is known to others.

Senator GORE. But it is not known to the American people.

Secretary McNAMARA. I so indicated. I stated on page 19 that it was.

Senator GORE. It is not so identified.

Secretary McNAMARA. Also on page 19 I specifically listed the information available to the President at the time he ordered the retaliatory attack, and it does not include reports from Admirals Johnson or Moorer or General Burchinal. That is exactly the purpose of it.

Senator GORE. You bolstered the decision by stating conclusions reported after the fact.

Secretary McNAMARA. No, no.

Senator GORE. And you state twice that these highly classified and unimpeachable sources said that the attack was underway. We have had no such information. We have had corroborative evidence that might bear that interpretation.

Let me cite one other thing, if I may.

Secretary McNAMARA. May I first make clear that I did not indicate that Johnson's, Moorer's, or Burchinal's evaluation took place before the retaliatory decision. I did indicate that they reviewed all of the information that I previously discussed, much of which, particularly the testimony of eyewitnesses, was taken after the retaliatory attack, which I stated on page 19 occurred after the retaliatory attack.

Senator GORE. Well—

Secretary McNAMARA. I worked until 8:30 last night trying to be certain this statement was accurate. I had some of the best lawyers in the Department to work on it, and I submit to you it is not misleading.

Senator GORE. Well, it is a difference of opinion. I say that there is nothing you presented today that supports your public statement that you had a report from a "highly classified and unimpeachable" source reporting that the attack was underway.

Secretary McNAMARA. Well, we just differ then on the meaning of words, Senator Gore.

Senator GORE. Well, let us see if we differ on this matter. Today in your statement you say this, and this is page 2:

As I stated then and repeat now our vessels played absolutely no part in and were not associated with this activity. There was then and there is now no question but that the United States Government knew, and that I knew personally, the general nature of some countermeasures being taken by the South Vietnamese in response to North Vietnamese aggression. As I informed Congress the boats utilized by the South Vietnamese were financed by the United States. What I said then, and I repeat today, that the *Maddow* and the *Turner Joy* did not participate in the South Vietnamese activities, and they had no knowledge of the details of these operations, and that in no sense of the word could they be considered to have backstopped the effort.

Now, here is what you said to the committee on the 6th:

I would like to cover three points. First—

The CHAIRMAN. Of August 1964.

Senator GORE. Of August 1964.

First, our Navy played absolutely no part in, was not associated with, was not aware of any South Vietnamese actions, if there were any. I want to make that very clear.

NEW STATEMENT ALTERS TESTIMONY OF AUGUST 1964

This was stricken from the record that was published. You state further, and I read again what was stricken from the record—

It was not informed of, was not aware, had no evidence of and, so far as I know today, has no knowledge any, any possible South Vietnamese actions in connection with the two islands that Senator Morse referred to.

Now, in your statement today you modified that. You said they had no knowledge of the details of these operations. That was not the question at all. So there is a considerable difference in what you said to the public today on this point and what you said to the committee on August 6, 1964. I read further, and all I am reading here, Mr. Secretary, was stricken from the record.

Secretary McNAMARA. Could I interrupt you one moment, Senator Gore?

Senator GORE. Yes, sir.

Secretary McNAMARA. Possibly through oversight you omitted a very important sentence in that August 6, 1964, statement because you read a sentence that started with the word "It" when the word "It" in relation to what you said previously might have reflected back on the Navy, to mean the Navy, whereas it meant the *Maddox*, and the sentence you omitted was, "The *Maddox*, operating in international waters, was carrying out the routine patrol we carry out of the type we carry out at all times, it was not informed of it," meaning the *Maddox* was not informed of it.

Senator GORE. That is correct. The Department or you struck that from the record.

Secretary McNAMARA. I said the *Maddox*—

Senator GORE. It differs from what you said to the public today.

Secretary McNAMARA. I beg your pardon?

Senator GORE. Let me read two sentences.

Secretary McNAMARA. Let me make clear what this says and what the committee understood at the time, that the *Maddox* was not informed of, was not aware of, had no evidence of, no knowledge of any possible South Vietnamese actions in connection with the two islands that Senator Morse referred to. That was my belief then, it is my belief today, and I personally had the commander of the patrol called within the last 72 hours to check and make sure that my understanding was still correct, and he says he did not have knowledge then of the possible South Vietnamese actions in connection with the two islands Senator Morse referred to.

Senator GORE. Well, your first statement there is that our Navy played absolutely no part in—

Secretary McNAMARA. I think the word, when I say our Navy played no part in, I think that is true; was not associated with, that is true. I said it was not aware of, I think that is ambiguous. I was using the word "Navy" referring to the task force. But I think that it is ambiguous.

Later in the paragraph I think it is clear I was referring in the whole paragraph to the task force. But I certainly agree with you that the word "Navy" in the first sentence is ambiguous.

UNITED STATES KNEW OF 34A OPERATIONS

Senator GORE. Well, of course, we know now from the cables that the *Maddox* was, in fact, informed of the 34 Ops.

Secretary McNAMARA. You do not know now that they had knowledge of—

Senator GORE. The details.

Secretary McNAMARA (continuing). Possible—not the details. You do not know now they had knowledge of what I said they did not have knowledge of, which is possible Vietnamese actions. You know very well that the Navy meant *Maddox* in this context in that first sentence because I myself reported that the Navy had furnished the boats to the South Vietnamese, and you, meaning the Congress, so reported in the congressional debate, so there could have been no misinterpretation then, and I do not think there is now of that paragraph.

Senator GORE. Well, I won't review the cables. They are already in the record.

There is another sentence which you spoke to the committee about on page 24 of the executive hearings, that was deleted. I will read the whole sentence lest—and then I will identify what is stricken:

I testified the other day that the American vessels were or the American vessel was, it was the *MADDOX* at that time, was operating on a southerly course in routine patrol in international waters in this area.

The following part of the sentence is stricken, "and that vessel had absolutely no knowledge of any actions of any kind by the South Vietnamese in South Vietnam or outside of South Vietnam."

The cables certainly contradict that.

Secretary McNAMARA. I do not believe so, Senator Gore.

Senator GORE. Will you give me those cables?

Secretary McNAMARA. Yes, sir; I have them here, and I will be happy to see that they are inserted in the record right here. The cables instruct the commander of the *Maddox* to stay outside certain restricted areas. They do not tell him who is operating in the areas or against what targets or at what times. They simply say, "Stay north and east of a line between two points 17 degrees, 17 plus degrees, in such and such easterly longitude."

Later that instruction is modified to say, "Stay north of 19 degrees 10 minutes north."

Senator GORE. Well, Mr. Secretary, you said earlier that the commander of the *Maddox* knew what 34 operations stood for.

Secretary McNAMARA. I did not say. I think you will find in the record that I did not say that.

Senator GORE. Didn't he say that, Mr. Chairman?

KNOWLEDGE OF SHIP COMMANDERS LIMITED

Secretary McNAMARA. You will have to check the record and see that. I said he did not know the time schedule of operations or of the targets or of the details of the operations. He did know that he was

to stay out of certain restricted areas. He knew the term "34-A" because it was included in a message that was sent to him.

Senator GORE. But did not know what it stood for?

Secretary McNAMARA. I do not believe he knew what it stood for, and he certainly did not know anything about these particular targets or dates or the nature of operations.

One good evidence of that is that he misidentified 34-A vessels as Russian vessels.

The CHAIRMAN. Didn't he later say in one of his cables that the North Vietnamese were very agitated about their presence there and regarded them as part of the 34-A operations, in one of the later cables? I think he said that is why he was apprehensive and suggested that they call off the further operation.

The cable—let me see, I think—let me see, this is very puzzling to me. Is this the one at the top? The cable from the *Maddox*, "The above patrol will"—this is to the *Maddox*—"clearly demonstrate our determination to continue these operations. Possibly draw North Vietnamese Navy patrol boats to northward away from the area of 34-A operations and eliminate DeSoto patrol interference with 34 operations."

Then, on the 4th of August, some 15 hours before the second incident, the operational commander of the *Maddox* and the *Turner Joy*, who was abroad the *Maddox*, sent the following to the commander of the 7th Fleet:

Evaluation of info from various sources indicates that DRV considers patrol directly involved with 34A Ops.

The DRV considers United States presence as enemies because of these ops and have already indicated readiness to treat us in that category.

B. DRV are very sensitive about Hon Me. Believe this is PT operating base and the cove there presently contains numerous patrol and PT craft which have been repositioned from northerly bases.

I cannot imagine a commander who sent that saying that they considered him a part of the 34 operations without knowing anything about what 34 operations was.

Secretary McNAMARA. Well, I can only tell you what he tells us, which is that he did not know the nature of the 34-A operations, the targets, the times, the boats, the courses, or anything at that time.

The CHAIRMAN. The details.

Senator GORE. That was not what you told the committee though, Mr. Secretary.

Secretary McNAMARA. It is what I believe I told the committee, Senator Gore.

PUBLIC STATEMENTS BY THE ADMINISTRATION DECEPTIVE

Senator GORE. You told the American people today they did not know about the details of the operation. What you said to the committee, back in 1964—let me find it:

Our Navy played absolutely no part in, was not associated with, was not aware of, any South Vietnamese actions if there were any.

Secretary McNAMARA. First, let us get clear that is in the paragraph that is talking about the *Maddox*, and the word "Navy" is synonymous with the *Maddox* there.

Senator GORE. Well, we just read—

The CHAIRMAN. This paragraph is from the communication from the *Maddox*.

Secretary McNAMARA. Let me just take it step by step here because I had in the same testimony said that the Navy had given boats to the South Vietnamese for this, for the purpose of Operation 34-A, so it is quite clear that the Navy in the generic sense and in the sense of the upper echelons of the Navy knew about 34-A, and my own testimony so indicated.

Senator GORE. May I interject something here?

Secretary McNAMARA. Surely.

Senator GORE. Also the *Maddox* received a cable that they could pick up a MAAG officer from South Vietnam, one of the advisory group in charge of 34 operations for any intelligence communication it wished to make.

Secretary McNAMARA. I do not believe that the MAAG officer was in charge of 34 operations. I think it was a MAC/V liaison officer.

The CHAIRMAN. It is MAC/V.

Senator GORE. What did the cable say? It was an advisory military officer to South Vietnam.

Mr. BADER. It simply said a MAC/V representative. It made no indication—

Secretary McNAMARA. It made no indication.

Senator GORE. What would he be if he was not a military adviser to South Vietnam?

Secretary McNAMARA. So far as the *Maddox* is concerned, he had no known relationship to 34-A but was presumably interested if he were there at all, and it turned out he was not interested enough to go, in sea infiltration, and the information the *Maddox* would collect in relation to it.

Senator GORE. For whatever it means, the commander of the task force was aware that if he wished some advice from an officer in, an American officer in South Vietnam, he could contact him.

Secretary McNAMARA. Not advice. He was aware that he could—

Senator GORE. Information instead of advice.

Secretary McNAMARA. Not even information. It was presumably for the purpose of the MAC/V benefiting from association with the intelligence collection patrol, and MAC/V believed it did not benefit enough from association with the intelligence collection patrol to send an officer on it, and it did not.

Senator GORE. Well, the reason I am pressing this point is that a point was made by a member of this committee at the time that the U.S. vessels *Maddox* and *Turner Joy* were conducting their patrols if not in conjunction with, at least in such a way and at such times over a period of 2 days here, that the North Vietnamese might reasonably assume that there was coordination between the South Vietnamese-operated vessels which we had furnished, and the crews which we had trained and advisers which we had supplied, that they could likely consider, and it was reasonable that they would consider, that our ships were sufficiently associated with the operations as to be possibly confused with the attack and, indeed, as you have today cited, the communication, the intercepted communication, of the North Vietnamese referred to our ships as enemy vessels.

PREPARATIONS FOR INTELLIGENCE PATROL

I now have the cable to the *Maddox*. You are going to have to read this, Mr. Bader. This is the original. I cannot read this.

Mr. BADER. "Embark COMVAN with personnel MAC/V rep"—a representative from the military assistance group in Vietnam—"and mobile photo unit photographer in Keelung, Taiwan. Offload personnel and equipment Keelung upon completion of patrol."

Secretary McNAMARA. Yes, and the MAC/V representative was, in effect, invited to participate in the patrol, assuming that he might find it useful to obtain at first hand the intelligence information the patrol collected, because of MAC/V's concern about sea infiltration, a concern that later led within 3 or 4 months after that to the establishment of the U.S. naval patrol along the coasts of Vietnam to stop sea infiltration. In any case MAC/V did not accept the invitation. He did not feel he would benefit from it, and there was no MAC/V representative on board.

May I go back to the point you made that it is your belief that the DeSoto patrols on the 2d of July, 2d of August, and 4th of August were carried out in such a way that North Vietnam could reasonably assume there was coordination between them and operations 34A, I do not believe so for the following reasons:

At the time of the July 30 operation, 34A attack, the *Maddox* was 130 miles from the point of attack when it occurred. The attack on the *Maddox* occurred 63 hours after the 34A attack. At the time of the attack on the *Maddox*, the *Maddox* was 28 miles from the coast and steaming east. I see no basis on which the North Vietnamese could have concluded that that *Maddox* patrol was coordinated with the 34A operation.

