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THE WHITE HOUSE
WASHINGTON 9

Tuesday, Oct. 10, 1967
4:20 p.m.

MR. PRESIDENT:

Herewith Nick's analysis of Senator Case's
argument and the rebuttal.

W.R.

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October 3, 1967

MEMORANDUM FOR THE PRESIDENT

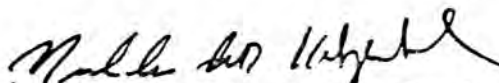
SUBJECT: Senator Case's Attack on the Administration's
Handling of Viet-Nam.

Last week Senator Case of New Jersey made a widely-publicized statement on the Senate floor, alleging that, in a number of ways, "The Johnson Administration's handling of the war in Viet-Nam since 1954 has produced a crisis of confidence." (Tab F) The rebuttal the following day was strong and also well-publicized. (Tab A)

The attached paper sets forth Senator Case's position (Part I), answers it (Part II), and also answers a closely related question, which Senator Case did not raise directly: whether the Southeast Asia resolution is inconsistent with the power of Congress to declare war (Part III). The remainder of the paper (Parts A through F) constitute an appendix of relevant Congressional statements.

The entire paper is what a lawyer might call a "partisan brief" -- accurate, but not attempting complete objectivity or detachment. A similar, but far less convincing brief, could be prepared to support Senator Case's arguments.

Like any brief based largely on legislative history, the paper is persuasive but not exciting reading. For this reason, as well as because of the strength of the prompt rebuttal on the Senate floor, I do not recommend any attempt to make forceful or dramatic use of it at present. I would treat the paper as a reserve of arguments that may, and probably will, prove useful at a future date.


Nicholas deB. Katzenbach

Attachment.

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A RESPONSE TO SENATOR CASE'S ATTACK
ON THE
ADMINISTRATION'S HANDLING OF VIET-NAM

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I. Senator Case's Position

Senator Case has said that "The Johnson Administration's handling of the war in Viet-Nam since 1954 has produced a crisis of confidence." His statement is based on the following allegations:

1. That the Administration misused the Southeast Asia Resolution by interpreting it as having a broader scope than intended.
2. That the resolution was not intended to grant the "unlimited sanction which, stretched to their ultimate, the words could be taken to convey."
3. That the Senate had specific assurance on that point from Senator Fulbright, given when he persuaded Senator Nelson not to offer an amendment to bar "extension of the present conflict."
4. That the President's message requesting the resolution said it was needed to show national unity of purpose during three months of campaigning, and only during that period.
5. That the President has taken advantage of the restraint and responsibility of Congress.
6. That President Johnson "deliberately taunts" the Congress when he says Congress has the power to repeal the Southeast Asia Resolution, that he knows Congress would not "indulge in such recklessness," because it would amount to a vote of "no confidence" and "produce chaos."
7. That despite Administration claims of progress in Viet-Nam, "there has been no significant progress" toward "creating an independent, self-governing society supported by its citizens."
8. That Secretary McNamara, on August 25, said bombing the ports of North Viet-Nam would not be effective, but shortly after the ports were bombed.

II. The Facts Do Not Support Senator Case's Position

1. The Administration has not misused the Southeast Asia Resolution. The Gulf of Tonkin incident was seen by the Administration, and explained to Congress, as a part of a larger, evolving plan of Communist aggression in Southeast Asia. The resolution expressed the United States determination to resist this plan of aggression, whether future Communist action should take the form of attacks upon U.S. forces or aggression against our SEATO allies.

In his message to the Congress asking for the resolution, the President said:

"The threat to the free nations of Southeast Asia has long been clear. The North Vietnamese regime has constantly sought to take over South Viet-Nam and Laos. This Communist regime has violated the Geneva accords for Viet-Nam. It has systematically conducted a campaign of subversion, which includes the direction, training and supply of personnel and arms for the conduct of guerrilla warfare in South Vietnamese territory. In Laos, the North Vietnamese regime has maintained military forces, used Laotian territory for infiltration into South Viet-Nam, and most recently carried out combat operation -- all in direct violation of the Geneva agreements of 1962 . . ."

"After consultation with the leaders of both parties in the Congress, I further announced a decision to ask the Congress for a resolution expressing the unity and determination of the United States in supporting freedom and in protecting peace in Southeast Asia . . ."

"As President of the United States I have concluded that I should now ask

the Congress, on its part, to join in affirming the national determination that all such attacks will be met, and that the United States will continue in its basic policy of assisting the free nations of the area to defend their freedom . . ."

"I recommend a resolution expressing the support of the Congress for all necessary action to protect our Armed Forces and to assist nations covered by the SEATO Treaty. At the same time, I assure the Congress that we shall continue readily to explore any avenues of political solution that will effectively guarantee the removal of Communist subversion and the preservation of the independence of the nations of the area."

- In his statement of August 6, 1964, to both the Senate Committees which recommended passage of the resolution, Secretary Rusk said:

"However, it is obvious that these attacks were not an isolated event but are related directly to the aggressive posture of North Vietnam and to the policy that the United States has been pursuing in assisting the free nations of Southeast Asia and particularly South Vietnam and Laos, to defend themselves against Communist aggression, and thus to preserve the peace of the area."

- The floor manager of the resolution, Senator Fulbright, explained the purposes of the resolution in these terms:

"Mr. President, I recommend the prompt and overwhelming endorsement of the resolution now before the Senate. The

resolution, which has been approved by the Committees on Foreign Relations and Armed Services with only one dissenting vote, endorses the wise and necessary action of President Johnson in ordering the 7th fleet and its air units to take appropriate measures in response to the unprovoked attacks on American naval vessels by North Vietnamese torpedo boats. 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"

"It should be made clear to the Communist powers of Asia, if it is not yet sufficiently clear, that they can enjoy peace and security as long — but only as long — as they confine their ambitions within their own frontiers It should be made equally clear to these regimes, if it is not yet sufficiently clear, that their aggressive and expansionist ambitions, wherever advanced, will meet precisely that degree of American opposition which is necessary to frustrate them. The resolution now before the Senate is designed to shatter whatever illusions our adversaries may harbor about the determination of the United States to act promptly and vigorously against aggression."

— In the House, the floor manager, Congressman Morgan, explained the resolution in these words:

"The resolve part of the resolution is in three sections. The first approves

and supports what the President is doing to repel and prevent these attacks on our forces.

"The second section highlights U.S. policy in Southeast Asia. It emphasizes that the United States regards as vital to its national interest and to world peace, the maintenance of international peace and security in that area. Subject to the Constitution of the United States, and consonant with the U.N. Charter, as well as our obligations under the Southeast Asia Collective Defense Treaty, approval is expressed for the President to take all 'necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.' The protocol states are Laos, Cambodia, and South Vietnam. It would apply, at present, only to South Vietnam, as Cambodia has eliminated itself voluntarily, and Laos would be inhibited by provisions of the 1962 accords.

"Section 3 follows closely the termination provisions of the earlier resolutions on Formosa and the Middle East. The resolution is to expire when the President determines that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise. Provision is also made that the resolution may be terminated earlier by concurrent resolution of the Congress."

- Senator Mansfield discussed the scope of the resolution in these words:

"For us, it is sufficient at this time to know that the President has set a course for the best interests of the Nation, for Democrats and Republicans alike, for the Government and the people of the United States. He asks for and he will have, in this endeavor, the support of the Congress and the people of the United States. Let there be no doubt of that in any nation in Asia or in any part of the world. What needs to be done to defend ourselves will be done. What can be done by us to give human freedom a chance in southeast Asia will be done. It will be done not alone by the President. It will be done not alone by the armed services which he commands. It will be done not alone by Democrats or by Republicans. It will be done by an entire Nation united in their trust and in their support of the President of the United States.

- Senator Morton also mentioned the scope of the resolution:

"I believe the action taken by the President helps to avoid any miscalculation on the part of either the North Vietnamese or the Chinese Communists. I believe the joint resolution gives that policy further strength. In my opinion, the three major wars in which we have been involved in this century have come about by miscalculation on the part of the aggressor.

"I believe Congress should speak loud and clear and make it plain to any would-be aggressor that we intend to stand here. If we make that clear, we will avoid war, and not have to land vast

land armies on the shores of Asia."

- Senator Kuchel also commented on the scope of the resolution:

"Once again a storm is gathering over a long tormented area of this weary world. Ominous and ugly are the threat and thrust of communism in southeast Asia. The storm may yet be dissipated, but only if the Red regime unmistakably understands that the United States will honor its pledge and assist her SEATO allies in time of peril.

"That is the plain intent of the joint resolution now about to be passed by Congress. Let friend and foe alike understand that we —America— shall keep the faith. Our country stands together in the face of danger. That is the clear meaning of our message. If Communist Asia, even at this late time, carefully assesses the high cost of her contemplated marauding aggressions, peace can return to the lands of her peaceloving neighbors, and the sun will shine again."

2. There is nothing in the resolution or in the debate surrounding its approval to indicate that any action taken since then conflicts with the authority granted by the resolution. In 1964 neither Congress nor the Administration desired nor expected that the North Vietnamese would ignore the statement of purpose contained in the resolution and undertake aggressive action against South Viet-Nam which would necessitate the use of large numbers of U.S. land troops. However, they foresaw this possibility and understood that the resolution supported the use of such power, including the use of land armies if the President should decide them necessary to meet such aggression.

- In his message to the Congress, the President stated:

"As I have repeatedly made clear, the United States intends no rashness and seeks no wider war. We must make it clear to all that the United States is united in its determination to bring about the end of Communist subversion and aggression in the area."

— In his statement to the Committee on Foreign Affairs, Secretary Rusk stated:

"The language, 'to take all necessary steps, including the use of armed force,' is similar to the authority embraced in the Formosa resolution of 1955, the Middle East resolution of 1957, and the Cuba resolution of 1962. The Formosa resolution authorized the President 'to employ the Armed Forces of the United States.' The Middle East resolution stated that the United States was 'prepared to use armed forces.' The nearest parallel to the language of the present resolution is in the first clause of the Cuba resolution, that the United States is 'determined to prevent by whatever means may be necessary, including the use of arms' Cuban subversive activities extending to any part of the hemisphere . . . As I have said before, we cannot now be sure what actions may be required. The Formosa resolution of 1955 was followed by the use of U.S. warships to escort supply convoys to the offshore islands in 1958; the Middle East resolution was followed by President Eisenhower's sending of troops to Lebanon in 1958; the Cuba resolution was followed by the well-known events of October 1962. I do not suggest that

any of these actions may serve as a parallel for what may be required in Southeast Asia. There can be no doubt, however, that these previous resolutions form a solid legal precedent for the action now proposed. Such action is required to make the purposes of the United States clear and to protect our national interests."

- Exchanges between Senators Fulbright and Brewster and Senators Fulbright and Cooper show that the Senate was clear on the extent of the resolution:

Senator Brewster: "is . . . there . . . anything in the resolution which would authorize or recommend or approve the landing of large American armies in Viet-Nam or in China?"

Senator Fulbright: "There is nothing in the resolution that contemplates it . . . That is the last thing we would want to do. However, the language of the resolution would not prevent it. It would authorize whatever the Commander-in-Chief feels is necessary . . ."

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Senator Cooper: "Does the Senator consider that in enacting this resolution we are satisfying that requirement of article IV of the Southeast Asia Collective Defense Treaty? In other words, are we now giving the President advance authority to take whatever action he may deem necessary respecting South Viet-Nam and its defense, or with respect to the defense of any other country included in the treaty?"

Senator Fulbright: "I think that is correct."

Senator Cooper: "Then, looking ahead, if the President decided that it was necessary to use such force as could lead into war, we will give that authority by this resolution?"

Senator Fulbright: "That is the way I would interpret it."

-- Senator Randolph said:

"I believe the President was right in requesting that there be an emphasis in the resolution -- indeed, an expressed determination -- that 'all necessary measures' be taken. In effect, Congressional authority for future military action in Southeast Asia would be delegated to the President -- and properly so -- by this resolution."

-- Representative Fountain said:

"Above everything, let us make as clear as humanly possible our hopes and aspirations for peace and also our determination to fight, if need be, with whatever force may prove necessary, to protect and defend our rights and our freedom and the rights and freedom of our friends."

3. Congress was given no assurance, by Senator Fulbright or anyone else, that the President would not use additional force, including ground forces, in South Viet-Nam, if necessary to defend it from increased aggression. There is no basis for the conclusion that Congress was given assurances that increased U.S. forces would not be used in the event of increased Communist aggression against a SEATO country. This conclusion cannot be drawn from the President's message, from Secretary Rusk's statement, or from any Congressional exchange. Senator Fulbright gave no such assurances in rejecting the Nelson amendment.

- Senator Nelson's amendment would have added the following language to section one of the resolution:

"The Congress also approves and supports the efforts of the President to bring the problem of peace in Southeast Asia to the Security Council of the United Nations, and the President's declaration that the United States, seeking no extension of the present military conflict, will respond to provocation in a manner that is 'limited and fitting.' Our continuing policy is to limit our role to the provision of aid, training assistance, and military advice, and it is the sense of Congress that, except when provoked to a greater response, we should continue to attempt to avoid a direct military involvement in the Southeast Asian conflict."

- From the following exchange on August 6 and from the fact that Senator Nelson asked that the amendment be attached to section one on August 7, it is clear that the intent of Senator Nelson's amendment reflected Senator Nelson's earlier fears that section one would involve us in a preventive war:

Senator Nelson: "Looking at sentence 6 (section 1) of the resolution, I understood it to be in the position of the Senator from Iowa (Mr. Miller) that Congress is saying to the President that we would approve the use of any might necessary in order to prevent further aggression. Am I to understand that it is the sense of Congress that we are saying to the Executive Branch: '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 Viet-Nam if it becomes the judgment of the Executive, the Commander-in-Chief, that this is the only way to prevent further aggression?'"

Senator Fulbright: "As I stated, section one is intended to deal primarily with aggression against our forces . . . This means to me that it is with regard to our own forces. I believe section two deals with the SEATO area, which we are committed to protect under our treaties, particularly when they ask for our assistance."

- It is obvious from that exchange that Senator Fulbright carefully explained the difference between sections one and two to Senator Nelson, as he also had to Senators Miller and Cooper.

Senator Fulbright, in rejecting the Nelson amendment on August 7, could only have understood Senator Nelson to be expressing this earlier concern, since Senator Fulbright had previously explained to Senators Brewster and Cooper that section two in fact would authorize the use of large land armies if necessary to defend against aggression. Thus Senator

Fulbright could tell Senator Nelson that the amendment was not objectionable as a statement of Administration policy, but must be rejected because of the delay in time it would cause.

4. There is no basis for a conclusion that the resolution was to be viable only for the three-month period of the 1964 Presidential campaign.

-- In his message the President said, as Senator Case has quoted:

"The events of this week would in any event have made the passage of a Congressional resolution essential. But there is no additional reason for doing so at a time when we are entering on three months of political campaigning. Hostile nations must understand that in such a period the United States will continue to protect its national interests, and that in these matters there is no division among us."

-- That statement can only be read as meaning that the United States "will continue to protect its national interests" even during an election, not only during an election. Senator Russell's explanation of the resolution removes all doubt as to the Senate's understanding of the duration of the resolution:

"Mr. President, this resolution has precedents in those that were adopted at the time of the crisis in Formosa, at the time of the crisis in the Middle East, and also in connection with Cuba. These other resolutions will be remembered by many members of the Senate . . ."

"Senators refer to the new power which is being granted today. But the power granted to President Eisenhower existed during the tenure in office of John Fitzgerald Kennedy, and resides at this very moment in Lyndon Baines Johnson at the White House —power which is very similar, except for the geographic area involved, to that which we propose to grant today in the case of North Viet-Nam . . ."

"Unless some steps should be taken to cancel it, the power granted in this resolution with respect to the vast difficulties in Viet-Nam —and I do not underestimate them, neither do I undertake to underrate them— will continue for whoever is elected President in November."

5. The President did not take advantage of the restraint and responsibility of the Congress. The Executive consulted and informed Congress carefully both before and after the resolution, Secretary Rusk explicitly recognized this responsibility of the Executive, and the record shows the responsibility was met:

— Senator Dirksen explained to the Senate the consultation which preceded the President's proposal of the resolution:

"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, 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 the 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."

- During his appearance before the Senate Joint Foreign Relations and Armed Services Committees in support of the Southeast Asia Resolution, Secretary Rusk assured the Senators:

"Mr. Chairman, I would like to add one comment to this statement, and that is

that this resolution, and this consultation which the Executive and the Legislative branches are now having in the course of today, will in no sense be the last contact between the Executive and the Legislative branches on these problems in Southeast Asia. There will continue to be regular consultations not only with committees but between the President and the Congressional leaders, and on a bi-partisan basis. That has been the practice of Presidents in this postwar period.

"Therefore, as the Southeast Asia situation develops, and if it develops, in ways which we cannot now anticipate, of course there will be close and continuous consultation between the President and the leaders of the Congress."

- There has been such close and continuous consultation. Since 1964 began:

Secretary Rusk has testified on Viet-Nam 23 times before the Senate Foreign Relations Committee, 17 times before the House Foreign Affairs Committee, and nine times before appropriations or joint committees — a total of 49 appearances. During that time the Under Secretary of State and the Assistant Secretary for the area testified on Viet-Nam 32 times.

Secretary McNamara in that time has testified 92 times when Viet-Nam was discussed.

The total of these appearances is 173 — almost one a week for the period.

6. President Johnson was not taunting the Congress, but simply referring to a power which the Congress explicitly recognized and provided for in debating the resolution.

— In that debate Senator Fulbright said:

"If a situation later developed in which we thought the approval should be withdrawn, it could be withdrawn by concurrent resolution. That is the reason for the third section."

7. It is not correct to say there has been no significant progress toward creating an independent, self-governing society in Viet-Nam. Progress is shown by the following developments in recent years:

- There has been a resurgence of Vietnamese political life, with candidates competing for political office despite the threat of Viet Cong terror.
- Relative political stability was attained in June of 1965 when the government of Prime Minister Ky took office.
- Substantial progress has been made toward constitutional government. The intention to return to constitutional representative government by the end of 1967 was announced at the start of 1966, and both the goal and timetable have been met.
- This remarkable political transformation has included elections for a 117-member Constituent Assembly, elections in which 4.3 million voters (81 percent of the total registration) took part.
- The Assembly produced a constitution which was promulgated by the government, without change.

- Between April and June this year almost 14,000 local officials were elected in 1,000 villages and 4,500 hamlets in rural elections involving some 2.5 million voters.
- In the September 3rd election, 4.8 million voters (83 percent of the total registration) elected a President, a Vice President, and a Senate.
- Elections for the Lower House are scheduled for October 22nd, with some 1,500 candidates running for 137 seats.
- The Lower House elections will complete the transition in less than two years to a constitutional government in South Viet-Nam.
- This political progress has fostered economic development as well:

Price Stability: Inflation has been kept within tolerable limits, although it remains a worrisome problem.

Education: More than 8,500 classrooms have been built and 8,500 teachers trained since 1963. Over eight million textbooks have been distributed.

Medical Care: Medical care is now available to more Vietnamese than ever before. Ten major provincial hospitals have been rehabilitated. 150,000 patients a month are now being treated by 43 free world medical teams in the provinces.

Income: An Agricultural Development Bank opened last spring to bring low-interest credit to the peasant. Through its operations, fertilizer distribution will increase by 50 percent in 1967.

Vietnamese government policies have boosted peasant income. The price the peasant receives for rice has nearly tripled from two years ago.

Land: The government has re-distributed several thousand acres of former state-held land. In addition, 83,000 families have received permanent titles to more than 435,000 acres of land since October 1966.

8. Secretary McNamara did not say that bombing the ports of North Viet-Nam would not be effective, he said it would not be an effective way of stopping the infiltration of supplies into South Viet-Nam. Senator Case failed to observe that Secretary McNamara also said attacks on ports in North Viet-Nam would seriously interfere with North Vietnamese imports of war-supporting materials.

— Noting this on September 26, the same day Senator Case delivered his arguments, Senator McGee countered those arguments by elaborating on Secretary McNamara's remarks:

"First of all, let me say that the Senator's remarks about Secretary McNamara's testimony suggest that it is inconsistent with subsequent actions against the ports in North Viet-Nam. This is incorrect. Senator Case noted Mr. McNamara's statement that attacks on the ports of North Viet-Nam 'would not be an effective means of stopping the infiltration of supplies into South Viet-Nam.' This is, of course, entirely accurate. Because of the other supply routes, both land and water, even the complete closing of the ports could not put a complete stop to this infiltration.

"But Senator Case fails to note that Mr. McNamara also stated that the attacks

on the ports 'would interfere seriously with North Viet-Nam imports of war-supporting materials.' Accordingly, such attacks would serve our paramount purpose of reducing the flow and/or increasing the cost of the continuing infiltration of men and supplies into South Viet-Nam.

"Determinations of the particular targets to be attacked, whether they are ports or other targets, turn on four factors that Mr. McNamara has outlined. These are, first, the value of the target in achieving our objective of making infiltration more difficult and costly; second, its potential cost in the lives of American pilots; third, the risk involved that attacking a particular target might widen the war; and, fourth, the likelihood of civilian casualties. As Mr. McNamara pointed out, the relative weight of these four factors constantly changes as the hostilities continue.

"In the case of the port of Cam Pha, for example, it was found that a bombing attack could be made at a time when there was no foreign shipping in that port. The port could therefore be taken under attack without risk of widening the war. In the case of Haiphong, where there is a steady volume of foreign shipping, the port itself has not been attacked. Instead, attacks have been undertaken in an effort to block the land lines of communication running from the port and thus to cause supplies to pile up and interfere with continued operations.

"Mr. McNamara also pointed out that potential targets in North Viet-Nam are under continuing review and that, as the four controlling factors change in relative significance, decisions on whether or not to take a particular target under attack will also change."

III. The Resolution Did Not Delegate to the President Congress' Power to Declare War

1. Senator Case's comments did not deal directly with the relationship between the power of Congress to declare war and the resolution.
2. A small minority of Congress considered the resolution, in effect, an advance declaration of war. Neither the Administration nor the majority of Congress agreed.

-- During the debate, Senator Morse stated:

"In effect, this joint resolution constitutes an amendment of Article 1, section 8, of the Constitution, in that it would give the President, in practice and effect, the power to make war in the absence of a declaration of war."

-- In the House, Congressman Alger stated:

"I will support the resolution for reasons of unity. However, I have grave reservations involving Congressional abdication of the responsibility in declaring war . . . This resolution does not assure us that the President will come back to Congress . . . before involving this nation further . . ."

- Senator Fulbright explained why a declaration of war would have been inappropriate, and Senator Cooper agreed:

"One of the reasons for the procedure provided in this joint resolution, and also in the Formosa and Middle East instances, is in response, let us say, to the new developments in the field of warfare. In the old days, when war usually resulted from a formal declaration of war—and that is what the Founding Fathers contemplated when they included that provision in the Constitution—there was time in which to act. Things moved slowly, and things could be seen developing. Congress could participate in that way.

"Under modern conditions of warfare—and I have tried to describe them, including the way the Second World War developed—it is necessary to anticipate what may occur. Things move so rapidly that this is the way in which we must respond to the new developments. That is why this provision is necessary or important. Does the Senator agree with me that this is so?"

Senator Cooper: "Yes. Warfare today is different. Time is of the essence. But the power provided the President in section two is great."

- In the House, Congressman Adair stated:

" . . . if we vote for it (the resolution), are we abdicating our Congressional rights and Congressional responsibilities with respect to the declaration of war and with respect to foreign affairs generally?

"This matter was raised in Committee and we were given assurance that it was the attitude of the Executive that such was not the case, that we are not impairing our Congressional prerogatives."

- Congressman Fascell explained the resolution in these terms:

"This resolution does not set a precedent . . . Congress . . . took action similar to that requested today in the Formosa . . . Middle East . . . (and) Cuba crisis.

"This resolution is not a declaration of war . . . Any member who feels that the action supported and authorized in this resolution is not strong enough or does not go far enough can at any time introduce under his own name a resolution declaring war . . .

"This resolution also supports the policy of the United States which we have taken to preserve freedom in Southeast Asia. It authorizes President Johnson to take any further action, including the use of our military force, to assist, on request, any country in Southeast Asia which is within the purview of the Southeast Asia Collective Defense Treaty."

3. The Administration and many members of Congress considered that the President had authority to assist our SEATO allies in defense of our freedoms without any grant of power in section two of the resolution.

- In his remarks to the Committees of both Houses, Secretary Rusk said:

"I shall not take your time this morning to review the constitutional aspects of resolutions of this character. I believe it to be the generally accepted constitutional view that the President has the constitutional authority to take at least limited armed action in defense of American national interests; in at least 85 instances, Presidents of the United States have in fact taken such action."

— The House Report stated:

"As it had during earlier action on resolutions relating to Formosa and to the Middle East, the Committee considered the relation of the authority contained in the resolution and the powers assigned to the President by the Constitution. While the resolution makes it clear that the people of the United States stand behind the President, it was 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. As stated in the Committee report on the Formosa resolution: 'Acting together, there can be no doubt that all the constitutional powers necessary to meet the situation are present.'"

— Several members of the Senate express the view that the President already had constitutional authority to take the action supported by section two.

Senator Kuchel stated that the Middle East and Formosa resolutions "were requested so that all might know that

the people's representatives in this branch of the Government agreed with the Chief Executive . . . with respect to the authority he possessed and the circumstances under which he would be compelled to use his power."