Secondly, at the time of the August 4 attack on the *Maddox* and the *Turner Joy*, they were 70 miles from the Operation 34A attack when it occurred.

The attack on the *Maddox* and the *Turner Joy* appeared 22 hours after the 34A attack. At the time the *Maddox* and *Turner Joy* were attacked they were 60 miles from the coast and they were steaming east.

And, finally, I am informed by those who interrogated the prisoners, the North Vietnamese naval prisoners, we have captured subsequent to the attack, that North Vietnam knew the difference between the 34A operations and the DeSoto patrols and did not confuse the two.

Senator GORE. I have now found the telegram I was, the cable I was searching for, and this was on July 10.

The Commander in Chief of the U.S. Forces in Pacific authorizes his fleet units involved in the DeSoto Patrol to contact Commander, United States Military Assistance Vietnam for any additional intelligence required for prevention of mutual interference with 34A Operations and such communications arrangements as may be desired.

That is what I was looking for.

Secretary McNAMARA. Yes. Well, that simply means that the commanders were trying to separate the two.

Senator GORE. But you tell us—

Secretary McNAMARA. May I just finish one second?

Senator GORE. Yes.

ATTEMPTS TO COORDINATE AMERICAN AND SOUTH VIETNAMESE PATROLS

Secretary McNAMARA. That the commanders were trying to separate the two, and the commander in chief Pacific instructed his subordinate commanders in the commander of Naval Forces Pacific, and the 7th Fleet they were authorized to contact the U.S. commanders in South Vietnam to obtain enough information on the 34A operations to plan the DeSoto patrol in such a way as to not conflict with it.

Senator GORE. I do not know why you belabor the point. I do not wish to belabor it further.

It is clear to me that our Navy and the commander of the task force knew of the 34A operations. He was advised, as I have just read, to contact the commander in chief of the military assistance in Vietnam for additional intelligence required. For what purpose? Prevention of mutual interference with 34A operations.

The chairman has just read a telegram from the commander of the DeSoto patrol, of the *Maddox*, referring to 34A operations.

Secretary McNAMARA. Senator Gore, may I interrupt you here one moment. I do not believe it is correct to say, as I understood you to say, that the commander of the *Maddox* was advised to contact MAC/V regarding 34A operations. I do not think that that cable is to the commander of the *Maddox*.

Senator GORE. Well, let me read it.

Secretary McNAMARA. Let us be sure, let me get the cable in front of me so I can be absolutely certain I know to whom it is addressed. What is the number of the cable?

Senator GORE. I do not know. I am reading from a summary here. It was on July 10, 1964. I do not believe I have—

Mr. BADER. I have the cable here, Mr. Secretary.

Senator GORE. Let the Secretary have it, if you will.

Mr. BADER. I want to make it clear for the record that this cable is to U.S. Fleet units, not direct to the *Maddox*.

Secretary McNAMARA. This is not the *Maddox*. This is from CINCPAC in Honolulu to CINCPAC Fleet, and it says:

"Desire you"—CINCPAC Fleet—"submit data required for the DeSoto patrol for the primary purpose of determining"—such and such, in designating type—"not mandatory it be employed. Desire patrol be scheduled to commence 1 August. Direct liaison is authorized with MAC/V for any additional intelligence." That is between CINCPAC Fleet and MACAV and not between the commander of the *Maddox* or the *Maddox* patrol.

Senator GORE. We keep alternating from the commander of the task force and the Pacific commander, and it seems to me that is really not consequential because whoever was directing the operation knew of both operations, and they were occurring within a period of 3 days within the same gulf, and the point was made here—let me repeat—that this would give cause or provocation because of concern for any reasonable opposing country to assume that there was coordination. But then you have given a statement.

NORTH VIETNAMESE COULD DISTINGUISH "MADDOX"

The CHAIRMAN. Will the Senator yield? The Secretary said the North Vietnamese did not confuse the *Maddox* with 34 ops. I think

that is true, because they knew it well enough that they certainly thought it was involved in or coordinated with it. That is, I accept the idea that they could tell the difference between the *Maddox*, which is quite a little ship, and a patrol boat.

But the wire, the cable, from the *Maddox* commander, that is, the commander of the task force, clearly indicates that the DRV, as he says, considers patrol directly involved with 34-A Ops. The word confused with—no one is contending they could not tell the difference between a destroyer and a patrol boat, but they were involved with or they were coordinating their actions; that is what this shows.

Secretary McNAMARA. Mr. Chairman, there have been several points raised by Senator Gore and you, and let me try to cover them, as I recall.

First, Senator Gore said it is not very relevant to whom the message is addressed. It is absolutely fundamental in relation to my testimony and in relation to the question of the degree to which the commander of the *Maddox* knew about 34-A, as to whether the cable from CINCPAC instructing CINCPAC Fleet to feel free to contact MAC/V went to CINCPAC Fleet or to the *Maddox*. If it went to CINCPAC Fleet it is not an instruction to *Maddox*. It is very relevant.

Secondly, the wire from the commander of the *Maddox* to which you referred, Mr. Chairman, as I explained this morning, was not based on any information available to him that he can now recall or that we know he had. I think it was sheer speculation, and an unfounded speculation, and a speculation that is disputed by other evidence.

Thirdly, there is no question but what the DeSoto patrol and the Operation 34 tracks and activities were separated in place and time by miles and times that I referred to a moment ago.

The North Vietnamese radar tracked both of them; we can be confident of that. They knew they were separated in place and time, but importantly, and most important of all, the North Vietnamese knew they had nothing to fear from our DeSoto patrol. This was the fourth one carried out. They were all carried out essentially in the same fashion and operating procedures. At no time did any of these patrols carry out hostile action. At no time did they contribute in any way to the success of the 34-A Operations and, therefore, there was no basis whatsoever for the North Vietnamese to consider them a part of or associated with 34-A Operations.

The CHAIRMAN. That is mighty hard to believe. In this same cable, the *Maddox* commander asks for cover overhead under the control of the destroyers. Even 15 minutes was not enough. Why would he be so concerned?

Senator GORE. He wanted them immediately overhead and under his command.

The CHAIRMAN. He wanted them immediately under control of the destroyer.

Secretary McNAMARA. Let me ask each of you gentleman if you had been attacked yesterday, and you had knowledge that you were likely to be attacked again, would you be satisfied with less than immediate air cover? I would not, and he was not.

The CHAIRMAN. No, because of what he says here, because he considers him the enemy.

Secretary McNAMARA. Not because of what he says here, but because he was shot at. I happen to have one of the bullets in my pocket, 24 hours before. Here it is, right here. This came from the man who sent the cable. That is the reason why he was asking for a 15-minute-reaction air cover.

Senator GORE. You hold one bullet, and we sent 64 ships in retaliation.

Secretary McNAMARA. And there were—

Senator GORE. Airships.

Secretary McNAMARA. There were two separate attacks on U.S. vessels on the high seas.

Senator GORE. I do not think, Mr. Secretary, the second attack has been established by your testimony today at all.

EVIDENCE FOR SECOND ATTACK IS NOT SUFFICIENT

Secretary McNAMARA. All I can say is that that—

Senator GORE. I think there is more question now than when you came.

Secretary McNAMARA. All I can say, Senator Gore, is that those in the Department who had no responsibility for the retaliation, and who have examined the information, concluded beyond any shadow of their doubts that the second attack occurred.

Senator GORE. Let me state quite candidly my feeling of doubt and question. I hope that further inquiry will resolve these doubts and questions. I feel the Congress and the country were misled about the closeness of operation of DeSoto patrol and the South Vietnamese raids by vessels that we had furnished, by men we had trained, operating with the advice of our military advisers in South Vietnam. That is No. 1.

I know I have been misled. It may be partly my fault. I am not excusing myself.

Secondly, I feel that I was misled that this was an entirely unprovoked attack, that our ships were entirely on routine patrol. The fact stands from today that they were intelligence ships; that they were under instructions to agitate North Vietnam radar, that they were plying close to the shore within 4 miles of the islands under orders in the daytime, retiring at night; that they were covered with immediate air cover which, in itself—that they were covered with military aircraft which you said on television the other day which would be provocative off of North Korea. Why it would not be provocative off of North Vietnam I do not know.

Thirdly, I think that from my tentative conclusion it is that the administration was hasty, acted precipitately, inadvisably, unwisely, out of proportion to the provocation in launching 64 bombing attacks on North Vietnam out of a confused, uncertain situation on a murky night, which one of the sailors described as one dark as the knob of hell; and, particularly, 5 hours after the task force commander had cabled that he doubted that there were any attacks, and recommended no further action be taken until it was thoroughly canvassed and reviewed. And yet you give to the American people the canvass that occurred, two canvasses, one on the 7th and one on the 14th, several days after the attacks.

So I think, Mr. Chairman, in view of all these facts, and in view of the statement that has been released which, I submit, is misleading in details which I have cited, and I have marked others as I went through, that we have no choice but to proceed further with the inquiry.

The CHAIRMAN. Senator Pell, you have been patient.

Secretary McNAMARA. Mr. Chairman, may I make one or two brief comments. I do not think you will want me to take time at 6:25 in the evening to respond in full to Senator Gore's comments, because I disagree almost completely with all of them, and I think the record or the testimony today will show why.

I do want to make two points, however, that the commander of the task force did not say he doubted there was any attack, as Senator Gore alleged. He specifically did not use that language, and I think the record should not be allowed to show that——

Senator GORE. Mr. Chairman, could I ask that his——

Secretary McNAMARA. Yes.

Senator GORE. I was paraphrasing.

Secretary McNAMARA. He raised a question about certain details, and we will put the exact message in here. It is at [deleted].

Mr. BADER. Mr. Secretary, I think I could read it for you again.

Secretary McNAMARA. No, we will just put it right in here.

Senator GORE. Let me read it. It is certainly better than the words that I have used:

Review of action makes many reported contacts and torpedoes fired appear doubtful. Freak weather effects and over-eager sonarmen may have accounted for many reports. No actual visual sightings by *Maddox* suggests complete evaluation before any further action.

Yet 5 hours later we launch an attack with 64 planes on a little country.

Secretary McNAMARA. Because we have made a complete evaluation.

The point I want to make is he did not doubt there was any attack. He did not say so in his message.

WASHINGTON DID NOT HAVE ALL DETAILS OF ATTACK

The second point I want to make is that I did not state in my statement that we had information from Admiral Johnson or that we had Admiral Johnson's evaluation report or Admiral Moorer's evaluation report or General Burchinal's evaluation report at the time we made the decision regarding retaliation. I very specifically mentioned on page 19, I believe, that some of the details cited above, particularly the statements of eye witnesses, had not reached Washington at the time the reprisal air strikes were executed, but information adequate to establish beyond any doubt that an attack had taken place was available, and I listed specifically what that was. I said allow me to repeat again that information.

Senator GORE. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Pell, you have been very patient.

Senator PELL. I have a couple of questions and one comment, if I may.

In your open, released statement, you mentioned the figure of, first it was 8 miles and then withdrawn to 11 miles, of the patrol. What was the reason for choosing 11 miles as opposed to 12 or 13?

Secretary McNAMARA. I cannot say why it was 11. I think I can say why it was 8. They simply wanted to make it a little further away than it has been previously and, as you know, the patrol itself stayed 16 miles away, although it was authorized to go 11.

CONFLICTING CLAIMS OF TERRITORIAL WATERS

Senator PELL. Right.

I understand you presumed North Vietnam had a 3-mile limit because it was a successor country to France, which had had it.

I am disturbed here with the analogy of Korea because Korea is also, North Korea is also, a successor country to a nation that had a 3-mile limit, specifically, Japan.

And yet we have honored, as I understand, quite conscientiously, the 12-mile limit that North Korea has claimed. What is the reason for presuming or for not presuming that North Vietnam did not also have a 12-mile limit?

Secretary McNAMARA. Because in the case of North Korea they had previously stated a claim to territorial waters out to 12 miles whereas North Vietnam had not made any such claim. I want to emphasize, of course, we do not recognize North Korea's claim to 12 miles. The point here is that North Vietnam had not claimed 12 miles.

Senator PELL. Right.

Secretary McNAMARA. And, therefore, we were not operating within territorial waters claimed by them.

Senator PELL. It is not so much a question of recognizing or not recognizing. We do not willfully want to provoke more hostilities. I am sure you probably feel that way more strongly than any of us.

I was looking at the note that the North Vietnamese sent to the International Control Commission, on the 31st of July objecting to the 34A operations, calling it a violation of the sovereignty and territorial integrity of the DRV, and referring to them as acts of the Americans, and the Southern Administration. Then on August 5, they made an English language broadcast, in which they referred specifically to our destroyer, and said:

On the afternoon of 2d August it (the destroyer) encountered our patrol boats between Hon Me and Lach Truong in our territorial waters. In the face of the provocations by the sea rovers, our patrol ships took action to defend our territorial waters and fishermen and chased the enemy ship out of our territorial waters.

This (this broadcast of August 5 stating that our destroyer was in their territorial waters on August 2 when we knew that, while she had gone to within 8 miles of the North Vietnamese main shore, her orders had permitted her to go no nearer)¹ would indicate to me that they had thought that 12 miles was their territorial limit. Would you believe that this broadcast supported that thought?

Secretary McNAMARA. It would indicate that they thought 3 miles or 12 miles?

Senator PELL. Twelve miles.

¹ Parenthetical statement subsequently added for clarification.

U.S. RECOGNIZED 3-MILE LIMIT

Secretary McNAMARA. I do not think it really led us to that conclusion. We believed up to that time they thought 3 miles was the territorial limit because they had not stated anything beyond that.

Senator PELL. You thought 12 miles up to that time?

Secretary McNAMARA. No; we thought 3 miles.

Senator PELL. Three miles, I am sorry.

Secretary McNAMARA. Was their territorial limit because they had not said anything to the contrary. It was not until September 1 that they did, to the best of my knowledge.

Senator PELL. I must say I agree with Senator Gore in his point that the retaliation seems large in proportion to the offense. I know from the old rules of land warfare that if you are engaged in hostilities or occupying a country, the rule of thumb given to a commanding officer is that you can retaliate 10 to one. If two of your men are killed by saboteurs or franc tireurs, you have recognized authority to kill 10 civilians for each one of your men. At least, this is what we were taught in World War II.

It seemed to me in these two attacks, one definite and one quite possible, we suffered no damage. Therefore, why did we feel we had to retaliate on the basis of almost infinity from the viewpoint of the damage we suffered?

Secretary McNAMARA. Well, the attack was, the retaliation was, against sites associated with the vessels that carried out the attacks on our ships. The crime was not measured by the amount of damage done. It was measured by the violation of our right to navigate freely on the high seas, and it appeared to us that the retaliation was controlled, limited, and quite appropriate to the character and type of attack upon us.

Senator PELL. This is obviously a question of, a very subjective question of, opinion, where some of us would disagree strongly with you. But that is past history.

I would commend you on the way you handled the *Pueblo* case, because, although you had so many similarities there, you apparently followed a completely opposite course from the *Maddox*. You did not have an air cover, kept out of the 12-mile limit, and did not over react.

Do you feel that the lessons of the *Maddox* and Tonkin Bay resolution may have had an effect on your reaction to the heinous seizure of the *Pueblo*?

Secretary McNAMARA. No. I think the *Pueblo* case was different in the history that preceded it as compared to the *Maddox*.

We had clear and convincing evidence that North Vietnam was directing military operations of the Vietcong in South Vietnam; was supplying men for those operations by sea as well as supplying military materiel in large quantities, both men and materiel; and, therefore, that there was greater risk for our operations in the Gulf of Tonkin than there was in the waters off of North Korea.

I think that is the reason for both a difference in the nature of the patrol and also for the difference in the response.

Beyond that, beyond the history leading up to the actions, I think one should also recognize in the case of the retaliation attack against the North Vietnamese patrol boat bases, that this occurred after the

second attack, and after the President, following the first attack, had stated that we would maintain our right to operate on the high seas, and that interference with that right would carry with it the gravest of consequences. So I think the situation really was quite different.

Senator PELL. All right.

COMPARISONS WITH OTHER ATTACKS ON AMERICAN SHIPS

The CHAIRMAN. I wonder if he would elaborate on the distinction between these cases and the *Liberty* where we were on the high seas and they actually destroyed the boat and killed 34 of the men.

Secretary McNAMARA. I think the major difference, Mr. Chairman, is in intent. There was no intent on the part of the attackers of the *Liberty* that has ever been disclosed to me from the Government of Israel to attack our ship.

The CHAIRMAN. That is more important than the actual destruction?

Secretary McNAMARA. I think so.

Senator PELL. I have the greatest sympathy with the officers of the ships. As one of the few people here who once stood watch underway and engaged in combatant activities at night, I can see how the confusion comes. I think you can imagine it, as you read your statement, as you hear Senator Gore's questions. I still stick to my view that our Government's response was excessive to the offense, particularly as it has been delineated in this hearing.

My regard for you as an individual, remains very high. I am sure that in no way would you intentionally or are you in any way now intentionally misleading us. But I still believe we can all be honorable men and yet differ as to the courses of the same actions and react differently.

Secretary McNAMARA. Thank you.

The CHAIRMAN. Is that all?

Senator PELL. Yes, sir.

The CHAIRMAN. Does the Senator from Missouri wish to ask a question?

Senator SYMINGTON. Again, Mr. Secretary, I am sorry I was not here more today. Most of the people on this committee are also on the Finance Committee, so they never schedule hearings for me.

As I understand it from the little that I heard this morning and have heard today, if there was a mistake, and you do not believe there was a mistake, it was an unintentional mistake; and there was no conspiracy, no effort to formulate something to mislead the American people so as to justify going into a more active state of belligerency with North Vietnam. Does that sum it up?

Secretary McNAMARA. It does.

My belief is that the first attack occurred, the second attack occurred. We had evidence of a second attack at the time of our decision to retaliate. We acted constructively to try to avoid provocation, and there is no evidence submitted then or now that indicates either provocation or planned provocation.

Senator SYMINGTON. Thank you.

PROBLEM OF DISCLOSING SOURCES OF INFORMATION

One other question. I noticed you mentioned in your statement, which I saw only a few minutes ago, intelligence reports of a highly classified and unimpeachable nature. If that has been released, does that release us from being more specific about what the information was?

Secretary McNAMARA. No, sir. While you were at the other committee hearing I read a report from General Carroll that emphasized the very serious penalties that we faced were the source of the information disclosed.

Senator SYMINGTON. From the standpoint of future military operations?

Secretary McNAMARA. From the standpoint of current military operations.

Senator SYMINGTON. Well, tomorrow is future. I am probably the least informed. I just have not had the time, but is it fair to say that the actions taken were taken on the basis of this highly classified unimpeachable source information?

Secretary McNAMARA. It was one of the major factors leading us to the conclusions that we came to.

Senator SYMINGTON. Do you think you would come to these conclusions without it?

Secretary McNAMARA. Yes.

Senator SYMINGTON. That is an interesting answer.

It was not the deciding factor, but it justified the decision.

Secretary McNAMARA. It did.

Senator SYMINGTON. Is that correct?

Secretary McNAMARA. It did.

Senator SYMINGTON. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Secretary, I apologize for going so long.

RELEASE OF TESTIMONY CONSIDERED

In view of your release of your statement, do you have any objection to the committee, if it so decides, to release this transcript?

Secretary McNAMARA. Only as much information, Mr. Chairman, in the transcript that ought to be removed is that which refers to sources of data, and so on. But subject to that, I would be delighted to see it released.

The CHAIRMAN. This was one reason why I objected to releasing your statement until we had had an opportunity to see what the hearing would develop. But I think you can understand that it is going to be rather difficult to refrain from making public a major part, if not all, of this transcription order to give a balanced picture of the whole affairs, don't you?

Secretary McNAMARA. Mr. Chairman, I am sure you will recall I explained why my statement was released. I released my statement because there was an absolutely incorrect newspaper report of my testimony this morning issued.

Senator GORE. Mr. Secretary, you released an incorrect statement, at least one that is not in conformity with your testimony today.

Secretary McNAMARA. Senator Gore, I am sorry you hold that opinion. It is not held by others who have reviewed my statement in great detail. But I think it is perfectly clear that there was a newspaper report released at 1:22 this afternoon that was an absolutely false report on what I said this morning on a very important issue, and I do not suggest that a member of the committee made a false statement. I simply say that the newspaper report falsely reported what I said this morning.

Senator SYMINGTON. It is most unfortunate if he did.

The CHAIRMAN. I, of course, have no knowledge of that either, but I do not think it is all that important when he said it was in territorial waters.

LOCATION OF AMERICAN SHIPS DISCLOSED

Secretary McNAMARA. He did not say it was in territorial waters. I should not say he said, the newspaper report said he said I said it was in territorial waters. I did not say it was in territorial waters. It is a most important point, and I could not stand with that—I made every effort—I delivered 200 copies of that statement to this committee this morning. I specifically instructed my people not to release it. We leaned over backward.

The CHAIRMAN. What I mean, there is nothing at all critical if you had stated that you did not say they were in territorial waters. But you released the whole statement, and that 20-page statement, which is a slight escalation.

Secretary McNAMARA. All I can say I told you, Mr. Chairman, why I did it.

The CHAIRMAN. I can understand why you did it. But you released the entire statement. There was no reason why you could not have stated to the press that you did not say they were in territorial waters, which would have been a direct denial of what was said. All, or even the report of the newspapers, all he said was they were in the territorial waters.

Now, there has been this general feeling around of 12 miles. We recognized 12 miles in Korea. We carefully recognized or at least we avoided going within 12 miles of Communist China, and if he said it, I think it was an inadvertence, because of the great discussion that has been place about North Korea and the *Pueblo*, and I regret it was said.

If Senator McCarthy, was quoted in the press report.

Secretary McNAMARA. Mr. Chairman, may I read it to Senator Symington? I would like him to know, if I may read it.

The CHAIRMAN. You can give it to him.

Senator McNAMARA. Read the first two lines pencil bracketed, Senator Symington.

In view of the *Pueblo* case, in view of the controversy over whether we were or were not in territorial waters with the *Maddox* and the *Joy*, it was absolutely essential that that be corrected, and corrected quickly and precisely, and that is why the statement had to be released.

The CHAIRMAN. I see no objection to your saying you did not say it was in territorial waters.

NORTH VIETNAMESE CLAIM IS UNDERSTANDABLE

The exchange that Senator Pell read, it is quite clear that the North Vietnamese believed you were in territorial waters. They did not come right out and say, "Our 12-mile territorial waters," but if you were in the area which the record shows you were, they believed you were in their territorial waters. I have no way of knowing whether they never had expressed 12 miles. That requires research. I do not know whether your lawyers have done a complete research, and are positive that in the last 10 years they have never claimed 12 miles or not. That is a matter that has never been brought up before.

Actually there was an assumption, because of these other cases that 12 miles was what they claimed. We have not, the staff has not, had an opportunity to make any inquiry at all on that point.

But I think publication of your statement puts a great deal of pressure on the committee to release the transcript, and I do not propose, of course, to do it without action of the committee, but I think it does make it very difficult for us.

Senator GORE. Mr. Chairman, great reliance has been placed, the Secretary has placed great reliance, it seems to me, upon this unidentified, unimpeachable, highly classified source. Twice in his statement he has quoted that source as reporting something which the evidence does not support. So I do not know what the committee does now. I think we must plow forth and get to the full truth and make a report to the people.

The CHAIRMAN. I understood the Secretary to say to the Senator from Missouri that this highly classified information was not an absolutely essential basis for the decision. Even without those reports he would still have made the same decision, so that might make it easier to simply delete that evidence. I do not know.

Well, I do not know what the committee, in its wisdom, will decide to do. I certainly do not feel authorized to release the transcript, I do not propose to do it until the committee considers the matter. But I was just inquiring while the Secretary is here, as to what his attitude is toward releasing of the transcript.

Secretary McNAMARA. Mr. Chairman, after eliminating those particular aspects of it that would compromise our intelligence collection sources, I would be delighted to see it released.

WOULD DISCLOSURE JEOPARDIZE OUR SECURITY?

The CHAIRMAN. Mr. Secretary, I do not like to take issue with you, but it is awfully hard for me to believe that 3½ years after that this is of any significance to current security. It is just incredible. [Deleted.]

Secretary McNAMARA. Mr. Chairman, I am quite prepared to have this issue presented to the Foreign Intelligence Board and rely on their decision. I simply tell you that the intelligence, senior intelligence, directors of our Government, CIA, DIA, and NSA, state categorically that it would be a serious compromise of intelligence sources.

I am quite prepared to have my acceptance of their statement judged and overridden by a decision of the Foreign Intelligence Board, and I will put it up to them if you wish.

The CHAIRMAN. Of course, you raise this very difficult question that confronts us all along, and it seems to me the executive branch takes

the position that the Congress has no function to play in foreign relations and in making war; that we should do anything and everything that the executive—

Senator SYMINGTON. Mr. Chairman, if I may, when this question of the Tonkin Gulf episode came up I did suggest that we get somebody knowledgeable [deleted] and have him come before the committee, so we could get an independent slant on what the damage might be. Frankly, I did not know what it was or would be.

We are losing 300 or 400 men a week now, and should be careful. I did make that suggestion, before the two Secretaries went on "Meet the Press" 3 or 4 weeks ago; and still think it then was a good suggestion. I would hope the Chair and the committee would give consideration, not as decisive, but as something that should be considered.

The CHAIRMAN. The Senator says he has not read it. But if he reads the Secretary's statement which has been released, it is quite definite, I think, to anyone [delete].

Senator SYMINGTON. I must say that was my impression when I just read it.