Senator Fulbright stated that he did not think the resolution would be "an expansion of 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 . . . and that we also approve of our country's effort to maintain the independence of South Viet-Nam."

Senator Russell stated that "this resolution does not alter the constitutional separation of responsibility for the conduct of foreign relations, for the command of our Armed Forces and for the establishment and maintenance of our Armed Forces. Instead, the resolution is intended to demonstrate that Congress approves the retaliatory action that has been taken in defense of our flag and our Armed Forces, and that Congress shares in the determination that this country will do everything necessary to defend our national interests, wherever they may be endangered."

Relevant Congressional Remarks

- A. Congressional statements of September, 1967 challenging Senator Case's argument on the extent of the authority covered by the Southeast Asia Resolution.
- B. Senatorial statements made in August, 1967 reflecting understanding of the extent of the authority covered by the Southeast Asia Resolution (statements made at the time of the Fulbright Resolution hearings).
- C. Additional Congressional comments (supporting arguments in II, No. 1) showing that the purpose of the Southeast Asia Resolution was understood at the time of its passage in August, 1964.
- D. Additional Congressional comments supporting arguments in II, No. 2) showing that the extent of the authority covered by the Resolution was understood in August, 1964.
- E. Full text of the exchanges in debate among Senators Fulbright and Miller, Senators Fulbright and Cooper and Senators Fulbright and Nelson (supporting arguments contained in II, No. 3).
- F. Text of Senator Case's speech.

A. Congressional statements of September, 1967 challenging Senator Case's argument on the extent of the authority covered by the Southeast Asia Resolution.

Senator Morse (D - Oregon) (CR-p.S13721 - 9/26/67)

"Mr. President, much has been said in and out of Congress in recent weeks that seeks to shift from Congress to the President the blame for what has been done in South Viet-Nam under the Tonkin Gulf resolution . . . "

"In my opinion, there never was anything obscure or misleading about the language of the Tonkin Gulf resolution, or what it authorized. It authorized the President to do whatever he deemed necessary to prevent aggression. . . "

"That language reminded me at the time of nothing more than Abraham Lincoln's explanation to his friend of why he voted against a resolution giving similar powers to President Polk to use against Mexico. 'See if you can find any limits to it,' he said.

That is true, too, of the Tonkin Gulf resolution. It is unlimited. The language in it now is the same as it was in August of 1964, when it was considered and debated on this floor, and in the other body.

For at least 2 days, my colleague from Alaska and I asked Senators, in effect, if they could see any limits to the Tonkin Gulf resolution. We asked what was meant by the word 'aggression' itself; we asked what was meant by the word 'prevent' aggression; we asked what country or countries were meant whose aggression we would prevent; we asked where and in what period of time, the authority it tried to vest in the President could be exercised. . . "

"I am very much at a loss to understand what reasonable justification there is now for anyone to say he was 'brainwashed' about our policy in Viet-Nam, as one supposed candidate for the nomination for the Presidency has been saying or for anyone to stand on the floor of the Senate and question the President's sincerity or motivation in regard to the Tonkin Gulf resolution. He has acted in the open, foursquare. He has told us exactly what the resolution meant from the very beginning; and he has told us on other occasions that as long as it is on the books, he intends to follow the decision of Congress in passing the resolution.

Mr. President, the sad truth is that the resolution sought to give congressional sanction in advance to just about anything the President did in Southeast Asia or anywhere else, for congressional support of his measures to 'prevent further aggression' does not even say 'prevent it in Asia.' It does not say the aggression must be against the United States nor against our Armed Forces.

The Senator from Arkansas (Mr. Fulbright) -- who was referred to by the Senator from New Jersey today, and as to whom I believe that the Senator from New Jersey is mistaken as to what he, the Senator from Arkansas, sought to represent to the Senate -- has stated since that he made a mistake in the manner in which he handled that resolution in the Senate. He has not tried to shift blame to others. But among all the other critics who deplore what has been done under it, I have not heard anyone else state that they themselves erred, or were wrong, or failed to give the resolution the attention it deserved . . . "

"As one who has criticized the passage of the resolution, and who seriously disagreed with the President for offering the resolution, I wish to say, however, that I think it is unfair to criticize the sincerity, the dedication, and the motivation of the President of the United States in offering the Tonkin Gulf resolution.

If we do not like it we should change it. The President has made clear that as long as it remains on the books, he intends to follow it. And the checking power rests in the Senate."

Senator Gruening (D - Alaska) (CR-p.S13603 - 9/26/67)

"Mr. President, I read with much interest the press release and listened with much interest to the comments of the distinguished senior Senator from New Jersey. I would say that as one of the two Members of Congress who voted against the Gulf of Tonkin resolution, it seemed to me that in giving the President the right to use armed force anywhere in Southeast Asia as he saw fit, the language of that resolution was explicit. It was not made in fine print. It was made in the same kind of print as the whole resolution."

Senator Dirksen (R - Illinois) (CR-p.S13605 - 9/26/67)

"How could 533 Members of the Senate and the House of Representatives be kidded or deceived with respect to the language that was before us? It was our business to examine it. There are enough lawyers in this body, I must say -- probably two-thirds of us -- to know that it is the language that governs; and they ought not to complain afterwards if the language rises up and hits them in the face.

I shall not remark about any other thing in this statement except to defend Congress, because I believe the Members of Congress knew what they were doing; they knew what the implications were; and if they did not, it is a pretty tragic confession, and might well cause the American people to go back and reexamine their consciences about the fitness of people to sit in this body if they failed to understand when language so ominous in nature, on a background of simple, well-understood facts, was before us, with all those implications. If we had any imagination whatsoever, we might well have known what could happen."

Senator Lausche (D - Ohio) (CR-p.S13617 - 9/26/67)

Mr. President, in the discussion which took place here this afternoon, charges were made that the President of the United States has exceeded his authority as granted under the Tonkin Gulf resolution. I disagree completely with those charges. I have been in disagreement with the President in many instances, but I do not hesitate to stand by his side when charges are made against him that are completely unjustified."

Senator Long (D - Missouri) (CR-p.S13618 - 9/26/67)

"Mr. President, nobody fooled and nobody tried to fool the Senator from Louisiana. I was on the floor debating the interest equalization tax at the time the President asked some Members of Congress to come down and consult about what should be done with regard to the attack on our ships in the Gulf of Tonkin. The President responded without any resolution of Congress; he had the authority to respond. He well knew what the situation

was in South Viet-Nam; and he asked for a resolution which approved of the strong position this Nation took under the leadership of President Johnson.

It went further. I now quote the language of the resolution as quoted by the Senator from New Jersey:

'Congress approves and supports 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.'

Mr. President, any Senator who did not know what those words 'repel further aggression' meant, may I say, certainly must not have been around this body very long. I had previously voted on resolutions of this sort time and again. Sometimes I held my breath, feeling that such action could very well mean the beginning of a very big war.

Some of those resolutions, may I say, were dictated in advance by the position that the Republican Party had taken during the Korean war. I recall speeches by the late Senator Robert Taft, taking the position that what President Truman did in Korea was right, but that he should have come to Congress for a resolution before he did it. In this instance, President Johnson asked Congress for the resolution, and sent it up.

I have heard Senators who had a direct responsibility with regard to the consideration of it say time and again that they understood what that resolution meant, and I certainly did: That it gave the President the authority, in advance, that he needed to fight the kind of war that we are fighting.

We are not planning to land our Armed Forces on the shores of North Viet-Nam. There is no intention of doing that. There are a lot of things that we could be doing that we are not doing; but we are taking the steps that this Nation deems necessary to resist aggression there."

Senator McGee (D - Wyoming) (CR-p.S13610 - 9/26/67)

"The Tonkin Gulf resolution states that --

'The United States is, therefore, prepared as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.'

The quoted portion thus authorizes the President to act -- using armed force if he determines that it is necessary -- to assist South Viet-Nam at its request in defense of its independence. The identification of South Viet-Nam through the reference 'protocol state' is unmistakable and the granting of authority to use armed force 'as the President determines' is unequivocal.

There was full and effective consultation by the President and senior administration officials with the congressional leadership."

C

B. Senatorial statements made in August, 1967 reflecting understanding of the extent of the authority covered by the Southeast Asia Resolution. (Statements made at the time of the Fulbright Resolution hearings.)

Senator Lausche (D - Ohio) (8/17/67)

"We contend a foggy mental approach to what happened, although the fact is that we knew the English language, we knew what the Tonkin Bay Resolution contained, and we knew that it gave the President the power to act in all respects necessary to carry into effect the main powers that we granted him."

Senator Lausche (8/22/67)

"Mr. President, it has been alleged that the Congress must act on its own. It has been said this is an undeclared war prosecuted by the President. It further has been said that the President is incorrect in saying he can do as he pleases. Moreover, the statement has been made that we have the largest defense budget in the history of our Nation.

Mr. President, in the last several days the discussion in the Committee on Foreign Relations has been: What authority did we give to the President in the Tonkin resolution in 1964? It is that subject that I wish to discuss with Senators to refresh their memories as to exactly what happened. I shall proceed immediately to the discussion which took place on August 6, 1964. I submit, Mr. President, that this discussion is of the most vital importance, and is concerned with the problem confronting the people of our Nation today.

Is the President violating his authority? Has he usurped powers which do not belong to him? If he has usurped powers he should be impeached, but I respectfully say to Senators that an examination of what took place on August 6, 1964, will show clearly that the President is acting completely within the authority given to him by the Tonkin resolution. I shall now proceed to read what took place on August 6, 1964. The proceedings are carried in the Congressional Record: . . . "

"I now skip a bit of the discussion and I go down to the most important part of what took place.

This is the Senator from Maryland (Mr. Brewster) speaking:

"I had the opportunity to see warfare not so very far from this area, and it was very mean. I would look with great

dismay on a situation involving the landing of large land armies on the Continent of Asia. So my question is whether there is anything in the resolution which would authorize or recommend or approve the landing of large American armies in Viet-Nam or in China.'

Now the query is, What did the Chairman of the Foreign Relations Committee answer? What did the manager of the bill say?

Mr. President, I want you to listen carefully to what was said:

'There is nothing in the resolution, as I read it, that contemplates it.'

That is, the landing of forces in the land area of South Viet-Nam or in the land area of China.

The manager of the bill went on to say:

'I agree with the Senator that that is the last thing we would want to do -- .'

.

Would not prevent what? The landing of forces in South Viet-Nam and if necessary in China.

I did not agree with that. That is what the chairman answered thus far.

'However, the language of the resolution would not prevent it. It would authorize whatever the Commander in Chief feels is necessary.'

Who is the Commander in Chief? The President of the United States.

The chairman, or the manager of the bill, further answering:

'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.'

What is the meaning of that statement? The action taken should be commensurate with the demands of the circumstances existing at the time that the action is taken.

The manager of the bill further speaking:

'This kind of question should more properly be addressed to the chairman of the Armed Services Committee. Speaking for my own committee, everyone I have heard has said that the last thing we want to do is to become involved in a land war in Asia.'

That is the last thing that I want to do. It is the last thing that the President wants to do.

'That our power is sea and air, and that this is what we hope will deter the Chinese Communists and the North Viet-Nameese from spreading the war. That is what is contemplated.'

This is the final sentence --

'The resolution does not prohibit that, or any kind of other activity.'

I think the Senator from Maryland remembers the question being asked, and he understands that that is the answer that was given to him. It was not in conformity with what he hoped would be the answer but it was, nevertheless, the answer that the President was given full power to assign the troops of the United States in Southeast Asia in a manner that would meet the circumstances that existed.

Then Senator Morton, who is not here now, addressing the Presiding Officer, said:

'Mr. President, first, I say to the distinguished Senator from Arkansas that I approve the action that has been taken, and I approve this resolution. On the matter which was the subject of the colloquy between the chairman of the Foreign Affairs Relations Committee and the distinguished Senator from Louisiana, can we not associate our presence in the Gulf of Tonkin to a degree with our own interpretation of our obligations under the SEATO Treaty?'

Senator Ellender, according to my recollection, questioned whether or not there was a definite attack by North Viet-Nam upon our ships in the Tonkin Gulf. The query at that time was, Did we falsify? Did we deliberately claim that we were attacked when in fact we were not?

I continue reading:

'Mr. Fulbright. Yes; I made mention of it. That is a further responsibility that we undertook in aligning ourselves with other countries in trying to bring peace and stability into this area. That was another obligation which we undertook. It fortifies our right on responsibility for being in the Gulf of Tonkin.'

.

In summary, I say to this body, while I have been in disagreement with the President, while he has rejected my recommendations, in my opinion, under the Tonkin resolution he was given the full authority that is now exercising."

Senator Cooper (R - Kentucky) (8/17/67 - in the CR)

"The second section was a broad power. It did give to him /the President/ the authority to take any means necessary that he thought proper, including the use of armed forces, to resist aggression against South Viet-Nam. I did raise the question on the floor that day that we were not under the SEATO Treaty authorizing President Johnson in advance to engage our forces in South Viet-Nam and to attack ports and cities in North Viet-Nam.