The CHAIRMAN. It is a highly classified source. That is the only thing it could mean [deleted] and for us to say it a second time does not seem to me to add anything to it [deleted].

Senator GORE. Mr. Chairman, it is nearly 7 o'clock.

The CHAIRMAN. I move we adjourn.

Senator GORE. I suggest you and the Secretary talk about this privately.

The CHAIRMAN. I move we adjourn.

Senator SYMINGTON. I second that motion.

Secretary McNAMARA. If you want my opinion, I agree with the chairman.

(Whereupon, at 6:50 p.m., the committee adjourned.)

○

DE SOTO PATROLS

First, was the patrol in fact for legitimate purposes?

Patrols of the nature of those carried on by *Maddox* and *Turner Joy* were initiated in the western Pacific in 1962. They were carried out in international waters along the coastlines of Communist countries in that area. They were open patrols and no hostile actions were ever taken by the U.S. forces involved. Provocative actions were avoided. The purpose was to learn what we could of military activity and environmental conditions in these parts of the world, operating in waters where we had every legal right to be. The primary purpose of the *Maddox* was to observe North Vietnamese naval activity in those waters, in view of the evidence we had of infiltration by sea by North Vietnam into South Vietnam. Other secondary purposes were area familiarization and observation by visual and electronic means of any other activity of military interest. We had the undisputed right to do this. In view of our assistance to South Vietnam, such observations were needed.

The suggestion has appeared incidentally that because *Maddox*, prior to commencement of its patrol, took aboard certain communications equipment, with personnel to operate this equipment, its patrol had some different and presumably more sinister purpose than others which had preceded it. This is simply not true. The mission of observation which I have outlined was to be fulfilled with the regularly installed equipment of the ships. The extra equipment brought aboard *Maddox* consisted in essence of standard shipboard radio receivers added to the ship's normal complement of such receivers in order to give an added capability for detecting indications of a possible hostile attack on the patrol.

The Congress, at the time of the debates on the Tonkin Gulf resolution, was aware that visual and electronic surveillance of the area was one of the purposes served by the De Soto patrol. Any suggestion now that the installation of passive radio receiving equipment changed the essential nature of the patrol is unwarranted.

I might add that virtually all of the De Soto patrols, since their commencement in 1962, had been outfitted with similar equipment for the same primarily defensive purposes.

Second, were the attacks unprovoked?

Senator MURDER. Are you defining the De Soto patrol?

Secretary McNAMARA. The term as I am using it here refers to the patrols in the Tonkin Gulf of which this was the fourth, one having occurred in 1962, one in 1963, and the third in the early part of 1964, and the fourth in August 1964. Actually it is a generic term covering a broader range of patrols in the western Pacific but as used in this paper it refers to the four patrols in the Tonkin Gulf.

Second, were the attacks unprovoked?

I have heard it suggested that the patrol provoked the attacks by intruding into the territorial waters of North Vietnam. The facts, I think, are these.

Prior to the first attack, on August 2, the *Maddox* had been engaged on its patrol since July 31. At no time during the conduct of this patrol did the *Maddox* depart from international waters. It had been instructed to approach the North Vietnamese coastline no closer than 8 nautical miles and any offshore island no closer than 4 nautical miles. *Maddox* adhered scrupulously to these instructions. When the patrol resumed with *Maddox* and *Turner Joy*, the ships were instructed to remain at least 11 miles from the coast. These instructions also were followed. The United States recognizes no claim of a territorial sea in excess of 3 miles. This consistent position of the United States was reemphasized at the close of the 1960 Convention on Law of the Sea in Geneva.

There have, however, been statements reported in the press that the *Maddox* entered into waters claimed by North Vietnam as territorial. Such statements have no basis in fact. At no time prior to the August 1964 Tonkin Gulf incidents did the North Vietnamese Government claim a width of territorial sea in excess of 3 miles. The North Vietnamese Government succeeded the French Government, which adhered to the 3-mile limit. Under the rules of international law, no claim by North Vietnam in excess of 3 miles would be assumed unless specifically made and published. It should be noted that Cambodia, a sister successor state, publicly adopted the French 3-mile rule on achieving independence. Later, it proclaimed a 5-mile limit. South Vietnam claims 3 miles. The first statement of North Vietnam which approaches a claim in excess of 3 miles occurred well after the attacks on September 1, 1964, in the form of a broadcast from Radio Hanoi in which it was stated, "The Democratic Republic of Vietnam declared that the territorial sea is 12 miles." No official documentary confirmation of the claim asserted in this broadcast is known to exist.

In short, at no time during the patrol did either of the destroyers leave the high seas and enter areas claimed by the North Vietnamese or recognized by the United States as national waters.

The question might be asked, however: Should not we as a practical matter have assumed a claim of 12 miles since this is the uniform position of the Communist countries? The simple answer is that Communist countries do not have such a uniform position: Cuba and Poland each adhere to the traditional 3-mile limit, while Yugoslavia and Albania claim 10 miles.

RELATION TO 34A OPERATIONS

SOUTH VIETNAMESE OPERATIONS

Another point relating to "provocation" was discussed and disposed of during the debates on the Tonkin Gulf resolution and the hearings prior thereto, but, of late, it seems to have been resurrected. It is the suggestion that our patrol was in some way connected with certain reconnaissance and bombardment activities of South Vietnamese patrol craft against North Vietnamese.

I informed members of this committee of these activities of the South Vietnamese in an informal meeting on August 3, 1964, after the attack on the *Maddox*. The subject was again raised in lesser detail in my testimony before this committee on August 6, 1964. I pointed out that these raids were a legitimate attempt by the South Vietnamese to counter and retaliate against the systematic infiltration of their country by sea which had been carried out by North Vietnam for the previous two and a half years. I described the scope of that infiltration; that is, 140 known incidents between July and December 1961, an estimated 1,400 infiltrators having been landed in South Vietnam during that time.

With respect to the legitimacy of those South Vietnamese operations, you, Mr. Chairman, stated during the Tonkin Gulf floor debates:

The boats that may have struck at the coastal areas of North Vietnam may have been supplied by us. We have been helping South Vietnam arm itself. I do not know about the specific boats.

I personally think this is a perfectly legitimate and proper way to defend oneself from the kind of aggression South Vietnam has been subjected to for years.

Senator Morse, at the hearing on August 6, specifically raised the question of a connection between our patrol and the South Vietnamese bombardment of two North Vietnamese islands which had occurred some two and a half days prior to the attack on *Maddox*, and I responded that there was no connection. The two operations were separate and distinct. I informed you that our destroyers took no part whatsoever in the South Vietnamese operation. They did not convoy, support, or back up the South Vietnamese boats in any way. As I stated during the hearings:

... as I reported to you earlier this week, we understand that the South Vietnamese sea force carried out patrol action around these islands and actually shelled the points they felt were associated with this infiltration.

Our ships had absolutely no knowledge of it, were not connected with it; in no sense of the word can be considered to have backstopped the effort.

That statement remains entirely accurate. I can confirm today that neither the ship commanders nor the embarked task group commander had any knowledge of the South Vietnamese action against the two islands or of any other specific South Vietnamese operations against the North. Higher naval commands were made aware of the operations by Commander, U.S. Military Assistance Command, Vietnam, in order to avoid mutual interference or confusion between our patrols and those operations.

DIRECTIONS TO U.S. DESTROYERS

Throughout the patrol conducted first by the *Maddox* alone and later by the *Maddox* and the *Turner Joy*, the U.S. destroyers were directed to remain in waters which would keep them from becoming operationally involved with the South Vietnamese activity. The restrictions thus imposed on the patrol were such that, at one time, consideration was given to its abandonment. The task group commander knew only that certain South Vietnamese naval operations were periodically carried on in the area. He had no detailed knowledge

of their type or of where or when they would be conducted. Indeed, his lack of knowledge was such that he mistakenly identified the South Vietnamese craft returning from their operation of July 31 as Soviet P-6 class boats.

In point of fact, our patrols and the shore bombardments by South Vietnamese forces were separated in both time and space. When South Vietnamese PTF's bombarded the islands of Hon Nieu and Hon Me on the night of July 30-31, the *Maddox* had not even commenced her patrol, and was at least 130 miles to the southeast of the nearest of those islands. At the time of the attack on the *Maddox* on August 2, the South Vietnamese boats had been back at their base in Da Nang for almost 53 hours.

I learned subsequent to my testimony of August 6, 1964, that another South Vietnamese bombardment took place on the night of August 3-4. At the time of that action, the *Maddox* and *Turner Joy* were at least 70 miles to the northeast. The North Vietnamese attack on *Maddox* and *Turner Joy* on the night of August 4 occurred some 22 hours later.

I think it important, too, in dealing with this issue, to recall that the President had announced publicly on August 3 that our patrol would continue and consist of two destroyers. It is difficult to believe, in the face of that announcement, and its obvious purpose of asserting our right to freedom of the seas, that even the North Vietnamese could connect the patrol of the *Maddox* and *Turner Joy* with a South Vietnamese action taking place some 70 miles away.

PART PLAYED BY U.S. NAVAL VESSELS

Also fully explored at the time was the question whether the attacks on the *Maddox* and *Turner Joy* were in any way provoked by or related to certain South Vietnamese naval activity which occurred in the period from July 30 to August 4. As I stated then, and repeat now, our naval vessels played absolutely no part in, and were not associated with, this activity. There was then, and there is now, no question but that the U.S. Government knew, and that I knew personally, the general nature of some countermeasures being taken by the South Vietnamese in response to North Vietnam's aggression. As I informed Congress, the boats utilized by the South Vietnamese were financed by the United States. But I said then, and I repeat today, that the *Maddox* and the *Turner Joy* did not participate in the South Vietnamese activities, that they had no knowledge of the details of these operations, and that in no sense of the word could they be considered to have backstopped the effort.

As the chairman noted in the Senate debates, he was informed that "our boats did not convoy or support or back up any South Vietnamese naval vessels" and that they were "entirely unconnected or unassociated with any coastal forays the South Vietnamese themselves may have conducted." He was so informed and the information was completely accurate. When the South Vietnamese conducted the first of their two naval operations against North Vietnamese targets during this period, the *Maddox* patrol had not even begun and the ship was at least 130 miles to the southeast. The attack on the *Maddox* on August 2 took place 63 hours after completion of this South Vietnamese naval operation. When the South Vietnamese boats conducted their second foray, the *Maddox* and the *Turner Joy* were at least 70 nautical miles to the northeast.

Senator CASE. I wonder if you could go a little more slowly. It is a little hard to understand.

Secretary McNAMARA. Yes.

The attack made against them on August 4 was almost a full day after this second South Vietnamese operation.

The facts thus show today, as they showed 3½ years ago, that attacks occurred against our ships both on August 2 and August 4, that we had available to us incontrovertible evidence of these attacks when the decision was made to make our limited and measured response, and that these attacks were in no sense provoked or justified by any participation or association of our ships with South Vietnamese naval operations. I would like briefly to review these facts with you.

AUGUST 3

On Monday, August 3, the President made public instructions that he had issued the day before regarding future patrols and engagements with enemy craft. He instructed the Navy, first, to continue the patrols in the Gulf of Tonkin; second, to double the force by adding an additional destroyer to the one already on patrol; third, to provide a combat air patrol over the destroyers; and fourth, to issue instructions to the combat aircraft and to the destroyers (a) to attack any force which attacked them in international waters, and (b) to attack with the objective of not only driving off the force but of destroying it.

At the same time as these instructions were being broadcast throughout the world, the State Department, acting pursuant to the President's further instructions, took steps to deliver a note of protest to the North Vietnam regime. The note was also widely publicized. It concluded with the words, "The United States Government expects that the authorities of the regime in North Viet-Nam will be under no misapprehension as to the grave consequences which would inevitably result from any further unprovoked offensive military action against United States forces."

Our hopes that the firm defensive action taken in response to the first attack and the protest to Hanoi would end the matter were short-lived.

After the first attack on Sunday, the MADDOX joined with its sister destroyer, the USS TURNER JOY, in the Gulf of Tonkin and resumed its patrol in international waters, as directed by the President.

Monday, August 3, was uneventful.

August 3

Wheeler; August 6, 1964

August 6, 1964

Senator LAUSCHE. Now then, on August 3, the President made his statement. You appeared before us.

Secretary McNAMARA. Yes.

Senator LAUSCHE. But there was nothing of any consequence happening in the area.

General WHEELER. That is right.

August 3

McNamara, February 20, 1968
page 10 .

On August 3, the day following, a note of protest was dispatched to the North Vietnam regime at the direction of the President. It concluded with the words: "The U.S. Government expects that the authorities of the regime in North Vietnam will be under no misapprehension as to the grave consequences which would inevitably result from any further unprovoked offensive military action against U.S. forces." At the same time, the President made public his instructions to the Navy to continue and to add another destroyer to its patrols in the Gulf of Tonkin.

AUGUST 4

I reported on Monday in my briefings to the Congress that I believed this to be an isolated incident, perhaps a miscalculation or misunderstanding by the North Vietnamese, and we did not anticipate it would be repeated.