I can only state for myself I believe that we were giving him a large authority. We all expressed the hope that it would be used properly. So I must say for myself, I think that the Congress gave large powers under that resolution."

C. Additional Congressional comments (supporting arguments in II, No. 1) showing that the purpose of the Southeast Asia Resolution was understood at the time of its passage in August, 1964.

Representative Kelly (D - New York) (CR-p.18551 - 8/7/64)

.....

"At the same time, however, it should be clear to all -- especially to the Communist powers of Asia -- that the United States will not hesitate to take such additional measures as may be necessary to frustrate Communist expansionist ambitions,"

.....

"Our resolve on this point was evidenced in our prompt and vigorous response to the unprovoked North Vietnamese attacks upon our naval ships.

It is further evidenced in the resolution before the House today -- a resolution which both endorses the action already taken by President Johnson and expresses the approval of the Congress for the President's determination to take such further steps as may be necessary to restrain and repel Communist aggression in that part of the world.

In the interest of the cause of peace, we should -- we must approve this resolution promptly and overwhelmingly."

.....

Representative Broomfield (R - Michigan) (CR-p.18544 - 8/7/64)

"Unless the South Vietnamese, with our help, are able to hold the line and prevent the Communist vise from closing on Southeast Asia, that part of the world could quickly swing from the side of freedom to the half life of a Red puppet state.

.....

It is for these reasons that our Nation cannot vacillate now. We must make it abundantly clear to the world that we realize the importance of this area to our future and to that of the free world.

It is for these reasons that we applaud the actions of our President in meeting this threat quickly and decisively. It is for this reason that the Congress of the United States, in this joint resolution, must stand behind the President and demonstrate our determination to stand up for freedom and stop aggression wherever we find it."

.....

Representative Morgan (D - Pennsylvania) (CR-p.18539 - 8/7/64)

"The second section highlights U.S. policy in Southeast Asia. It emphasizes that the United States regards as vital to its national interest and to world peace, the maintenance of international peace and security in that area. Subject to the Constitution of the United States, and consonant with the U.N. Charter, as well as our obligations under the Southeast Asia Collective Defense Treaty, approval is expressed for the President to take all "necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom." The "protocol states" are Laos, Cambodia, and South Vietnam. It would apply, at present, only to South Vietnam, as Cambodia has eliminated itself voluntarily, and Laos would be inhibited by provisions of the 1962 accords."

.....

Representative Bolton (R - Ohio) CR-p.18542 - 8/7/64)

.....

"Let us be clear what we are doing if we pass this resolution. We are not establishing a precedent. On four previous occasions, dating back to 1955, the Congress has recognized that an expression of its approval and support for the President in moments of international tension has served a salutary purpose in his conduct of international affairs.

Our adversaries have already put their propaganda machines to work and we need to make our stand very clear. Every honorable approach that will assist the peoples of Southeast Asia to live and work in peace will be fully and candidly examined. At the same time we serve notice that we are prepared to use our military strength to repel with whatever degree of force is necessary any attacks upon our forces.

As you know, the immediate purpose of this resolution arose out of attacks upon ships engaged in routine patrol in the Gulf of Tonkin."

.....

Representative Albert (D - Oklahoma) (CR-p.18542 - 8/7/64)

"Mr. Speaker, this resolution supports the determination of the President of the United States to take all necessary measures, including the use of armed force, to repel any armed attack on forces of the United States. to prevent further aggression, and to defend the peace and security of Southeast Asia."

.....

Representative Frelinghuysen (R - New Jersey) (CR-p.18543 - 8/7/64)

"Do I correctly understand that section 2 of this resolution does constitute an implementation of article IV of the Southeast Asia Collective Defense Treaty itself?"

Representative Adair (R - Indiana) (CR-p.18543 - 8/7/64)

"It does so."

D. Additional Congressional comments (supporting arguments in II, No. 2) showing that the extent of the authority covered by the resolution was understood in August, 1964.

Senator Cooper (R - Kentucky) (CR-p.18417 - 8/6/64)

.....

"Earlier, I raised questions about the second section of the joint resolution, although I know it is practically impossible to separate the objectives of the first section from those of the second section. In response to my questions, the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas (Mr. Fulbright) and I believe, the chairman of the Armed Services Committee, the Senator from Georgia (Mr. Russell), confirmed my viewpoint that in passing this joint resolution we would satisfy the conditions of the SEATO treaty, and would exercise our constitutional function to give the President of the United States authority to do what he determines may be proper and necessary with respect to any situation which affects our security in South Vietnam."

.....

Senator Lausche (D - Ohio) (CR-p.18419 - 8/6/64)

"Section 2 has been rather widely discussed this afternoon. I wish at this time to call attention to certain articles of that section. It deals solely with the Southeast Asia Collective Defense Treaty, SEATO. It empowers the President to determine, limited by the authority of SEATO, what action we shall take in protecting the rights of the members of SEATO."

.....

Now I get down to what I term to be the significant aspect of section 2 of the resolution. To the President, Congress assigns the rights that are vested in Congress itself. In the event there is an attack upon an allied country, the United States is obligated to come to its aid against that attack (provided such an attack in the opinion of the United States endangers the security of the United States). I have discussed this aspect of the problem, because today a number of Senators asked questions implying that it was their belief that if South Viet-Nam attacked North Viet-Nam, under the SEATO treaty we were obligated

to give South Viet-Nam help. That is not true. We are not obligated at all. We obligated only when an attack has been made by North Viet-Nam on South Viet-Nam. That attack must be in an offensive, and of course, belligerent nature."

Representative Barry (R - New York) (CR-p.18548 - 8/7/64)

.....

"The consequences of U.S. action might be entirely different from something that we may expect, because the Chinese may not fully understand what we intend. Chinese retaliation depends on how our thoughts and actions are adjudged in Peiping. This could very well develop into a mass movement of troops into Laos, a move into Burma, or even a move into India. Any of these might be the response of the action taken by the U.S. Government. I point this out so that we may understand the consequence of the action that we are taking.

Nevertheless I uphold the action that we are taking. We have been struck and we should strike back.

It is obvious that these attacks by the North Vietnamese on the U.S. naval vessels are related directly to the persistent policy of aggression of the North Vietnamese Communist regime. They were not isolated events, but part of a continuing drive to control and eventually dominate Southeast Asia."

Representative Zablocki (D - Wisconsin) (CR-p.18545 - 8/7/64)

.....

"We seek no territorial gain -- nor any spheres of influence in Southeast Asia -- but we are determined to resist with power appropriate to the occasion, any attempt on the part of the Communist regimes of Asia to enslave these free countries.

The measure before the House expresses our resolve. Its meaning should be clear to all. Its adoption by the House should put to rest any doubts about our national will and determination on this issue."

E. Full text of the exchanges in debate among Senators Fulbright and Miller, Senators Fulbright and Cooper and Senators Fulbright and Nelson (supporting arguments contained in II, No. 3).

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Mr. MILLER. I also support the resolution. However, there is some phraseology in the resolution which troubles me somewhat. I should like to ask a question about it. On page 2 of the resolution, there is a clause which reads:

That the Congress approves and supports the determination of the President . . . to prevent further aggression.

I was wondering whether there was any particular design in the wording of that clause, or if we intend to not only talk about further aggression, but also the President's determination to put an end to present aggression?

Mr. FULBRIGHT. That whole phrase reads—

. . . to take all necessary measures to repel any armed attack—

That is one we have just had— against the forces of the United States and to prevent further aggression.

I am sure that we took action calculated to prevent further aggression, because it was a very good, positive, and affirmative action.

Mr. MILLER. It is left open. It does not say aggression against whom. It is broad enough so that it could mean aggression against the United States, or aggression against the South Vietnamese Government, which I would suggest certainly fits in with the President's determination—

Mr. FULBRIGHT. I believe that both are included in that phrase.

Mr. MILLER. I would hope so.

Mr. FULBRIGHT. I would so take it.

Mr. MILLER. If that is so, then we are talking about further aggression against the South Vietnamese, but it

seems to me that we should be talking about present aggressive action. We should be talking about the President's determination to put an end to present aggression as well as further aggression. I am sure that this is his determination, but I do not believe that we have said it. I merely call this to the attention of the Senator from Arkansas, because I thought it was perhaps—

Mr. FULBRIGHT. I do not believe that the Senator should look solely at that part. Section 2 is important and is related to this question.

Mr. MILLER. Section 2—it covers it very well. My own regret is that we do not also cover it in the first part of the resolution.

Mr. FULBRIGHT. Would that not be unduly repetitive and make the resolution longer than necessary? The original resolution proposed to certain members of both committees was quite long and involved. On the advice of members of the committee, the Department cooperated in reducing the resolution to what we thought would be its bare essentials, both as to its "whereas" clauses and to the resolution itself. We thought it would be much clearer and more positive to make it as concise and limited as possible. If there is fault to be found with the resolution because it is too limited, I believe that I, along with some of my colleagues, must bear a part of that responsibility.

Mr. MILLER. I know that it is difficult to draft a resolution of this kind to satisfy everyone and keep it concise. I know that conciseness is a virtue, but all I should like to do is to point out what I have done and, also, to inquire whether there will be any change in the resolution. I leave that up to the distinguished chairman of the committee. I affirm the opinion of the Senator from Arkansas that we are supporting the President's determination not only to prevent further aggression, but also to put an end to present aggression. I would appreciate his expression on that policy.

Mr. FULBRIGHT. Section 1 deals, in general, with the attacks on U.S. forces and the aggression against us. Section 2 deals with the attacks on SEATO, of which we are a part. We have a dual role. We are a sovereign power. Our forces are in the Gulf of Tonkin, and the aggression there is one thing. We are also part of SEATO. This is not spelled out, but that is the general idea, I believe, that is expressed in the two sections.

Mr. MILLER. But there is no intention expressed other than to prevent further aggression and stop the present aggression in southeast Asia.

Mr. FULBRIGHT. That is correct.

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Mr. COOPER. I thank the Senator. I ask these questions for two reasons: One is to get the opinion of the chairman of the Foreign Relations Committee and of the chairman of the Armed Services Committee as to the extent of the powers that are given to the President under the resolution. The second is to distinguish between a situation in which we act in defense of our own forces, in which withdrawal question we would risk war, and the commitment to defend South Vietnam.

My first question goes to the first section of the resolution—the operative part which, as the chairman has said, applies to any armed attack or any aggression directed against the forces of the United States.

Mr. FULBRIGHT. That is correct.

Mr. COOPER. In that case, of course, we confirm the power that the President now has to defend our forces against an immediate attack.

Mr. FULBRIGHT. The Senator is a very distinguished lawyer, and I therefore hesitate to engage in a discussion with him on the separation of powers and the powers of the President. 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.

Mr. COOPER. I understand that, too. In the first section we are confirming the powers.

Mr. FULBRIGHT. We are approving them. I do not know that we give him anything that he does not already have. Perhaps we are quibbling over words.

Mr. COOPER. We support and approve his judgment.

Mr. RUSSELL. Approve and support.

Mr. FULBRIGHT. Approve and support the use he has made of his powers.

Mr. COOPER. The second section of the resolution goes, as the Senator said, to steps the President might take concerning the parties to the Southeast Asia Collective Defense Treaty and the coun-

tries under the protocol—which are, of course, Laos, Cambodia, and South Vietnam. The Senator will remember that the SEATO Treaty, in article IV, provides that in the event an armed attack is made upon a party to the Southeast Asia Collective Defense Treaty, or upon one of the protocol states such as South Vietnam, the parties to the treaty, one of whom is the United States, would then take such action as might be appropriate, after resorting to their constitutional processes. I assume that would mean, in the case of the United States, that Congress would be asked to grant the authority to act.

Does the Senator consider that in enacting this resolution we are satisfying that requirement of article IV of the Southeast Asia Collective Defense Treaty? In other words, are we now giving the President advance authority to take whatever action he may deem necessary respecting South Vietnam and its defense, or with respect to the defense of any other country included in the treaty?

Mr. FULBRIGHT. I think that is correct.

Mr. COOPER. Then, looking ahead, if the President decided that it was necessary to use such force as could lead into war, we will give that authority by this resolution?

Mr. FULBRIGHT. That is the way I would interpret it. If a situation later developed in which we thought the approval should be withdrawn, it could be withdrawn by concurrent resolution. That is the reason for the third section.

Mr. COOPER. I ask these questions—

Mr. FULBRIGHT. The Senator is properly asking these questions.

Mr. COOPER. I ask these questions because it is well for the country and all of us to know what is being undertaken.

Following up the question I have just asked and the Senator's answer, I present two situations that might arise.

Under the first section of the joint resolution, the President is supposed and approved in action he may take to repel any armed attack against the forces of the United States and to prevent further aggression."

It has been reported that we have already sent our planes against certain ports in North Vietnam. I am sure that the reason is "to repel armed attack and to prevent further aggression" against U.S. forces.

Under section 2, are we now providing the President, if he determines it necessary, the authority to attack cities and ports in North Vietnam, not primarily to prevent an attack upon our forces but, as he might see fit, to prevent any further aggression against South Vietnam?

Mr. FULBRIGHT. One of the reasons for the procedure provided in this joint resolution, and also in the Foraker and Mideast instances, is in response, let us say, to the new developments in the field of warfare. In the old days, when war usually resulted from a formal declaration of war—and that is what the Founding Fathers contemplated when they included that provision in the Constitution—there was time in which to

act. Things moved slowly, and things could be seen developing. Congress could participate in that way.

Under modern conditions of warfare—and I have tried to describe them, including the way the Second World War developed—it is necessary to anticipate what may occur. Things move so rapidly that this is the way in which we must respond to the new developments. That is why this provision is necessary or important. Does the Senator agree with me that this is so?

Mr. COOPER. Yes, warfare today is different. Time is of the essence. But the power provided the President in section 2 is great.

Mr. FULBRIGHT. This provision is intended to give clearance to the President to use his discretion. We all hope and believe that the President will not use this discretion arbitrarily or irresponsibly. 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.

Mr. COOPER. I understand, and believe that the President will use this vast power with judgment.

Mr. FULBRIGHT. He intends to do it, and he has done it.

Mr. COOPER. I do not wish to take more time now, because the distinguished Senator from Georgia wishes to speak, and I want to hear him.

Mr. FULBRIGHT. I have no doubt that the President will consult with Congress in case a major change in present policy becomes necessary.

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[August 6, 1964]

MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTHEAST ASIA

PRESENT POLICY

Mr. NELSON. As I understand, the mission of the United States in South Vietnam for the past 10 years--stating it in the negative--has not been to take over the Government of South Vietnam, and has not been to provide military forces to do battle in place of South Vietnamese forces. To state it in the positive sense, our mission has been to supply a military cadre for training personnel, and advisory military personnel as well as equipment and materiel--our objective being to help in the establishment of an independent stable regime. And, if my memory is right, we had about 1,000 troops there the first 5 or 6 years, up to 1960. There are now approximately 16,000 troops there. In addition, it is now proposed that this number be expanded to, I believe, 21,000.

Looking at sentence 6 of the resolution, I understood it to be the position of the Senator from Iowa [Mr. MAHON] that Congress is saying to the President that we would approve the use of any might necessary in order to prevent further aggression. Am I to understand that it is the sense of Congress that we are saying to the executive branch: "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?"

Mr. FULBRIGHT. As I stated, section 1 is intended to deal primarily with aggression against our forces. "That the Congress approves and supports 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 means to me that it is with regard to our own forces. I believe section 2 deals with the SEATO area, which we are committed to protect under our treaties, particularly when they ask for our assistance.

the situation should deteriorate to such 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 to put a large land army on the Asian Continent.

It has been a sort of article of faith ever since I have been in the Senate, that we should never be bogged down. We particularly stated that after Korea. We are mobile, we are powerful on the land and on the sea. 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 what the limits are, I do not think this resolution can be determinative of that fact. I think it would indicate that he would take reasonable means first to prevent any further aggression, or repeal further aggression against our own forces, and that he will live up to our obligations under the SEATO treaty and with regard to the protocol states.

I do not know how to answer the Senator's question and give him an absolute assurance that large numbers of troops would not be put ashore. I would deplore it. And I hope the conditions do not justify it now.

Mr. NELSON. We may very well not be able to nor attempt to control the discretion that is vested in the Commander in Chief. But the joint resolution is before the Senate, sent to us, I assume, at the request of the executive branch.

Mr. FULBRIGHT. The Senator is correct.

CLARIFICATION OF INTENTION

Mr. NELSON. It was sent to the Congress in order to ascertain the sense of the Congress on the question. I intend to support the joint resolution. I do not think, however, that Congress should leave the impression that it consents to a radical change in our mission or objective in South Vietnam. That mission there for 10 years, as I have understood it, has been to aid in the establishment of a viable, independent regime which can manage its own affairs, so that ultimately we can withdraw from South Vietnam.

Mr. President, we have been at the task for 10 years. I am not criticizing the original decision to go into South Vietnam. I do not know how long that commitment should be kept in the event we are unable to accomplish our mission. And I would not wish to make a judgment on that question now. But I would be most concerned if the Congress should say that we intend by the joint resolution to authorize a complete change in the mission which we have had in South Vietnam for the past 10 years, and which we have repeatedly stated was not a commitment to engage in a direct land confrontation with our Army as a substitute for the South Vietnamese Army or as a substantially reinforced U.S. Army to be joined with the South Vietnamese Army in a war against North Vietnam and possibly China.

Mr. FULBRIGHT. Mr. President, it seems to me that the joint resolution would be consistent with what we have been doing. We have been assisting the countries in southeast Asia in pursuance of the treaty. 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.

The Senator from Wisconsin prompts me to make a remark which perhaps I should not make. He has said 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. That question goes back to the beginning of action in this area, and I do not believe it is particularly pertinent or proper to the debate, because in fact we have become involved. However, the Senator has mentioned it. As an academic matter, the question might be raised. But having gone as far as we have in 10 years, it seems to me that the question now is, How are we to control the situation in the best interest of our own security and that of our allies? I believe that what we did was appropriate. The joint resolution is appropriate, because it would fortify the strength of the Executive and the Government. It would put the Congress on record--and we are the most representative body that we have under our system--as supporting the action. If anything will deter aggression on the part of the North Vietnamese and the Chinese, I believe it would be the action taken together with the joint resolution supporting the action. That is the best I can do about justification of the resolution. 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. Our recourse in Congress would be that if the action were too inappropriate, we could terminate the joint resolution, by a concurrent resolution, and that would precipitate a great controversy between the Executive and the Congress. As a practical question, that could be done.

Mr. NELSON. I have a couple of additional questions. But first I wish to say that I did not suggest that by the use of hindsight I would now conclude that the intervention in 1954 was wrong. I do not know. I understand the necessity for the United States, since it is the leader of the free world, to do all it can in furtherance of the protection of the idea of freedom and independence, and that, to do so, we must make gambles. We shall lose some; we shall win some. I believe the public is slow to recognize that we have vast responsibilities, and they expect us to win every gamble that we take. I do not expect that. And I do not now rise here to criticize the original decision.

But I am concerned about the Congress appearing to tell the executive branch and the public that we would endorse a complete change in our mission. That would concern me.

Mr. FULBRIGHT. I do not interpret the joint resolution in that way at all. It strikes me, as I understand it, that the joint resolution is quite consistent with our existing mission and our understanding of what we have been doing in South Vietnam for the last 10 years.

Mr. NELSON. Did I correctly understand the Senator from Arkansas to say a while ago that the language of the resolution is aimed at the problem of further aggression against our ships and our naval facilities?

Mr. FULBRIGHT. I think that is the logical way to interpret the language. It makes reference to the armed attack against the forces of the United States which has just taken place, and to prevention of further aggression against our forces. Then the joint resolution

passes on to our obligations under the treaty, which involves other countries.

I believe also that it is implicit, if not explicit, in the next section that the intent is to prevent the continuing aggression that now exists against South Vietnam.

8/7/64

Congressional Record

p. 18458-59

NELSON'S AMENDMENT

Mr. NELSON. In view of the differing interpretations which have been put upon the joint resolution with respect to what the sense of Congress is, I should like to have this point clarified. I have great confidence in the President. However, my concern is that we in Congress could give the impression to the public that we are prepared at this time to change our mission and substantially expand our commitment. If that is what the sense of Congress is, I am opposed to the resolution. I therefore ask the distinguished Senator from Arkansas if he would consent to accept an amendment, a copy of which I have supplied him. I shall read it into the Record:

"On page 2, line 3, after the word 'That' insert '(a)'."

"On page 2, between lines 6 and 7, insert the following:

"(b) The Congress also approves and supports the efforts of the President to bring the problem of peace in southeast Asia to the Security Council of the United Nations, and the President's declaration that the United States, seeking no extension of the present military conflict, will respond to provocation in a manner that is 'limited and fitting'. Our continuing policy is to limit our role to the provision of aid, training assistance, and military advice, and it is the sense of Congress that, except when provoked to a greater response, we should continue to attempt to avoid a direct military involvement in the southeast Asian conflict."

This amendment is not an interference with the exercise of the President's constitutional rights. It is merely an expression of the sense of Congress. Would the Senator accept the amendment?

Mr. FULBRIGHT. It states fairly accurately what the President has said would be our policy, and what I stated my understanding was as to our policy; also what other Senators have stated. In other words, it states that our response should be appropriate and limited to the provocation, which the Senator states as "respond to provocation in a manner that is limited and fitting," and so forth. We do not wish any political or military bases there. We are not seeking to gain a colony. We seek to insure the capacity of these people to develop along the lines of their own desires, independent of domination by communism.

The Senator has put into his amendment a statement of policy that is unobjectionable. However, I cannot accept the amendment under the circumstances. I do not believe it is contrary to the joint resolution, but it is an enlargement. I am informed that the House is now voting on this resolution. The House joint resolution is about to be presented to us. I cannot accept the amendment and go to conference with it, and thus take responsibility for delaying matters.

I do not object to it as a statement of policy. I believe it is an accurate reflection of what I believe is the President's policy, judging from his own statements. That does not mean that as a practical matter I can accept the amendment. It would delay matters to do so. It would cause confusion and require a conference, and present us with

all the other difficulties that are involved in this kind of legislative action. I regret that I cannot do it, even though I do not at all disagree with the amendment as a general statement of policy.

Mr. NELSON. Judging by the Record of yesterday, many Senators do not interpret the resolution in the same way.

Mr. FULBRIGHT. Senators are entitled to have different views. However, most members of the committee, with one or two exceptions, interpret it the same way.

INTERPRETATION

Mr. NELSON. Mr. President, I have read the Record. There was some colloquy on the floor yesterday. I noticed that every Senator who spoke had his own personal interpretation of what the joint resolution means.

One Senator yesterday stated for the Record that he understands the resolution to mean that there will be no more privileged sanctuaries.

Another Senator interprets the resolution to mean that it would authorize the Chief Executive to eliminate any aggression, future and present. Some Senators interpret this language to mean aggression against South Vietnam; others interpret it to mean aggression directly against our military forces.

Another Senator interpreted the joint resolution to mean that it is the sense of Congress that no change is suggested by Congress in the present mission in South Vietnam—the mission that has been ours for 10 years, which is to supply advisers, technical advice, and materiel, for the purpose of attempting to encourage the establishment of an independent, viable regime, so that we can withdraw our forces; and that it has not

been our mission in the past 10 years to substitute our military forces for the South Vietnamese forces, nor to join with them in a land war, nor to fight their battle for them, nor to substitute our Government for theirs.

This 10-year-old limited mission can be legitimately defended as a responsibility of ours to assist free and independent nations; and it can be legitimately questioned, too, because of the geographic location of that mission.

In any event, I am most disturbed to see that there is no agreement in the Senate on what the joint resolution means. I would like to see it clarified.

F. Text of Senator Case's speech.

THE TONKIN GULF RESOLUTION

Mr. CASE. Mr. President, for those observers of the passing scene to whom politics is little more than a cheap game in which one man or one group tries to advantage itself at the expense of another, the distress of Congress over the administration's continuing misuse of the Tonkin Gulf resolution means only that a crafty President has again put it over on the stupid Members of Congress.

How stupid you Members are and were, they say, not to have known that Lyndon Johnson would extract the last ounce of advantage from the situation he so cleverly put you in.

What this glib view so conveniently ignores, however, is that the American political system requires mutual confidence and trust between the President and Congress, just as it requires confi-

dence on the part of the people in the President and Congress.

This is important in tranquil times. It is essential in times of stress like the present. Yet, in somber fact, the Johnson administration's handling of the war in Vietnam since 1964 has produced a crisis of confidence.

The basic anxiety of Americans, in and out of Congress, by no means rests solely on rising casualty lists or the increased money cost of the war or its diversion of resources and energy from urgent domestic needs—critical as these are.

The people's anxiety, and that of Congress, too, springs perhaps in greatest part from a growing conviction that the administration is not telling them the truth.

I have pointed out before that the administration's continuing assurances of progress in Vietnam simply do not square with the cold fact that toward our basic objective—that of creating an independent self-governing society supported by its citizens—there has been no significant progress at all.

This week, for example, U.S. News & World Report, in a well-balanced appraisal of the Vietnam war, points up the continuing failure of the South Vietnamese to do the job only they can do—to bring security to the countryside. The writer concludes that "unless there are major changes in the way things are going—particularly, changes in the South Vietnamese Army—the United States will continue to be dragged steadily into a long, frustrating job of occupation."

I ask unanimous consent that the article, entitled "A Fresh Look at the Vietnam War," be printed at the conclusion of my remarks.