Contrary to my estimate it was repeated on August 4 at which time between three and six North Vietnamese patrol boats attacked the *Maddox* and the *Turner Joy* which had been sent to accompany it on its patrol course.

At this time the vessels were about 60 miles off the coast of North Vietnam. The attack occurred at night. It appeared to be a deliberate attack in the nature of an ambush.

Torpedoes were launched, automatic weapons fire was directed against the vessels. They returned the fire. Aircraft from the *Ticonderoga* and by this time the *Constellation* which had been brought down [deleted] to support the *Ticonderoga*, were sent over the vessels and returned the patrol boat's fire.

We believe that two of the patrol boats were destroyed as a result of the fire. Engagement was broken off after 2 to 3 hours of fire. The meetings in Washington you are familiar with, the following day.

The President decided that this deliberate attack, and it was clearly a deliberate attack, a preplanned attack, required a military response. We, therefore, launched in the daylight hours about noon-time local time about midnight on August 5, 12:30 in the morning August 5, against the bases from which these boats had come, against the boats themselves, and against certain support facilities, particularly a petroleum depot at Vinh; 64 sorties were directed against these targets. We believe that about 25 boats were damaged or destroyed, certain shore facilities were destroyed. About 90 percent of the Vinh petroleum depot which contains about 10 percent of the total storage capacity of petroleum in North Vietnam was destroyed.

We think there were very few civilian casualties because these bases and the depot were in isolated portions of North Vietnam.

Our losses were two aircraft destroyed, two pilots lost, and two aircraft very slightly damaged.

The patrol is being resumed and will continue its normal course southward in the Gulf of Tonkin.

The patrol was also uneventful during most of the daylight hours of Tuesday, August 4. In the early evening of August 4, however, the MADDIX reported radar contact with unidentified surface vessels who were paralleling its track and the track of the TURNER JOY. It was 7:40 P.M. when the MADDIX reported that, from actions being taken by those unidentified vessels, an attack by them appeared imminent. At this time the MADDIX was heading southeast near the center of the Gulf of Tonkin in International waters approximately 65 miles from the nearest land.

The MADDIX at 8:36 P.M. established new radar contact with two unidentified surface vessels and three unidentified aircraft. At this time, U.S. fighter aircraft were launched from the TICONDEROGA to rendezvous with the MADDIX and the TURNER JOY to provide protection against possible attack from the unidentified vessels and aircraft, in accordance with the President's previously issued directives. Shortly thereafter, the MADDIX reported that the unidentified aircraft had disappeared from its radar screen and that the surface vessels were remaining at a distance. The aircraft from the TICONDEROGA arrived and commenced defensive patrol over the MADDIX and the TURNER JOY.

At 9:30 P.M., additional unidentified vessels were observed on the MADDIX radar, and these vessels began to close rapidly on the destroyer patrol at speeds in excess of 40 knots. The attacking craft continued to close rapidly from the west and south and the MADDIX reported that their intentions were evaluated as hostile. The destroyers reported at 9:52 P.M. that they were under continuous torpedo attack and were engaged in defensive counterfire.

Within the next hour, the destroyers relayed messages stating that they had avoided a number of torpedoes, that they had been under repeated attack, and that they had sunk two of the attacking craft. By Midnight local time, the destroyers reported that, even though many torpedoes had been fired at them, they had suffered no hits nor casualties and that the defensive aircraft from the TICONDEROGA were illuminating the area and attacking the enemy surface craft. Shortly thereafter, they reported that at least two enemy craft had been sunk although low ceilings continued to hamper the aircraft operations. The TURNER JOY reported that during the engagement, in addition to the torpedo attack, she was fired upon by automatic weapons while being illuminated by searchlights.

Finally, after more than two hours under attack, the destroyers reported at 1:30 A.M. that the attacking craft had apparently broken off the engagement.

The deliberate and unprovoked nature of the attacks at locations that were indisputably in international waters compelled the President and his principal advisers to conclude that a prompt and firm military response was required. Accordingly, the President decided that air action, in reply to the unprovoked attacks, should be taken against gunboats and certain supporting facilities in North Vietnam which had been used in the hostile operations. On Tuesday evening, after consulting with Congressional leadership, he so informed the American people.

The United States military response was carefully planned and effectively carried out. The U.S. air strikes began approximately at noon Wednesday local time against North Vietnamese PT and gun boats, their bases and support facilities. These reprisal attacks, carried out by naval aircraft of the United States Seventh Fleet from the carriers TICONDEROGA and CONSTELLATION, were limited in scale—their primary targets being the weapons against which our patrolling destroyers had been forced to defend themselves twice in the prior 72 hours.

Specifically, our naval air forces launched 64 attack sorties against 4 North Vietnamese patrol boat bases and their boats and against a major supporting oil storage depot. Strike reports indicate that all targets were severely hit, in particular the petroleum installation where 10% of North Vietnam's petroleum storage capacity was 90% destroyed. Smoke was observed rising to 14,000 feet. Some 25 North Vietnamese patrol boats were destroyed or damaged.

Our losses were two aircraft destroyed and two damaged. One of the pilots is believed to have crashed with his plane between two PT craft he had under attack. Another pilot reported that he was ejecting from his downed aircraft. His whereabouts is at present listed as unknown.

In view of the unprovoked and deliberate attacks in international waters on our naval vessels and bearing in mind that the best way to deter escalation is to be prepared for it, the President and his principal advisers concluded that additional precautionary measures were required in Southeast Asia. Certain military deployments to the area are therefore now underway. These include:

- a. Transfer of an attack carrier group from the Pacific Coast to the Western Pacific;
- b. Movement of interceptor and fighter bomber aircraft into South Vietnam;
- c. Movement of fighter bomber aircraft into Thailand;
- d. Transfer of interceptor and fighter bomber squadrons from the United States to advance bases in the Pacific;
- e. Movement of an antisubmarine force into the South China Sea;
- f. The alerting and readjusting for movement of selected Army and Marine forces.

In the meantime, U.S. destroyers with protective air cover as needed, continue their patrol in the international waters of the Gulf of Tonkin.

The moves we have taken to reinforce our forces in the Pacific are in my judgment sufficient for the time being. Other reinforcing steps can be taken very rapidly if the situation requires.

This concludes my descriptions of the two deliberate and unprovoked North Vietnamese attacks on U.S. naval vessels on the high seas; of the United States reprisal against the offending boats, their bases and related facilities; and of the precautionary deployment and alerting steps we have taken to guard against any eventuality.

Senator LAUSCHE. Now then, on August 4, you again have the *Maddox* supposedly reporting radar contact with unidentified surface vessels who were paralleling its track and the track of the *Turner Joy*.

Secretary McNAMARA. That is correct.

Senator LAUSCHE. To whom was that report made by the *Maddox*?

Secretary McNAMARA. That was made by the *Ticonderoga* and, of course, transmitted to higher headquarters, CincPac and Washington as well.

Senator LAUSCHE. Then at 7:40 p.m., the *Maddox* reported again to headquarters that from the actions being taken by those unidentified vessels an attack by them appeared imminent?

Secretary McNAMARA. That is correct.

Senator LAUSCHE. Now, at this time the *Maddox* was heading southeast near the center of the Gulf of Tonkin in international waters approximately 65 miles from the nearest land; 8:36 *Maddox* again established radar contact with two items by vessels. It still did nothing, is that correct?

Secretary McNAMARA. That is correct.

It was within this context that we received, at about 9:20 Washington time on the morning of August 4, information from an intelligence source that North Vietnamese naval forces had been ordered to attack the patrol.

Soon thereafter reports from the *Maddox* were received that the patrol was being approached by high speed surface radar contacts and that an attack appeared imminent. Other amplifying messages quickly followed and by about 11 a.m., we received a flash report that our destroyers, then located some 60 to 65 miles from the coast of North Vietnam, were actually under attack. During this same time, intelligence sources reported that North Vietnamese vessels stated they had our ships under attack. Throughout the remainder of the morning and early afternoon, flash message reports of the engagement, some ambiguous and some conflicting, continued to pour in. Frequent telephone contact was maintained with the commander in chief of the Pacific Fleet, Hawaii. The President was kept informed of these developments.

During this period, I had a series of meetings with my chief civilian and military advisers in which the apparent ambiguities and contradictions in the reports were examined and reconciled to our satisfaction. We identified and refined various options for a response to the attack, to be presented to the President. Among these options was the air strike against the attacking boats and their associated bases, which option was eventually selected. As the options were identified, preliminary messages were sent to appropriate operational commanders alerting them to the several possibilities so that initial planning steps could be undertaken.

In the early afternoon, the National Security Council met, at which time we briefed the participants, including the President, on the available details of the attack. Shortly thereafter, having received the advice of the Joint Chiefs of Staff, we recommended to the President, and he approved, a response consisting of an air strike on the PT and Swatow boat bases and their associated facilities. During all of this time, the message reports of the engagement from the ships, plus other information of a very highly classified nature received during the attack, were being reviewed to eliminate any doubt that an attack on the destroyers in fact occurred.

For example, I saw a message from the onscene task group commander which expressed doubts as to the validity of many of the sonar reports. I discussed this message by telephone with the commander in chief, Pacific, and informed him that, although we would continue with the preparations, the reprisal strike would not be executed until we were absolutely positive of the attack. He of course agreed and in a later telephone call informed me that he was satisfied, from all the reports he had on hand, that an attack on our ships had taken place.

Finally, at about 6:30 p.m., Washington time, the message to execute the strike was transmitted by the commander in chief, Pacific.

Those are the essential details. To recapitulate, on August 2, one of our destroyers was attacked by North Vietnamese naval forces without provocation while on patrol on the high seas. Since the destroyer had suffered no damage and had repulsed and damaged her attackers, and since the possibility seemed to exist that the incident was an isolated act, no further military response was made. North Vietnam was warned the next day, however, of the "grave consequences which would inevitably follow" another such attack. Furthermore, the President announced that the patrol would continue and would consist of two destroyers. The next night, the two destroyers were also attacked without provocation on the high seas by North Vietnamese naval forces.

When these facts were established to the complete satisfaction of all responsible authorities, we responded with an air strike on the facilities which supported the attacking vessels.

WAS THERE A SECOND ATTACK?

Now, thirdly, was there indeed a second attack?

I know of no claim that the attack on *Maddox* on August 2 did not occur. As for the second attack, the incident occurred on a very dark, moonless, overcast night. As would be expected under these conditions, some uncertainty existed, and to this day exists, about some of the precise details of the attack. But there should be no uncertainty about the fact that an attack took place. The evidence pertaining to the incident is reviewed in the following paragraphs.

On the evening of August 4, 1964, Task Group 72.1 consisting of U.S.S. *Maddox* and U.S.S. *Turner Joy*, with COMDESDIV 192 embarked in *Maddox* and acting as CTG 72.1, was proceeding on an easterly course in the Gulf of Tonkin at a speed of 20 knots. At about 7:40 p.m., Tonkin Gulf time, the task group commander, Capt. J. J. Herrick, USN, observed on the surface search radar at least five contacts, which he evaluated as probable torpedo boats, located about 36 miles to the northeast of the two ships. At 7:46 p.m., *Maddox* and *Turner Joy* changed course to 130 and increased speed to 28 knots to avoid what the task group commander had evaluated as a trap.

Shortly after 9 p.m., both ships' radars held contacts approximately 14 miles to the east. These contacts were on course 160, speed 30 knots. At that time the two U.S. ships were approximately 60 miles from the North Vietnamese coast.

At about 9:39 p.m., both *Maddox* and *Turner Joy* opened fire on the approaching craft when it was evident from their maneuvers that they were pressing in for attack positions. At about this time, the boats were at a range of 6,000 yards from *Maddox* when the radar tracking indicated that the contact had turned away and begun to open in range. Torpedo noises were then heard by the *Maddox*'s sonar. A report of the torpedo noise was immediately passed to the *Turner Joy* by inter-ship radio and both ships took evasive action to avoid the torpedo.

REPORTS OF EYEWITNESSES

A torpedo wake was then sighted passing abeam *Turner Joy* from aft to forward, approximately 300 feet to port on the same bearing as that reported by *Maddox*. This sighting was made by at least four of *Turner Joy*'s topside personnel: the forward gun director officer, Lt. (jg.) John J. Barry, USNR; the port lookout, Edwin R. Sentel, SN, USN; by a seaman who was in the forward gun director with the director officer, Larry O. Litton, SN, USN; and by a seaman who was operator of the after gun director, Roger N. Bergland, SN, USN.

At about 10:24 p.m., one target was taken under fire by *Turner Joy*. Numerous hits were observed on this target and it disappeared from all radars. The commanding officer and other *Turner Joy* personnel observed a thick column of black smoke from this target.