Mr. CASE. Recently, the clash between administration words and deeds has enveloped the bombing issue. On August 25, Secretary McNamara, in stating the case for a policy of limited bombing of North Vietnam, argued persuasively that attacks on the ports of North Vietnam "would not be an effective means of stopping the infiltration of supplies into South Vietnam."

We were assured, moreover, that the Secretary was speaking for the President in this regard—I was involved in this colloquy myself—both by the White House and the majority leader of the Senate. Shortly thereafter, however, heavy attacks were launched against targets in two of North Vietnam's three major ports.

Has Secretary McNamara been overruled by the President? It may not be so, but it looks that way. An alternative assumption is even more ominous—that the President, whatever his own attitude toward the need for restraint, is indulging the proponents of a "military solution" in Vietnam for political reasons.

Today I wish to call attention to another example of what one prominent correspondent has called the Johnson administration's "operation behind a false front." This concerns the interpretation given by the President and his ad-

visers to the joint resolution passed by the Congress on August 7, 1964—the so-called Tonkin Gulf resolution.

That resolution, it will be recalled, was presented to Congress by the President in an atmosphere of emergency. American naval vessels, we were told, had been attacked off North Vietnam, and the President had ordered a retaliatory raid against "gunboats and supporting facilities used in these hostile operations."

Therefore—

Said the President—

I have concluded that I should now ask the Congress, on its part, to join in affirming the national determination that all such attacks will be met, and that the United States will continue in its basic policy of assisting the free nations of the area to defend their freedom.

The resolution that we then adopted, with only two dissenting votes in the Senate and none in the House, stated:

Congress approves and supports 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.

It further stated that the United States is "prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

The Members of Congress knew the wording of the resolution. They knew that the naked words could be construed to give the President almost complete sanction to involve the United States militarily in anything he considered necessary to the national interest in Southeast Asia.

That, however, was not the Nation's understanding of administration intentions in the summer of 1964. To the contrary, it was the understanding of Congress and of the public that it was our basic policy to "assist" South Vietnam and that, as the President put it in September, he was not about to send American boys to fight a war that Asian boys should fight for themselves.

The Members of Congress were, in fact, given specific assurance that the Tonkin Gulf resolution was not intended to grant the unlimited sanction which, stretched to their ultimate, the words could be taken to convey. They had specific assurance on this point from Senator FULBRIGHT, chairman of the Committee on Foreign Relations, who persuaded Senator NELSON not to offer an amendment to bar "extension of the present conflict."

Such a proviso was unnecessary, Senator FULBRIGHT told us, because the objective sought was an "accurate reflection of what I believe is the President's

policy." Senator FULBRIGHT was then known to be a confident of the President, and the authority of his words was unchallenged. And if Senator FULBRIGHT had asserted, to the contrary, that Congress was being asked to approve a fundamental change in our role in Vietnam, the administration "would have repudiated him out of hand," as Senator NELSON stated the other day on the floor of the Senate.

There was, moreover, the President's own suggestion that the expression of support he sought from Congress was limited in time, no less than in scope. For this is how he concluded his message of August 5, 1964:

The events of this week would in any event make the passage of a Congressional resolution essential. But there is an additional reason for doing so at a time when we are entering on three months of political campaigning. Hostile nations must understand that in such a period the United States will continue to protect its national interests, and that in these matters there is no division among us.

Those 3 months have stretched into 3 years, yet we still find the President relying upon the literal words of the Tonkin Gulf resolution to justify every action he has taken in Vietnam—actions that have raised the number of Americans engaged from a few thousand to more than one-half million, have initiated and expanded the bombing of North Vietnam, and have turned this into a largely American war with no end in sight.

Only recently, on August 18, the President told his news conference:

I believe that every Congressman and most of the Senators knew what that resolution said. That resolution authorized the President—and expressed the Congress' willingness to go along with the President—to do whatever was necessary to deter aggression.

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DEPARTMENT OF STATE
ASSISTANT SECRETARY

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August 7, 1964

MEMORANDUM FOR:

Mr. McGeorge Bundy ✓
Mr. McNaughton
General Goodpaster for General Burchinal
Mr. Cline for Mr. Colby

By Saturday morning, the DE SOTO patrol will have been completed and we will probably have some clarification on the UN and other fronts. I suggest that we have a stock-taking meeting of some length at 9:30 tomorrow, to be attended by yourself, if possible, plus a limited number of additional representatives. We should try to keep the attendance down to the point where we can discuss not only sensitive intelligence sources but closely held military and diplomatic moves and problems.

I attach a proposed agenda, designed to be in a form that you could circulate or show to appropriate staffs for the preparation of oral or written material. I hope to send you later today, for your own personal use, some personal thoughts on where our next problems lie.

Could you let my office know whether this meeting is agreeable to you and whether you have changes or additions in the agenda to suggest? In my absence, my Special Assistant, Jonathan Moore (ext. 4709 and 4794), will be keeping track of the arrangements for this meeting.

WPB

William P. Bundy

Copies to:

| | |
|---------------------|-------------------|
| Ambassador Thompson | Mr. Green |
| Mr. Rostow | Mr. Forrestal |
| Mr. Cleveland | Mr. Trueheart |
| Mr. Greenfield | Mr. Lindsay Grant |
| Mr. Hughes | |

FE:WPBundy:mk

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By *inf*, NARS, Date 7-30-79

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Suggested Agenda for Saturday Meeting

I. Review and Interpretation of DRV Attacks and of DRV, Chicom, and Soviet Reactions to Attacks and Our Response.

- A. The attacks in hindsight.
- B. Propaganda reaction.
- C. Military Reaction.

II. Review of US Deployments and Future Military Plans.

- o o o o o A. Status of deployments.
- o o o o o B. Status of 34A air and military operations.
- o o o o o C. Status of DESOTO patrol.
- o D. Status of reconnaissance of DRV and Communist China.
- o E. Status of reconnaissance of Laos.

✓ III. UN Status.

IV. SVN Situation in Light of Crisis.

V. Laos Situation

- A. Military.
- B. Internal political.
- C. Negotiating.

VI. Key Third-Country Reactions and Possible Initiatives.

- A. France.
- B. Thailand and SEATO nations.

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By inf, NARS, Date 7-30-79

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VII. Possible Major Communist Moves and How We Should React.

- A. VC offensive.
- B. Air move to DRV.
- C. Communist moves in Laos.
- D. Major Communist ground or air movements.

VIII. In event no major Communist moves, or that these countered without real change, what problems and next US moves?

-
- A. Maintaining SVN morale and momentum.
 - B. Stabilizing Laos.
 - C. Possible future US military moves.
 - D. Possible US negotiating moves.

revised ?

Port Wallut | Haiphong Petroleum

How to get it going

FE:WPBundy:mk 8/7/64

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THE WHITE HOUSE
WASHINGTON

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August 13, 1964

MEMORANDUM FOR THE RECORD:

August 10, 1964, 12:35 PM - Meeting in Cabinet Room

Present: The President, Secretaries Rusk, McNamara, Ball,
Vance, Messrs. McCone, Wheeler, Reedy, McG. Bundy
For second item: William Bundy, John McNaughton

1. Cyprus

Secretary Ball reported briefly on the events of recent days and concluded with a report that a cease-fire appeared now to be accepted, although fragile and precarious. In this situation, he felt that the prospects for successful negotiations were somewhat less gloomy than they have been. He reported that Mr. Acheson in Geneva was encouraged, that the Greeks have adopted a serious negotiating position and had added a serious negotiator, Sossides, to the Geneva operation. In summary, Mr. Ball believed that we should press to make the cease-fire stick, and move forward with Mr. Acheson's negotiations. The President agreed with this position.

2. Southeast Asia

Mr. McCone began with a brief report on the intelligence situation. He mentioned the report of a U-2 pilot over North Vietnam to the effect that missile bursts had been sighted and indicated his own inclination to discount the pilot's report. He reported existing intelligence on air and ground movements and mentioned the possibility that we might now face increased Communist air activity over Laos or intensified infiltration.

It was also reported that there might be a meeting of the three Laotian factions in Paris in August.

The Secretary of State indicated his own view that we should hold up on such actions as 34-A, DeSoto patrol, or any other additions to our current course at least until we see what the other side does. He emphasized, as he has repeatedly before and since, the importance from his point of view of keeping the responsibility for escalation on the other side.

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The Secretary of Defense indicated that our side was well prepared for a response to any likely form of escalation.

The President expressed his basic satisfaction with what had been accomplished in the last week. He said the reaction from Congress was good, and also from the people, judging by the polls. He said this response was quite a tribute to the Secretaries of State and Defense. He warned, however, that if we should fail in the second challenge, or if we should do nothing further, we could find ourselves even worse off than before this last set of events. The President did not wish to escalate just because the public liked what happened last week. We would have to pick our own ground; nonetheless, instead of letting the other side have the ball, we should be prepared to take it. He asked for prompt study and recommendations as to ways this might be done with maximum results and minimum danger. He did not believe that the existing situation would last very long.

h.f.s.

McG. B.

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Origin

ACTION: Amembassy SAIGON 439 IMMEDIATE
Amembassy VIENTIANE 157 IMMEDIATE
CINCPAC _____ IMMEDIATE

Info:

EXDIS EYES ONLY FOR AMBASSADORS AND ADMIRAL SHARP.

State/Defense Message

Saigon pass Johnson, Westmoreland, and Sullivan only.

CINCPAC for selected senior staff only.

Following are key points tentative high level paper on next courses of action in Southeast Asia. Request addressee comments by Tuesday morning for further review and refinement.

SUMMARY

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Authority

State 1/2 6/9/75

By MIE

NARS, Date 10/26/76

I. INTRODUCTION

The next ten days to two ~~week~~ weeks should be short holding phase in which we would avoid actions that would in any way take onus off Communist side for escalation.

We will not send ~~the~~ DESOTO patrol back, will hold up on new 34A operations (continuing only essential re-supply of air-dropped missions, plus relatively safe leaflet ~~the~~ drops), but will continue intensive reconnaissance of DRV and Panhandle (PDJ if necessary). Within Laos,

Drafted by:

FE: WPBundy/bmm/8/14

Telegraphic transmission and

classification approved by:

W. P. Bundy

Clearances:

The Secretary (substance) WFE

S/VN - Mr. Forrestal MF

DoD: Secretary McNamara (substance); ISA-Mr. McNaughton; JCS-Gen. Wheel

White House: McGeorge Bundy (substance) WFE

S/S - Mrs. WFE

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attempt secure Phou Kout ~~xxx~~ would continue (napalm use discretion of Unger) as would T-28 operations and consolidation Triangle gains, but no further military action would be done or indicated. In view possible Communist moves in Laos, road watch and other intelligence efforts should be intensified ~~xxxxxxxx~~ accepting some greater risks.

We not yet sure what Communist side may do in this period. They have introduced aircraft into North Vietnam and may well send in at least token ground forces. VC activity could step up markedly any moment. Although volume Chicom propaganda and demonstrations ominous, it does not yet clearly suggest any further moves; if they were made, we would act accordingly. This paper assumes Communist side does not go beyond above.

II. ESSENTIAL ELEMENTS IN SITUATION

rpt not

A. South Vietnam not going well. Mission's monthly report (Saigon 377) expresses hope significant gains by end of year. But also says Khanh's chances of staying in power are only 50-50, that leadership (though not so much people or army) has symptoms defeatism and hates prospect of slugging it out within country, that there will be mounting pressures for wider action "which, if resisted, will create frictions and irritations which could lead local politicians to serious consideration negotiated solution or local ~~x~~ soldiers to military adventure without US consent."

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In other words, even if situation in our view does go bit better, we have major problem maintaining morale. Our actions of last week lifted that morale temporarily, but also aroused expectations, and morale could easily sag back again if VC have successes and we do nothing further.

B. Laos on other hand has shown real military progress -- so much so ~~that~~ that Communist retaliatory move is real possibility. If Phou Kout can be secured, present military areas of control are if anything better for Souvanna than line of last April. T-28 operations have been major factor and really hurt PL morale. Souvanna's internal position also stronger, though right-wing generals and colonels could make ~~themselves~~ fools of themselves any time.

C Laos negotiations may start to move in near future whatever we do. Souvanna has accepted tripartite meeting in Paris, and suggested August 24. With gains in hand, he already indicated he likely not insist on previous precondition of Communist withdrawal from PDJ before agreeing to 14-nation conference. USSR (at least publicly), India, and France -- and UK and Canada only slightly less so -- pressing for conference or at least clear motion toward one. Souphanouvong's silence and other indicators suggest Communist side may still not accept early tripartite meeting or push for conference but we must recognize that, if they do accept tripartite, it

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it will be real step toward eventual conference. We can and will urge Souvanna go slow, but our control limited.

D. Hanoi and Peiping as of now certainly not persuaded they must abandon efforts in South Vietnam and Laos. US response to North Vietnamese naval attacks undoubtedly convinced Communist side we will act strongly where US force ^{units} ~~units~~ directly involved -- as they have previously seen in our handling Laos reconnaissance. But in ~~in~~ other respects Communist side may not be so persuaded we prepared take stronger actions, either in response infiltration into SVN or VC ~~and~~ activity. Communists probably believe we might counter air action in Laos quite firmly but we would not wish be drawn into ground action there.

III. ESSENTIAL ELEMENTS OF US POLICY

A. South Vietnam still main theater. Morale and momentum there must be maintained. This means:

1. There advantage devising best possible means of action that for minimum risks get maximum results in terms of SVN morale and pressure on DRV.
2. We must continue oppose any Vietnam conference and must play prospect of Laos conference very carefully. We must particularly avoid any impression rushing to Laos conference ~~and~~ and must show posture

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general firmness into which eventual Laos conference might fit without serious loss.

3. We particularly need keep our hands free for at least limited measures against Laos infiltration ~~xxxx~~ areas.

B. It is in our interest stabilize Laos situation as between Government forces and Communist side, and reduce chances of Communist escalating move on this front. (If such move comes, we must meet it firmly. We should also be stepping up Thai support deter and prevent any Communist nibbles.) However, Souvanna should not give up his strong cards, particularly T-28 operations, without getting full price for them. Moreover, we must seek reduce as much as possible inhibiting effect any Laos talks on actions against Panhandle.

C. Basically solution in both South Vietnam and Laos will require combination military pressure and some form of communication under which Hanoi (and Peiping) eventually accept idea of getting out. Negotiation without continued military action will not achieve our objectives in foreseeable future. But military ~~xx~~ pressures could be accompanied by attempts communicate with Hanoi and perhaps Peiping -- through third-country channels, through side conversations around Laos negotiations of any sort-- provided always that we make clear both to Communists and South Vietnam

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that military pressure will continue until we have achieved our objectives. After, but only after, we have established clear pattern pressure hurting DRV and leaving no doubts in South Vietnam of our resolve, we could even accept conference broadened to include Vietnam issue. (UN now looks to be out as communication ~~forum~~ forum though this could conceivably change.)

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IV. TIMING AND SEQUENCE OF ACTIONS

A. Limited Pressures (late August tentatively through December)

There are a number of limited actions we could take that would tend to maintain our initiative and morale of GVN and Khanh, but that would not involve major risks of escalation. Such actions could be such as to foreshadow stronger measures to come, though they would not in themselves go far to change Hanoi's basic actions.

1. 34 A Operations could be overtly acknowledged and justified by GVN. Marine operations could be strongly defended on basis of continued DRV sea infiltration, and successes could be publicized. Leaflet operations could also be admitted and defended, again on grounds of meeting DRV efforts in South, and their impunity (we hope) would tend to have its own morale value in both Vietnams. Air-drop operations are more doubtful; their justification is good but less clear than other operations, and successes have been few. With the others admitted, they could be left to speak for themselves--and of course security would forbid any mention of specific operations before they succeeded.

2. Joint US/GVN planning already covers possible actions against DRV and the Panhandle. It can be used in itself to maintain morale of GVN leadership, as well as to control and inhibit any unilateral GVN moves. With 34A surfaced, it could be put right into same planning framework. We would

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not ourselves publicize this planning, but it could be leaked (as it probably would anyway) with desirable effects in Hanoi and elsewhere.

3. Stepped-up training of Vietnamese on jet aircraft should now be undertaken in any event in light of presence of MIG's in North Vietnam. JCS are preparing a plan, and existence of this training could be publicized both for its morale effect in GVN and as a signal to Hanoi of possible future action.

4. Cross-border operations into Panhandle could be conducted on a limited scale. To be successful, ground operations would have to be so large in scale as to be beyond what GVN can spare, and we should not at this time consider major US or Thai ground action from Thai side. But for air operations there are at least a few worthwhile targets in infiltration areas, and these could be hit by GVN air. US reconnaissance missions in Panhandle would of course continue in any event; suppressive missions might be considered at some point, but not until after GVN has acted in this area. (Our Panhandle reconnaissance does not have the justification of a request from Souvanna, as our PDJ operations do.) Probably we should avoid publicity on air operations so as not to embarrass Souvanna; Communist side might squawk, but in past they have been silent on this area.

5. DESOTO patrols could be reintroduced at some point. Both for present purposes and to maintain credibility of our account of events of last

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week, they must be clearly dissociated from 34A operations both in fact and in physical appearance. In terms of course patterns, we should probably avoid penetrations of 11 miles or so and stay at least 20 miles off; whatever the importance of asserting our view of territorial waters, it is less than international drawbacks of appearing to provoke attack unduly. The 20-mile distance would not appreciably change chances of a North Vietnamese reaction, while it would deprive them of a propaganda argument (since a great many other countries also assert a 12-mile territorial waters limit.)

6. Specific tit-for-tat actions of opportunity ~~xxx~~ could be undertaken for any special VC or DRV activity. As Saigon 377 points out, VC have "unused dirty tricks" such as mining (or attacks) in Saigon River, sabotage of major POL stocks, and terrorist attacks on US dependents. First two, at least, would lend themselves to prompt and precise reprisal, e.g., by mining Haiphong channel and attacking Haiphong POL storage.

7. US Dependents. This has two aspects. If there were substantial terrorism against our dependents, we should consider some specific reprisal against DRV; however, this has disadvantages in that it might appear that we were reacting only when US nationals were hit, and ignoring regular pattern of terrorism against South Vietnamese. Second aspect, whether or not there are terrorist attacks, is possible withdrawal of our dependents. If situation should

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reach another intense point, withdrawal might be useful in itself as signal to Hanoi that we were really getting ready for business.

8. Sequence and mix of US and GVN actions needs careful thought. At this point, we should emphasize both the GVN role in actions and rationales directly relating actions to what is being done to GVN. Overt 34A actions should be the first moves, and GVN would go first in air attacks against Panhandle. But there are advantages in other respects to actions related to US forces. If we lost an aircraft in Panhandle, we could act hard and fast, and of course similarly for any attack on DESOTO patrols. Probably sequence should be played somewhat by ear, with aim of producing a slightly increased tempo but one that does not commit us prematurely to even stronger actions.

Summary. Above actions are in general limited and controllable. However, if we accept--as of course we must--necessity of prompt retaliation especially for attacks on our own forces, they could amount to at least a pretty high noise level that might stimulate some pressures for a conference. New DRV air and AA capability may also produce incidents.

These actions are not in themselves a truly coherent program of strong enough pressure either to bring Hanoi around or to sustain a pressure posture into some kind of discussion. Hence, we should continue absolutely opposed to any conference.

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B. More Serious Pressures

All above actions would be foreshadowing systematic military action against DRV, and we might at some point conclude such action was required either because of incidents arising from above actions or because of deterioration in SVN situation, particularly if there were to be ~~clear~~ clear evidence of greatly increased infiltration from the north. However, in absence of such major new developments, we should be thinking of a contingency date for planning purposes, as suggested by Ambassador Taylor, of 1 January 1965.

End Summary

Among key questions above program are:

1. What is Saigon's best judgment whether it would maintain morale GVN leadership?
2. What is Vientiane's judgment how much Panhandle action Souvanna could accept without danger right-wing problems or his general position? Would it help to establish early pattern suppressive strikes and GVN air operations so that noise from this area became familiar background music, or would such early actions impair Souvanna's position? How much would Saigon like to see done in Panhandle to help GVN morale and achieve useful military results?
3. CINCPAC views on military aspects and specific action sequence should be conveyed JCS. Your general comments also welcome.

GP-~~11~~ 1.

End.

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Classification

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THE WHITE HOUSE
WASHINGTON

63

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September 10, 1964

NATIONAL SECURITY ACTION MEMORANDUM NO. 314

TO: The Secretary of State
The Secretary of Defense.

The President has now reviewed the situation in South Vietnam with Ambassador Taylor and with other advisers and has approved the following actions:

1. U. S. naval patrols in the Gulf of Tonkin will be resumed promptly after Ambassador Taylor's return. They will operate initially well beyond the 12-mile limit and be clearly dissociated from 34A maritime operations. The patrols will comprise two to three destroyers and would have air cover from carriers; the destroyers will have their own ASW capability.

2. 34A operations by the GVN will be resumed after completion of a first DeSoto patrol. The maritime operations are by far the most important. North Vietnam has already publicized them, and is likely to publicize them even more, and at this point we should have the GVN ready to admit that they are taking place and to justify and legitimize them on the basis of the facts of VC infiltration by sea. 34A air drop and leaflet operations should also be resumed but are secondary in importance. We should not consider air strikes under 34A for the present.

3. We should promptly discuss with the Government of Laos plans for limited GVN air and ground operations into the corridor areas of Laos, together with Lao air strikes and possible use of U. S. armed aerial reconnaissance. On the basis of these discussions a decision on action will be taken, but it should be recognized that these operations will in any case have only limited effect.

4. We should be prepared to respond as appropriate against the DRV in the event of any attack on US units or any special DRV/VC action against SVN.

5. The results of these decisions will be kept under constant review, and recommendations for changes or modifications or additions will be promptly considered.

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(page 1 of 2 pages)

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Authority NSC 66 4/28/77

By MBA, NARS, Date 5/16/77

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9/10/64

6. The President reemphasizes the importance of economic and political actions having immediate impact in South Vietnam, such as pay raises for civilian personnel and spot projects in the cities and selected rural areas. The President emphasizes again that no activity of this kind should be delayed in any way by any feeling that our resources for these purposes are restricted. We can find the money which is needed for all worthwhile projects in this field. He expects that Ambassador Taylor and the country team will take most prompt and energetic action in this field.

7. These decisions are governed by a prevailing judgment that the first order of business at present is to take actions which will help to strengthen the fabric of the Government of South Vietnam; to the extent that the situation permits, such action should precede larger decisions. If such larger decisions are required at any time by a change in the situation, they will be taken.

McGeorge Bundy
McGeorge Bundy

~~TOP SECRET~~

(page 2 of 2 pages)

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INCOMING TELEGRAM *Department of State*

65

~~TOP SECRET~~

Action

SS

Info

CONTROL: 21168

RECD: JULY 27, 1964 11 AM

FROM SAIGON

ACTION SECSTATE 232 FLASH

CINCPAC 108

WHITE HOUSE 13

SEC DEFENSE UNNUMBERED

DATE: JULY 27, 8 PM (SECTION TWO OF TWO)

EXDIS

DEPTEL 253.

THIS DISCUSSION OPENED THE WAY FOR ME TO COMMENT ALONG THE LINES OF DEPTEL 253. I OBSERVED THAT WE HAVE NEVER HAD JOINT DISCUSSIONS UP TO NOW AS TO THE FORMS OF ACTION THAT MIGHT BE CONSIDERED AGAINST THE LAOS PANHANDLE AND NVN AND THE PROBLEMS WHICH MIGHT ARISE THEREFROM. THE KEEN INTEREST HE IS DISPLAYING IN THE SUBJECT SUGGESTS THAT IT MAY BE TIMELY NOW TO START A JOINT STUDY OR STUDIES OF POSSIBLE INITIATIVES WHICH MIGHT BE CONSIDERED.

HE DID NOT JUMP AT THE PROPOSAL WHICH PLAINLY CAUGHT HIM UNPREPARED BUT WAS PLEASED TO RECEIVE IT AND ASKED TO THINK IT OVER FOR A FEW DAYS. I STRESSED THE NEED FOR ANY SUCH PLANNING TO BE KEPT WITHIN A VERY SMALL GROUP AND HE AGREED AT ONCE. HE MENTIONED HIMSELF, KHIEM AND THIEU (PLUS POSSIBLY A CIVILIAN) AS THE PROBABLE PARTICIPANTS, AT LEAST AT THE OUTSET. IT WAS LEFT THAT HE WOULD INDICATE TO ME WHEN HE WANT TO RESUME THE DISCUSSION.

AMONG MISCELLANEOUS MATTERS TOUCHED ON WERE THE FOLLOWING:

A) OUR INTENTION TO HAVE A MACV J-2 BACKGROUND BRIEFING TO ACQUAINT PRESS WITH LATEST ESTIMATE OF INCREASED VC STRENGTH.

B) MY INTENTION TO VISIT IV CORPS ON JULY 29.

C) THE RECENT OUTBREAK OF INDISCIPLINE IN THE SPECIAL FORCES

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By *up/m* NARA, Date 4-2-14

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GPO 867-149

~~TOP SECRET~~

-2- 232, JULY 27, 8 PM: (SECTION TWO OF TWO) FROM SAIGON

CAMP AT NHA TRANG AND NEED TO CHANGE THE COMMANDING OFFICER.