Later, 10:47 p.m., during the attack a searchlight was observed by all signal bridge and maneuvering bridge personnel including the commanding officer of U.S.S. *Turner Joy*. The beam of the searchlight did not touch the ship, but was seen to swing in an arc toward *Turner Joy* and was immediately extinguished when aircraft from the combat air patrol orbiting above the ships approached the vicinity of the searchlight. (Walter L. Shishim, QMCS, USN; Richard B. Johnson, SM1, USN; Richard D. Nooks, QM3, USN; Richard M. Bacino, SM2, USN; and Gary D. Carroll, SM3, USN, stationed on the *Turner Joy*'s signal bridge all made written statements that they sighted the searchlight.)

The silhouette of an attacking boat was seen by at least four *Turner Joy* personnel when the boat came between the flares dropped by an aircraft and the ship. When these four men were asked to sketch what they had seen, they accurately sketched P-4-type boats. (None of the four had ever seen a picture of a P-4 boat before). (Donald V. Sharkey, BM3, USN; Kenneth E. Garrison, SN, USN; Delmer Jones, GMG SN, USN, and Arthur B. Anderson, FT SN, USN, are the four personnel from the *Turner Joy* who sighted the boat.)

In addition to the above, a gunner's mate second class stationed aft of the signal bridge aboard U.S.S. *Maddox* saw the outline of a boat which was silhouetted by the light of a burst from the 3-inch projectile fired at it. (Jose R. San Augustin GMG2, USN.)

The commanding officer of Attack Squadron 52 from the *Ticonderoga* (Comdr. G. H. Edmondson, USN) and his wingman (Lt. J. A. Burton), while flying at altitudes of between 700 and 1,500 feet in the vicinity of the two destroyers at the time of the torpedo attack both sighted gun flashes on the surface of the water as well as light anti-aircraft bursts at their approximate altitude. On one pass over the two destroyers, both pilots positively sighted a "snakey" high speed wake 1½ miles ahead of the lead destroyer, U.S.S. *Maddox*. page 16

Two U.S. Marine Corps personnel who were manning machineguns on U.S.S. *Maddox* saw lights pass up the port side of the ship, go out ahead, and pass down the starboard side. Their written statement asserts their belief that this was one or more small boats at high speed. (These were Matthew B. Allasre, SGT, USMC, and David A. Prouty, L/CPL, USMC.) page 17

INTELLIGENCE REPORTS

In addition to the above, intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making preparations to attack our destroyers with two Swatow boats and with one PT boat if the PT could be made ready in time. The same source reported, while the engagement was in progress on August 4, that the attack was underway. Immediately after the attack ended, the source reported that the North Vietnamese lost two ships in the engagement.

No one within the Department of Defense has reviewed all of this information without arriving at the unqualified conclusion that a determined attack was made on the *Maddox* and *Turner Joy* in the Tonkin Gulf on the night of August 4, 1964. Vice Adm. Roy L. Johnson, USN, commander of the U.S. 7th Fleet at the time, stated in his review of the combined chronology and track charts submitted by the task group commander:

Commander, Seventh Fleet, is convinced beyond any doubt that *Maddox* and *Turner Joy* were subjected to an unprovoked surface torpedo attack on the night of 4 August 1964.

Adm. T. H. Moorer, then commander in chief, Pacific Fleet, concurred in that appraisal.

In Washington, the Director of the Joint Staff, Lt. Gen. David A. Burchinal, USAF, analyzed the incoming information from message traffic, with the assistance of the Joint Staff. He then gave his evaluation to the Secretary of Defense: "The actuality of the attack is confirmed."

In the face of this evidence, I can only conclude that many of the persistent questions as to whether or not an attack took place must have arisen from confusion between the August 4 attack and another incident which occurred on the 18th of September 1964; that is, about 45 days later. At that time, the U.S. destroyers *Morton* and *Edwards* were patrolling, at night, in the Gulf of Tonkin, and initially reported themselves under attack. While the ensuing situation reports indicated the probability of hostile craft in the area of the patrol, it was decided at both the Washington and field command levels that no credible evidence of an attack existed. It should be noted that the intelligence source that confirmed the attacks of August 2 and 4 provided no evidence of any enemy action on September 18. In view of our unresolved doubts, no retaliatory action was taken. Many individuals who were not aware of all of the facts about all three incidents, that is, August 2 and 4, and September 18, have made the mistaken assumption that descriptions of the September 18 incident were referring to the second Tonkin Gulf incident. Aware of the negative findings on September 18, they have mistakenly assumed that there is serious doubt as to whether the "second" Tonkin Gulf attack in fact took place.

As a final point on this issue, U.S. naval forces in the 3½ years which have elapsed since the August 1964 incidents have captured several North Vietnamese naval personnel. These personnel were extensively interrogated. One of these, captured in July 1966, stated he had taken part in the August 2, 1964, attack on the *Maddox*, and his account of page 18

that attack coincided with our observations. He professed no knowledge of the August 4 attack and said that he believed that PT boats were not involved in that attack. He stated that Swatows could have been used for that attack. His disclaimer of PT participation is contradicted by information received from a later captive. A North Vietnamese naval officer captured in July 1967 provided the name of the commander of a PT squadron. In intelligence reports received immediately after the August 4 attack, this commander and his squadron were identified by name and number as participants.

SUFFICIENT EVIDENCE AVAILABLE TO SUPPORT CONCLUSION

Now, finally, if there was a second attack, was there sufficient evidence available at the time of our response to support this conclusion?

Some of the details cited above, particularly the statements of eyewitnesses, although gathered immediately after the attack, had not reached Washington at the time that the reprisal air strikes were ordered executed. Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place. Allow me to repeat again that information:

An intelligence report of a highly classified and unimpeachable nature received shortly before the engagement, stating that North Vietnamese naval forces intended to attack the *Maddox* and *Turner Joy*.

Reports from the ships that their radars indicated they were being shadowed by high speed surface vessels.

Reports from the ships that they were being approached by the high speed vessels and an attack appeared imminent.

Reports from the ships that they were under attack.

A report from the ships that searchlight illumination had been utilized by the attacking craft and that gunfire against the patrol had been observed.

A report that two torpedoes had passed close to the *Turner Joy* and that there had been positive visual sightings of what appeared to be cockpit lights of patrol craft passing near the *Maddox*.

An intelligence report stating that North Vietnamese naval forces had reported that they were involved in an engagement.

Reports from the U.S. ships that they had sunk two and possibly three of the attacking craft.

An intelligence report stating that North Vietnamese naval forces had reported losing two ships in the engagement.

A report from the onscene task group commander that he was certain that the ambush had taken place, although precise details of the engagement were still not known.

A report from the commander in chief, Pacific, that he had no doubt that an attack had occurred.

All of this information was available prior to the time the Executive order was issued.

As a final point, I must address the suggestion that, in some way, the Government of the United States induced the incident on August 4 with the intent of providing an excuse to take the retaliatory action which we in fact took. I can only characterize such insinuations as monstrous.

The effective repulsion of the August 2 attack on the *Maddox* with relatively high cost to the small North Vietnamese Navy, coupled with our protest which clearly and unequivocally warned of the serious consequences of a recurrence, made us confident that another attack was unlikely. The published order of the President that the destroyers should continue to assert the right of the freedom of the seas in the Gulf of Tonkin, and setting forth the composition of the patrol, should have served to avoid any further misunderstanding. As the patrol resumed the ships were ordered to remain 11 miles from the coastline in lieu of the 8 miles ordered on the previous patrols, hardly indicative of an intent to induce another attack. As a matter of fact, on their own initiative the two ships approached the coastline no closer than 16 miles during their patrol. But beyond that, I find it inconceivable that anyone even remotely familiar with our society and system of Government could suspect the existence of a conspiracy which would include almost, if not all, the entire chain of military command in the Pacific, the Chairman of the Joint Chiefs of Staff, the Joint Chiefs, the Secretary of Defense, and his chief civilian assistants, the Secretary of State, and the President of the United States.

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THE SECRETARY'S SFRC APPEARANCE
MONDAY, MARCH 11, 1968

Questions Raised by Secretary McNamara's Testimony
on the Second Tonkin Gulf Incident

1. Was there an attack on the Maddox and Turner Joy on August 4, 1964?

Aside from the statements of crew members of the two ships and subsequent review by several of the commands involved, sufficient information was in the hands of the President on August 4, 1964 to establish beyond any doubt that an attack had taken place. Secretary McNamara, in his statement to the Senate Foreign Relations Committee on February 20, 1968, summarized that information as follows:

"An intelligence report of a highly classified and unimpeachable nature received shortly before the engagement, stating that North Vietnamese naval forces intended to attack the Maddox and Turner Joy.

"Reports from the ships that their radars indicated they were being shadowed by high speed surface vessels.

"Reports from the ships that they were being approached by the high speed vessels and an attack appeared imminent.

"Reports from the ships that they were under attack.

"A report from the ships that searchlight illumination had been utilized by the attacking craft and that gunfire against the patrol had been observed."

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- 2 -

"A report that two torpedoes had passed close to the Turner Joy and that there had been positive visual sightings of what appeared to be cockpit lights of patrol craft passing near the Maddox.

"An intelligence report stating that North Vietnamese naval forces had reported that they were involved in an engagement.

"Reports from the U.S. ships that they had sunk two and possibly three of the attacking craft.

"An intelligence report stating that North Vietnamese naval forces had reported losing two ships in the engagement.

"A report from the onscene task group commander that he was certain that the ambush had taken place, although precise details of the engagement were still not known.

"A report from the commander in chief, Pacific, that he had no doubt that an attack had occurred."

It should be noted that neither the evidence available at the time nor that obtained subsequently establishes clearly whether the North Vietnamese ships or the U.S. ships fired first. However, in view of the attack on August 2 and the intelligence reports, it was reasonable for the U.S. task group commander to interpret the approach of the North Vietnamese ships in attack formation as sufficient evidence of an attack.

2. Was the attack unprovoked? This question should be considered in three parts.

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(a) Was the electronic and visual observation mission of the Desoto patrol legitimate?

Secretary McNamara stated the purposes of these patrols as follows:

"Patrols of the nature of those carried on by Maddox and Turner Joy were initiated in the western Pacific in 1962. They were carried out in international waters along the coastlines of Communist countries in that area. They were open patrols and no hostile actions were ever taken by the U.S. forces involved. Provocative actions were avoided. The purpose was to learn what we could of military activity and environmental conditions in these parts of the world, operating in waters where we had every legal right to be. The primary purpose of the Maddox was to observe North Vietnamese naval activity in those waters, in view of the evidence we had of infiltration by sea by North Vietnam into South Vietnam. Other secondary purposes were area familiarization and observation by visual and electronic means of any other activity of military interest. We had the undisputed right to do this. In view of our assistance to South Vietnam, such observations were needed."

Several Senators have questioned the provocative nature of such intelligence-gathering activity and have drawn obvious parallels with the case of the Pueblo. Senator McCarthy suggested, if the Desoto patrol was gathering information to assist South Viet Nam in its operations against the North, North Viet Nam might properly, or at least understandably, consider such patrols provocative. In addition to denying generally any link between the Desoto patrols and the South Vietnamese 34A operations, Secretary McNamara informed the Foreign Relations Committee

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"We have found no evidence that any information gained on the Desoto patrols was used in the planning of the South Vietnamese operations".

(b) Did the Maddox and Turner Joy penetrate the claimed territorial sea of North Viet Nam?

North Viet Nam did not, to our knowledge, make any claim concerning the expanse of its territorial sea prior to September 1, 1964, at which time Radio Hanoi stated "The Democratic Republic of Viet Nam declared that the territorial sea is 12 miles". Therefore, on August 4, 1964, we had no reason to believe that North Viet Nam had changed the 3-mile limit that had been claimed for Indo-China by the French. Both South Viet Nam and Cambodia maintained 3-mile claims, although Cambodia has more recently extended its claims to 5 miles. Moreover, it could not have been assumed that North Viet Nam, as a Communist country, claimed 12 miles; Cuba and Poland each adhere to the traditional 3-mile limit, and Yugoslavia and Albania each claim 10 miles.

Prior to the August 2 attack on the Maddox it had been authorized to go no closer than 8 nautical miles to the North Vietnamese coast and no closer than 4 nautical miles to any offshore island. When the patrol resumed on August 3 with the Maddox and the Turner Joy, instructions prohibited any approach closer than 11 miles from the coast. It appears that the Maddox went closer than 12 miles prior to the August 2 incident, but that it and the Turner Joy remained at all times more than 12 miles from the coast in the period between the two incidents.

(c) Was the mission sufficiently related to the South Vietnamese 34A operation in time, place, or activity to provoke North Vietnamese attack?

At the time of the 34A attack on July 30-31, the Maddox had not yet begun its patrol and was at least 130 miles away. At the time of the 34A attacks on

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August 3-4, the two destroyers were at least 70 miles from the point of attack.

Secretary McNamara cited the testimony of several captured North Vietnamese naval officers in support of his assertion that North Viet Nam clearly understood the distinction between the two operations. With respect to the message from the task group commander on August 3 indicating that he believed the North Vietnamese associated his ships with 34A operations, Secretary McNamara stated that the commander had no basis for such a conclusion and that the commander agrees today that he did not in fact have any basis for such a conclusion.

Secretary McNamara was closely questioned on his statement in the Tonkin Gulf hearings in 1964 that "Our Navy played absolutely no part in, was not associated with, was not aware of, any South Vietnamese action, if there were any." Secretary McNamara defended that statement on the ground that the Maddox was not aware of any South Vietnamese actions, although some elements of our Navy were aware of them. It appears that Secretary McNamara was not aware, on August 4, or even on August 6, 1964, of the 34A operations on the night of August 3-4, although he was aware of the general plan of 34A operations and of the specific operation on July 30-31.

In response to allegations that a telegram from CINCPAC fleet stated that the Desoto patrol would possibly draw North Vietnamese Navy patrol boats northward away from the area of 34A operations, Secretary McNamara responded that that was not an objective of the Desoto patrol as decided on in Washington, and reiterated the lack of knowledge on the part of the Maddox and Turner Joy of specific targets and times of 34A operations.

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3. Were the 34A operations, which began in February 1964, justifiable in themselves?

Although this question was not pressed in the hearing on February 20, 1968, it is conceivable that the Committee will make an argument that these operations, with equipment supplied by the United States, were unjustified and undercut to some degree our assertion that North Viet Nam was guilty of an armed attack against South Viet Nam which justified, in turn, our air strikes against the North. It can be pointed out, in response to such an argument, that North Vietnamese infiltration into the South, by land and by sea, had occurred for many years and that the 34A operations were justifiable measures of defense against sea infiltration.

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Summary - Debate on Tonkin Gulf Resolution - 1964

The Senate and House took up identical resolutions approving and supporting "The determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." This resolution was debated in the Senate on August 6 and 7 and was passed by a vote of 88 to 2. Only Senators Morse and Gruening spoke and voted in opposition to the Joint Resolution (H.J. Res. 1145).

The basis of Senator Morse's opposition was that "the pending resolution tinkers with and impairs the great, procedural rights of the American people written in article 1, section 8 of the Constitution - namely, that the power and right to declare war is vested in the Congress and not in the President of the United States." He stated that the language in this resolution - as the language in the 1955 resolution - authorized not a defense to actual attack but also aggressive action, a "preventive war." (Cong. Record, p. 18444)

Senator Gruening based his opposition on the ground that the joint resolution "presents an unlimited authorization for war anywhere in southeast Asia, including Pakistan . . ." (Cong. Record, p. 18447)

Senator Fulbright stated "I do not believe that there is any probability of their going off and involving us where we do not wish to be involved. I believe we can maintain complete control over our own commitments." (Cong. Record, p. 18457) * * * * * "I should like to make two statements which I believe are appropriate. First, both the present administration and the previous administration have been very good about reporting to us and briefing us about the situation. I do not believe there has been any tendency to withhold anything. I do not believe that at any time when representatives of the administration came to brief us and we requested information they have refused to divulge it. In many cases

they

they themselves have initiated such a request as far as the information goes.

"Second, the more important point in this case, I believe, is the fact that the administration went to great lengths to find the best equipped and qualified men to send to Vietnam. I personally felt great satisfaction in the selection of U. Alexis Johnson to be our civilian representative. He is one of the most experienced men we have. I know of no one who does not have a high regard for General Taylor. After all, on these difficult subjects there is no way of enacting a law or promulgating a rule which would be self-executing. We must rely to a great extent upon the wisdom, judgment, and experience of those actually in charge. I believe that is the most reassuring aspect of the question. The Government has sent two of the best men available into this very critical area. * * * * *

"I do not wish to mislead anyone. As the Senator knows, any role is one of an advisory nature. Information is submitted to the committee. The administration has never held anything back, to my knowledge. It has been frank. We have an opportunity to advise them, and that is all. We cannot direct or force them. Even within the committee, as the Senator knows, there are some sharp differences of opinion. So all we can do is to advise with them, which we have done.

"On questions of importance, the administration has consulted, in addition to the committee or the senior members of the committee, and the leadership of both Houses. We have the further assurance of the majority leader, the minority leader, the whips, and senior members of the committees of both Houses." (Cong. Record, p. 18458)

Senator Dirksen stated "I attended the briefing at the White House. It lasted for almost an hour and a half. The whole case was laid on the table by the President, by the Director of the Central Intelligence

Agency

Agency, by the Secretary of Defense, and by the Secretary of State. Thereafter, there was no limit on the amount of discussion or on the questions that any member of the joint leadership from both the House and Senate might have wished to propound, whether they were addressed to the Secretaries or to the President.

"When the meeting was over, we discussed the content of a resolution, with the understanding that the resolution could be modified and simplified, if that were necessary or deemed desirable. That was the whole story.

"Before we left the Cabinet room, the President asked every Member who was present whether he would give support to the resolution. Every Member responded. I am rather proud of the fact that every Republican who responded said that, speaking for himself and, hopefully, for the party, he would support the President in his determination to meet the crisis now before us in the South Pacific. * * * * *

"The President could have taken this action in his own right as the Commander in Chief. He does not have to ask Congress about the deployment of troops, submarines, bombers, and fighter planes.

"What is involved is a demonstration that the executive and legislative branches of the Government stand together in an hour of need and threat, and when there is peril in a section of the world that could easily jeopardize the entire free world.

"I wished to make clear how the minority stands, and how it stood in that briefing session, and also when this subject was before the various committees of the Senate and House." (Cong. Record, p. 18462)

To the above statement Senator Fulbright replied:

"I wish

"I wish to affirm what the distinguished minority leader has said. I was present at the briefings. There was not the slightest indication of any kind of partisanship in any sense. Back through the years, when similar resolutions have been under consideration, this has also been true. It was true when there was a Republican administration.

"I cannot resist paying a compliment to the distinguished Senator from Illinois (Mr. Dirksen). While on certain matters he is a great partisan leader, nevertheless, on all matters affecting the security of this country, matters which are comparable to this kind of situation. I have never seen him be partisan, either on the floor or off the floor of the Senate. He always rises above partisanship in dealing with problems that directly involve our security and reserves his partisanship, as all of us do, for less profound subjects than those which threaten the security of our country. This is, of course, normal and demonstrates the distinction between foreign relations and domestic relations. * *

* * *

"Now I wish to say a word or two about the House joint resolution. It passed the House by a vote of 414 to 0. I do not believe that in a democracy unanimity is always necessary. Certainly, it is not necessary when we are dealing with matters of substance involving domestic legislation, or even legislation dealing with foreign relations. However, in the expression of an advisory opinion of broad policy, which this resolution is, it is a happy and fortunate circumstance if there can be a high degree of unanimity. So I am much pleased by the House action. I hope the Senate will approach that unanimity, if possible." (Cong. Record, p. 18462)

Additional remarks by Senator Fulbright are as follows: * * * * * We are not giving to the President any powers he has under the Constitution as Commander in Chief. We are in effect approving of his use of the powers that he has. That is the way I feel about it. (Cong. Record, p. 17825)

* * * * * But in all frankness I cannot say to the Senator that I think the joint resolution would in any way be a deterrent, a prohibition, a limitation, or an expansion on the President's power to use the Armed Forces in a different way or more extensively than he is now using them. In a broad sense, the joint resolution states that we approve of the action taken with regard to the attack on our own ships, and that we also approve of our country's effort to maintain the independence of South Vietnam." (Cong. Record, p. 17823)

* * * * * However, the language of the resolution would not prevent it. It would authorize whatever the Commander in Chief feels is necessary. It does not restrain the Executive from doing it." (Cong. Record, p. 17820)

* * * * * In frankness, I do not believe the joint resolution would substantially alter the President's power to use whatever means seemed appropriate under the circumstances." (Cong. Record, p. 17823)

* * * * * The Senator did not ask me this precisely, but I must say that the Secretary of State has performed extremely well."

"MR. JAVITS: I agree with the Senator."

(Cong. Record, p. 17821)

* * * * * The resolution further expresses the approval and support of the Congress for the determination of the President to take such action as may be necessary, now and in the future, to restrain or repel Communist aggression in southeast Asia."

(Cong. Record, p. 17815)

Other Senators who spoke in behalf of the resolution were: Senators Brewster, (Cong. Record, p. 17819); Miller (Cong. Record, p. 17822);

Senator Hickenlooper: * * * * * In this case there is not the slightest question in my mind that the President not only has full authority, but has a responsibility, to protect American institutions and interests when they are attacked, without having to come to the Congress for that authority. * * * * * (Cong. Record, p. 17828 and 17829)

Also, Senators Kuchel (Cong. Record, p. 17830); Stennis (Cong. Record, p. 17831); Pell (Cong. Record, p. 17833); Cooper (Cong. Record, p. 17834); Lausche (Cong. Record, p. 17835); Randolph (Cong. Record, p. 17836); Sparkman (Cong. Record, p. 17838) Bartlett (Cong. Record, p. 17839); Byrd (West Virginia) (Cong. Record, p. 17839) and Clark (Cong. Record, P. 17841).

Senator Carlson in concluding his remarks said:
* * * * * I associate myself with the remarks of the Senator from Idaho. We have reached a place where we have not only to support the President, because he has the responsibility, but we have a duty and a privilege today, and we should exercise it. (Cong. Record, p. 17837)

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Source
Unknown

Probably: Dept. of State
Bachman, Sen
Congressional Testimony

D. Vietnam Resolution

1. Background

On August 2, 1964, the U. S. destroyer MADDOX, while on routine patrol in international waters in the Gulf of Tonkin, was attacked by three North Vietnamese PT boats. The MADDOX returned the fire and hit one of the attacked vessels before the attack was broken off. There were no United States casualties in this brief encounter. The United States, on August 3, took steps to convey a note to the Hanoi regime, warning of the "grave consequences which would inevitably result from any further unprovoked offensive military action against United States forces." Further unprovoked attacks occurred the next night (August 4) when the destroyers MADDOX and C. TURNER JOY were again attacked by North Vietnamese PT boats 65 miles from the shore. There no longer seemed to be any doubt that this was a deliberate military aggression.

Soon after the reports were ^{received} in President Johnson announced in a television speech that retaliatory air action was being executed against Vietnamese gunboats and supporting facilities. He warned that all actions of violence against the United States would be met with a positive reply, but emphasized the "limited and fitting" nature of this reply, and assured the American public that "We still seek no wider war." He further stated that he had met with Congressional leaders to urge passage of a resolution expressing the united determination of the Government "to take all necessary measures in support of freedom and in defense of peace in Southeast Asia." An emergency meeting of the United Nations Security Council was called to report these acts of deliberate aggression.

In a message to Congress on August 5, the President requested passage of a resolution declaring Congressional support for the President in repelling any armed attack against United States forces and declaring that the United States is prepared to take all necessary steps to assist any SEATO member or protocol state requesting assistance in defense of its freedom. The resolution was based on the precedent of the Formosan Resolution of 1955, the Middle East resolution of 1957 and the Cuban resolution of 1962. The President urged the necessity of putting forth a united front in this, an election year.

2. Senate Committee Hearings

The Senate Committees on Foreign Relations and Armed Services met in joint executive session on August 6 to consider the following joint resolution introduced by Senator Fulbright. (The words "of the United States"

following *

following "Constitution" were initially omitted and were included at the start of the Senate debate as an amendment. The resolution was passed in this final form).

Secretary of State Rusk, Secretary of Defense McNamara and General Wheeler, Chairman of the Joint Chiefs of Staff testified. The Committee voted 31 to 1 to report the resolution favorably without amendment.

3. House Committee Hearings

The House Committee on Foreign Affairs also met in executive session on August 6, and heard Secretaries Rusk and McNamara and General Wheeler. The Committee voted 29-0, with two members voting present, to report the resolution favorably.

geographic area
to be included.
Instead, the area
was delineated
by reference to
The

The Committee reported that it had given special attention to three basic questions: (1) The resolution did not include an express reference to the SEATO Treaty to include the SEATO members and protocol states; (2) In a very brief paragraph, the Committee concluded that "the resolution does not enter the field of controversy as to the respective limitations of power in the executive and the legislative branches." The Formosa resolution was cited for this proposition; (3) the Committee agreed that the resolution should not include a time limit. They concluded that the termination will be a matter for Presidential determination that "the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise." The "otherwise clause" was approved as permitting alternative methods of bringing peace and security, such as the International Control Commission. It was also noted that termination could be effected by joint Congressional resolution.

4. Senate Debate and Passage

Senate debate began on August 6. The resolution itself was not the chief topic of debate. Rather, after a brief endorsement of the resolution itself most Senators addressed themselves to the various aspects of the Vietnam situation.

Senators Cooper and Fulbright engaged in an interesting exchange concerning the effect of the resolution. It was agreed that the provisions

of section 1

of section 1 concerning the power of the President "to take all necessary measures to repel any armed attack against the United States and to prevent further aggression" gives no new power to the President. Rather, it is a confirmation that the President has the powers. Further, in Senator Fulbright's words "We are in effect approving of his use of the powers that he has."

It was also agreed that the President was given a new power under section 2 of the Resolution. The President is given the authority to employ United States forces, not primarily to prevent an attack upon our forces, but to prevent further aggression against South Vietnam or aggression against any SEATO member. Senator Fulbright explained the need for such a power in light of "the new developments in the field of warfare." He pointed out that the President needs such a power in order to respond most effectively to new developments in the Southeast Asia area. He stated that the President is accustomed to consulting with the Joint Chiefs and Congressional leaders and will certainly continue to do so in most situations. "But he does not have to do that." Finally Fulbright assured the Congress that the President would use this power with discretion and would consult with Congress in case a major change in policy becomes necessary.

Senator Kuchel and several others emphasized the need for the resolution to demonstrate American unity behind a firm policy in Southeast Asia. The need for bipartisan support in an election year was also stressed.

Late in the August 6 debate, Senator Mansfield introduced a unanimous consent agreement concerning the August 7 debate preceding a vote on the resolution. The agreement, which was adopted, limited debate to three hours, two of which would be given to Senator Morse and the other to be divided among the majority and minority leaders.

Senators Morse and Gruening were a vocal minority of two in their opposition to the resolution. They based their argument on the premise that the resolution is an affirmation of the United States role as "provocateur" in Southeast Asia. They urged that this course be abandoned and that the problem be solved in a peaceful manner by the United Nations.

Morse argued that section 1 of the resolution, in recognizing "the inherent right of the President to meet an aggression in the self-defense of the Republic is concerned, is superfluous and not needed. More dangerous was section 2, which Morse described as giving the President the "right to commit an act of war in the absence of an aggression."

He felt

He felt that, in addition to being unwise from the standpoint of American foreign policy, this section constituted an unconstitutional delegation by Congress of its power to declare war.

Morse's arguments apparently fell upon deaf ears. Most Senators confined their comments to support for the President's position and actions in the Tonkin Gulf, and cited the Formosan, Middle East and Cuban resolutions as clear precedent for Congressional action supporting the President's determination. The resolution was passed 88-2 with the ten absent Senators indicating they would have voted "yea.."

5. House Debate and Passage

There were no dissenters to the resolution in the House. Representative Gross described it as "in the nature of an after-the-fact sense resolution endorsing an action already taken by the President." Representative Reuss urged invoking the moral authority of the United Nations in Southeast Asia. Representative Alger supported the resolution on the assumption that the President, after taking the initial action in an emergency, will then consult Congress for further authorization.

As in the Senate, the need for bipartisan unity was stressed by most speakers. The final vote was 416-0, with Representative Powell voting present and 14 members not voting.

See attached Resolution.

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File No. 1
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SENATOR FULBRIGHT'S STATEMENTS
IN THE SENATE DEBATE ON
THE SEA RESOLUTION

August 6 and August 7, 1964

1. Page 17815-16 *

After Senator Mansfield presented the resolution to the Senate, Senator Fulbright made the following statements, among others, in support of the resolution. I recommend overwhelming endorsement of the resolution. The President has taken "wise and necessary action." The resolution expresses "approval and support of the Congress for the determination of the President to take such action as may be necessary, now or in the future, to restrain or repel Communist aggression in Southeast Asia." The North Vietnamese regime is patently guilty of military aggression and demonstrably in contempt of international law. The American action was limited and measured in proportion to the provocation which gave rise to it. It was an act of self-defense wholly consistent with Article 51 of the UN Charter and an act of limited retaliation wholly consistent with the international law of reprisal. An act of unambiguous aggression cannot be tolerated or ignored without inviting further provocations, especially when the act is committed by a regime which has been engaged in consistent and repeated aggression against its neighbors. The retaliatory measures taken by the U.S. were necessary and justified.

Senator Fulbright stressed the principle of foreign policy that challenges are varying and need to be met with varying instruments and policy. As it's a mistake to say force is the only proper response to Communist power challenge, so it's a mistake to say military action is never a necessary instrument of policy. It is important that we refrain from sweeping generalizations as to provocations and our response. The current crisis in Asia is one in which use of limited American force has been necessary and may be necessary again. He spoke of the Asian crisis and situation in a global context and warned against being driven to actions and attitudes which would undermine current progress toward the relaxation of tensions with the Soviet Union and the European Communist regimes. We must have the wisdom and the discrimination to be able, when necessary, to engage simultaneously in the local prosecution of hostilities and the global pursuit of world peace.

He warned the Communist powers that they could enjoy peace and security only as long as they stayed within their own frontiers. He made clear that when a willingness is shown to settle by peaceful means, these problems can then be placed largely or entirely

* See Full Transcript (attached) pages are clipped and
all statements numbered in accordance with this Summary

under the jurisdiction of the United Nations.

Communist aggression and expansion activities, wherever advanced, will meet precisely that degree of American opposition which is necessary to frustrate them. The resolution is designed to shatter whatever illusions our adversaries may harbor about the termination of the US to act promptly and vigorously against aggression.

In addition Senator Fulbright inserted 5 editorials which supported the President's action, as further evidence of support in the country and in the press.

2. Page 17818

Senator McGovern asked for an explanation of the North Vietnamese attack, especially in light of a Murray Marder statement that the South Vietnamese attacked the North Vietnamese. Senator Fulbright cautioned against speculating about North Vietnamese motives, said the South Vietnamese did conduct some coastal raids, but the best information I have from high officials in our Government in this field is to the effect that our boats did not convoy or support or backup any South Vietnamese naval vessels that were engaged in such attacks. He further explained that the junks of the South Vietnamese did not have any American personnel aboard. Our ships were there on patrol duty only.

Senator McGovern asked whether in view of Gen. Khanh's statement that the war had to be won by carrying it to the North, we were, by this resolution, surrendering to Gen. Khanh's position our attitude as to where the war should be fought, since simultaneously Administration leaders are saying we should take on the guerrillas in the South and confine the war there. Senator Fulbright said that our policy of not going north is not inconsistent with a response to attacks on our vessels on the high seas.

3. Page 17819-20

Senator Brewster asked whether there is anything in the resolution which would authorize or recommend or approve the landing of large American armies in Vietnam or in China. Senator Fulbright said there was nothing, as he read it, that contemplates it. However, the language of the resolution would not prevent it. It would authorize whatever the Commander in Chief feels is necessary. It

does not restrain the Executive from doing it. Whether or not that should ever be done is a matter of wisdom under the circumstances that exist at the particular time it is contemplated. The last thing we want to do is become involved in a land war in Asia. Our power is sea and air, and that is what we hope will deter the Chinese Communists and the North Vietnamese from spreading the war. That is what is contemplated. The resolution does not prohibit that, or any other kind of activity.

4. Page 17820

Senator Morton asked if our presence in the Tonkin Gulf couldn't be justified on our interpretation of our obligations under the SEATO treaty. Senator Fulbright agreed that it fortifies our right or responsibility for being there. Senator Morton said he thought Congress should speak loud and clear and make it plain to any would-be aggressor that we intend to stand there. Senator Fulbright agreed and said that this action is limited, but very sharp. It is the best action to deter escalation. If we went further, and ruthlessly bombed Hanoi and other places, we would be guilty of bad judgment, both on humanitarian grounds and on policy grounds, because then we would certainly inspire further retaliation.

5. Page 17820

Senator Javits said he would support the resolution, but wanted to know -

1. Are we in effect implementing the SEA collective defense treaty
2. Have we consulted our allies
3. What assistance will they give
4. Can the President take all necessary steps, including the use of armed forces, to assist any member of protocol state, which would include Laos, Cambodia, and Vietnam, in the SEA collective defense treaty, that may request assistance in defense of its freedom
5. If the President gets this resolution, will our vote on it make everything else (e.g. SEATO consultation, UN, allied contributions) perfunctory

Senator Fulbright's answers were -

1. Action was not taken in consultation with SEATO signatories

2. Contribution to protocol states -
Laos is out of the treaty
Cambodia renounced the US
Vietnam is the only one left
3. Contributions from other members - too little. Some countries are becoming more capable but have not yet assumed what I consider to be their proper part of an overall effort to defend free countries
4. Approves UN effort, with reservation that it is not timely, when one is in dire straits, to turn over a situation such as this to a body which is not equipped to assert the kind of power I believe to be necessary to stabilize the area. We have to establish some sort of stability before we can say to the UN "You take it." I look forward to the time when this can be done. I am looking in any way I can to bring in with us both our allies and the UN, when and if conditions can be created that that would be a feasible procedure to follow. I believe this resolution is well designed to stabilize the area.

Mr. Javits agreed, provided we could have a really manful follow-through, which we have sometimes lacked before. Senator Fulbright commended the actions of the Secretary of State and the JCS and said all seemed to be in agreement. There seems to be no division in the highest circles of Government.

6. Page 17821

Senator Miller questioned whether the phrasing "to prevent further aggression" was too open. Aggression against whom? US or SVN? And is it present or only future aggression? Senator Fulbright explained that the resolution covers both present and future aggression, and covers SEATO powers.

7. Page 17822

Senator Holland wanted to be sure Congress was not being asked to make any advance commitment relative to Malaysia or Burma. Also that Congress can terminate any commitment (see Sec. 3 of Resolution) made under the resolution by passing a concurrent resolution which would not require Presidential approval. Senator Fulbright assured him that Congress was not making advance commitments to Malaysia or Burma and that the whole resolution could be terminated by a concurrent resolution as stated therein.

8. Page 17822-23-24

Senator Nelson questioned whether Congress is saying to the President - "If it becomes necessary to prevent further aggression, we agree now, in advance, that you may land as many divisions as deemed necessary, and engage in a direct military assault on North Vietnam if it becomes the judgment of the Executive, the Commander in Chief, that this is the only way to prevent further aggression."

Senator Fulbright stated that if the situation should deteriorate to such an extent that the only way to save it from going completely under to the Communists would be action such as the Senator suggests, then that would be a grave decision on the part of our country as to whether we should confine our activities to very limited personnel on land and the extensive use of naval and air power, or whether we should go further and use more manpower. I personally feel it would be very unwise under any circumstances, he said, to put a large land army on the Asian continent. But when we try to confine ourselves and say that this resolution either prohibits or authorizes such action by the Commander in Chief in defense of this country, I believe that is carrying it a little further than I would care to go. I do not know that the limits are. I do not think this resolution can be determinative of that fact. The resolution is consistent with what we have been doing. "In all frankness, I cannot say that the resolution would in any way be a deterrent, a prohibition, a limitation, or an expansion on the President's power to use the Armed Forces in a different way or more extensively than he is now using them."

He goes on to say that the Senator from Wisconsin prompts him to make a remark which he perhaps shouldn't -- that we might be mistaken in our action. If any mistake has been made -- and I do not assert that it has been -- the only questionable area is whether or not we should ever have become involved. He disposes of this by saying that he doesn't believe that question is particularly pertinent or proper to the debate, because we have in fact become involved in Vietnam, and after being involved for 10 years our question now is how to control the situation, and this resolution is an appropriate action.

Senator Nelson and Senator Fulbright discuss the principle of the 3 mile limit and the distance from shore of our naval vessels at the time of the incident. Senator Nelson raised the question of the purpose of having US vessels within 11 miles of North Vietnam in view of North Vietnamese sensitivity. Fulbright reiterated his view that the US has an internationally recognized right to patrol in the Gulf of Tonkin in its role of helping the South Vietnamese, and such patrol is necessary to our mission.

9. Page 17825

Senator Scott asked whether Congress is authorizing the President to continue to defend the US, even if it be against a so-called or hitherto described privileged sanctuary. Senator Fulbright agreed this was correct and said the retaliatory action against the bases fits this definition. He goes on to say that it was wise and proper to do it. The action was well calculated and designed to achieve the purpose. He hesitated to generalize too far, because the conditions under which these things are done must be understood.

10. Page 17825-26

In response to a question from Senator Cooper as to the extent of the powers given to the President, Senator Fulbright said, "We are not giving to the President any powers he has under the Constitution as Commander in Chief. We are in effect approving of his use of the powers that he has."

Senator Cooper also raised the question of whether in enacting the resolution Congress was, in effect, satisfying the requirement of Article IV of the SEATO Treaty ("resorting to constitutional processes), and giving the President advance authority to take any action necessary to defend South Vietnam or any other SEATO country. Senator Fulbright agreed that if the President decided that it was necessary to use such force as could lead into war, Congress would be giving that authority by this resolution. Further, that under modern conditions of warfare it is necessary to anticipate what may occur, since things move so rapidly there is not time to obtain a formal declaration of war from Congress.

In response to Senator Cooper's question about the authority in Section 2 "to prevent further aggression, Senator Fulbright agreed that it could cover further attack against North Vietnamese cities and ports, "if the President determines it necessary. We know that he is accustomed to consulting with the Joint Chiefs of Staff and with congressional leaders. But he does not have to do that." However he went on to say, I have no doubt that the President will consult with Congress in case a major change in present policy becomes necessary.

11. Page 17826

In a discussion with Senator McGovern about whether we were surrendering control of our actions in Southeast Asia to the Government of South Vietnam, Senator Fulbright assured him we were not; we would not be obliged to follow through on any action suggested by South Vietnam which we felt was unwise.