AT THE END, KHANH AGAIN RAISED QUESTION OF REORGANIZATION OF GOVERNMENT A LA DEGAULLE-POMPIDOU. HE HAD NO ANSWER AS TO WHO COULD BE CIVILIAN POMPIDOU. WE REPLIED THAT ORGANIZATION WAS SECONDARY TO PERSONALITIES AND MOST OF WHAT HE HAD IN MIND COULD BE ACCOMPLISHED IN PRESENT ORGANIZATIONAL STRUCTURE BY GIVING MORE RESPONSIBILITY TO VICE MINISTERS. QUESTION WAS HIS HAVING MINISTERS IN WHOM HE HAD CONVICEDENCE.

WE ALSO SAID CHANGES THAT SEEMED TO BE FAR-REACHING COULD HAVE DEMORALIZING EFFECT DOMESTICALLY AND DISTURBING EFFECT ABROAD. HE AGREED BUT DID NOT SEEM TO ABANDON IDEA. FROM DISCUSSION IT APPEARED SOME WAY OF DISPOSING OF MINH MAY BE PRINCIPAL MOTIVATING FORCE AS WELL AS KHANH'S DESIRE AVOID PRESENT BURDEN OF DETAIL AND RESPONSIBILITY.

KHANH ALSO SAID THEY WOULD SHORTLY BE READY WITH A DECREE DECLARING A NATIONAL "STATE OF EMERGENCY". THIS WOULD GIVE THEM GREATER POWER TO DEAL WITH A NUMBER OF PROBLEMS SUCH AS PRESS, TRAVEL, ETC. WE URGED THERE BE GOOD EXPLANATION AND RATIONALE TO FOREIGN AND DOMESTIC PRESS AT TIME OF ISSUANCE TO AVOID CHARGES OF DICTATORSHIP, ETC. HE AGREED AND SAID WOULD CONSULT WITH US BEFORE TAKING ACTION. DURING COURSE OF DISCUSSION HE SAID HE HAD GIVEN UP PROJECT OF DECLARING "STATE OF WAR" (SEE EMBTEL 184) AS HE RECOGNIZED COULD NOT HAVE THIS WITHOUT "DECLARING WAR AGAINST SOMEONE".

WHEN WE WENT TO LEAVE, KHANH SEEMED TO BE IN VERY GOOD SPIRITS SAYING THAT HIS MORALE HAD RECEIVED A LIFT FROM OUR DISCUSSION.

CFN 103 13 253 253 A/ MACV J-2 B. IV 29 C. 184

TAYLOR

NOTE: ADVANCE COPY TO S/S-O AT 11:03 AM, JULY 27.
PASSED WHITE HOUSE, DOD, 12:08 PM, JULY 27.

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INCOMING TELEGRAM *Department of State*

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Action

Control:

1324

SS

Rec'd:

August 3, 1964

Info

7:56 p.m.

FROM: Vientiane

ACTION: SecState 221 Priority

INFO: Bangkok 156
CINCPAC 163
London 115
Paris 89
New Delhi 57
Saigon 134
Moscow 46
Ottawa 43
Warsaw 30
Hong Kong Unnumbered
USUN Unnumbered
Phnom Penh Unnumbered
Rangoon Unnumbered

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Authority E.O. 11652 SEC. 5(A) and (D)

By VR NARS, Date 4/27/76

DATE: August 3, 8 p.m.

EXDIS

CINCPAC FOR POLAD

At luncheon today with Ambassador Alexis Johnson also present Souvanna expressed his discouragement and perplexity about Russian threatened withdrawal from co-chairmanship and said we must all do everything possible to hold them in this position. Along same lines as followed by Hopson earlier (Embassy telegram 213) I explained why I thought Russians wished extract themselves from embarrassing international position and I also expressed view in which Souvanna concurred that Soviets probably hardly any more interested in 14-nation conference than we but must support it above all for considerations of their position in Communist world.

In reply Ambassador Johnson's question, Souvanna explained that Soviets still have influence over PL (he credited them

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-2- 221, August 3, 8 p.m., from Vientiane

with Souphanouvong's current readiness attend tripartite meeting) and he thought they also were still significant factor in North Vietnam, where "none of the rest of us" has any influence whatsoever. Sisouk Na Champassac, retiring Lao Ambassador to India (also present), referred to importance attached by Indians to Russian opinion. There was general consensus that if Russians are to be kept engaged in Laos problem and not be permitted to abandon their responsibilities, (in which case they could be expected to adopt position responding only to their direct interests in connection with internal Communist Party fight), they must be kept on as co-chairmen.

At this point Souvanna renewed his plea for all possible support to keep Russians engaged whereupon I showed him confidential basis text of President's recent message to Khrushchev (Department telegram 113 sent Moscow 16). Souvanna was obviously very pleased with this and expressed his appreciation our efforts.

Comment: I believe Souvanna's considerable concern over threatened Soviet withdrawal rests primarily on his continuing hope, unfortunately in considerable part illusory, that Soviets can play some effective role in support his policies and objectives.

GP-4

UNGER

LM

Note: Advance Copy to S/S-0 at 11:01 p.m., August 3
Passed White House, DOD, CIA at 11:45 p.m., August 3

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CONTROL: 21006
RECD: JULY 27, 7 20 AM
FROM: VIENTIANE
ACTIN: SECSTATE 170 FLASH
INFO: SAIGON 106 IMMEDIATE
DATE: JULY 27, 5 PM (SECTION ONE OF TWO)

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Authority FRUS 64-18 vol 1 *250
By JC NARA Date 3-21-01

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EXDIS

DEPTEL 89.

SAIGON FOR AMBASSADOR TAYLOR. NO OTHER DISTRIBUTION WHATSOEVER.

AIR ATTACKS ON VIET CONG SUPPLY LINES IN LAOTIAN PANHANDLE, WHILE HELPING MORALE SOUTH VIETNAM AND DIVERTING GOVERNMENT THERE FROM ITS PROPOSALS TO STRIKE NORTH VIETNAM, WOULD HAVE ONLY MARGINAL EFFECT ON PROBLEM OF INFILTRATION VIA LAOS AND WOULD GREATLY COMPLICATE LAOTIAN SITUATION WHICH ALREADY THREATENS GET OUT OF HAND AS RESULT SOVIET THREAT WITHDRAW FROM CO-CHAIRMAN ROLE.

WHEN VARIOUS CROSS-BORDER ACTIONS PROPOSED EARLIER, ALSO INCLUDING AIR STRIKES, I POINTED OUT FUNDAMENTAL ATTITUDE OF SOUVANNA, WHICH GENERALLY SHARED BY LAO, THAT USE OF CORRIDOR, EVEN THOUGH INVOLVING LAO TERRITORY, NOT PRIMARILY THEIR PROBLEM, AND ANYWAY THEY HAVE THEIR HANDS FULL TRYING TO PROTECT HEART OF THEIR COUNTRY FOR DEFENSE OF WHICH CORRIDOR NOT ESSENTIAL. OUR CREATING NEW MILITARY AS WELL AS INTERNATIONAL POLITICAL CONFLICT OVER CORRIDOR WILL BE REGARDED BY THEM AS ANOTHER INSTANCE LAOS BEING INVOLUNTARILY INVOLVED IN STRUGGLE AMONG BIG POWERS ON MATTER OUTSIDE LAOS' OWN PRIME INTERESTS. THERE IS ALSO SOUVANNA'S VIEW (NO DOUBT NURTURED BY FRENCH) THAT GVN IS FIGHTING A HOPELESS WAR.

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-2- 170, JULY 27, 5 PM: (SECTION ONE OF TWO) FROM VIENTIANE

SOUVANNA PHOUMA AND OTHER LAO LEADERS WANT HELP IN IMMEDIATE PRESENT TO ASSURE THEY CAN CONTINUE IN SECURE POSSESSION OF PRESENT TERRITORY OF FREE LAOS. IF ANY NEW MILITARY INITIATIVES ARE CONTEMPLATED WITH ATTENDANT RISK OF ESCALATION THEY WOULD WISH ABOVE ALL THAT THEY BE DIRECTED AT RETAKING PLAINE DES JARRES. MORE IMMEDIATELY THEY WANT MAXIMUM EFFORT BE MADE TO CUT ROUTE SEVEN AND THEY ALSO WISH BE ASSURED OF FULLEST SUPPORT FOR MUONG SOU IF AGAIN ACTIVELY THREATENED, TO SAY NOTHING OF PROTECTION OF ROUTES TOWARD MEKONG IF MUONG SOU FALLS.

LIKELY REACTION TO PROPOSALS FOR AIR ATTACKS IN CORRIDOR WOULD BE: WHY COMPLICATE OUR PROBLEM AND RISK CREATING DANGEROUS MILITARY THREAT IN CENTRAL AND SOUTHERN AREAS WHERE IT DOES NOT NOW EXIST; WHY DOES NOT US APPLY ITS POWER TO SOURCE OF PROBLEM AND BOMB HANOI OR MOVE EFFECTIVELY IN SOME OTHER WAY AGAINST NORTH VIETNAM? NORTH VIETNAM IS CAUSE OF TROUBLE AND OUGHT TO BE TARGET; MOREOVER WE ARE NOT BOUND BY INTERNATIONAL AGREEMENTS THERE AS WE ARE IN LAOS. DEPARTMENT WILL RECALL THIS LINE OF THINKING HAS BEEN PRESSED BY KING AND SOUVANNA PHOUMA AND IS UNDOUBTDLY VIEW EVEN MORE STONGLY HELD BY RIGHT WING LEADERS.

IN THIS CONNECTION, WISH POINT OUT WITH RESPECT PARA G REFTTEL THAT THERE ARE VIRTUALLY NO UNCOMMITTED LAO RESOURCES TO DEAL WITH WHATEVER PL/VM REACTION MAY BE. ENERGIES AND STAFF CAPACITY AS WELL AS TROOPS AND PLANES ARE TIED DOWN IN OPERATION TRIANGLE AND LITERALLY ONLY RESERVE IN COUNTRY IS TWO DNC PARA BATTALIONS WHICH FOR POLITICAL REASONS UNLIKELY LEAVE VIENTIANE. THEREFORE "PREPAREDNESS MEASURES IN LAOS" WOULD HAVE TO BE TAKEN BY US.

THUS IF WE PROCEED WITH PROJECTED ACTION PANHANDLE WE MUST BE PREPARED ALSO TO MEET ANY RESPONSIBLE LAO REQUEST FOR HELP IN DEFENDING WHAT THEY REGARD AS HEART OF THEIR COUNTRY. IF WE HESITATE UNDER SUCH CIRCUMSTANCES SOUVANNA'S OCCASIONAL DISSATISFACTION WITH WHAT HE HAS REGARDED AS FOOT DRAGGING BY US WILL BE GREATLY ACCENTUATED AND ARGUMENTS ON OUR PART THAT CERTAIN ACTIONS SHOULD BE AVOIDED BECAUSE OF INTERNATIONAL COMPLICATIONS OR RISKS OF ESCALATION WILL NOT CARRY MUCH WEIGHT. NOTHING COULD ILLUSTRATE POINT BETTER THAN QUESTION NAPALM, WHICH BEING PROPOSED FOR USE IN CORRIDOR OPERATION AT SAME TIME I AM OBLIGED TURN DOWN REQUEST FROM SOUVANNA TO USE IT IN AREA HE CONSIDERS VITAL FOR DEFENSE HIS COUNTRY.

CFN: 89 NO NOT NOT NO GVN NOT NOW NOT US G NO PL/VM DNC
US US NOT UNGER

NOTE: ADVANCE COPY TO S/S-O AT 7:40 AM, JULY 27.

PASSED WHITEHOUSE, DOD, CIA AT 8 AM, JULY 27.

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Action

28

Info

CONTROL: 21030
RECD: JULY 27, 1964, 8:22 A.M.
FROM: VIENTIANE
ACTION: SECSTATE 170 FLASH
INFO: SAIGON 106 IMMEDIATE
DATE: JULY 27, 5 P.M. (SECTION TWO OF TWO)

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EXDIS

IN VIEW FOREGOING I BELIEVE PROPOSED ACTION WOULD PROBABLY BRING TO AN END POSSIBILITY OUR PRESERVING EVEN FACADE OF GOVERNMENT NATIONAL UNION UNDER SOUVANNA AND GENEVA ACCORDS, KEEPING OPEN POSSIBLE ROAD BACK TO PEACEFUL SOLUTION AND AVOIDING RESUMPTION FULL SCALE CIVIL WAR. THERE CERTAINLY HAS BEEN NO SIGN FROM PATHET LAO, DRV OR CHIMCOMS OF ANY CHANGE IN THEIR ATTITUDE TO ENCOURAGE US TO BELIEVE THEY ARE READY TO START LIVING BY GENEVA ACCORDS AND END THEIR INTERFERENCE IN LAOS. NEVERTHELESS IT HAS BEEN OUR HOPE THAT OUR RECENT ASSUMPTION OF STIFFER POLITICAL POSTURE AND CAREFUL APPLICATION OF STRONGER MILITARY MEASURES WOULD AT LEAST BRING NIBBLING TO AN END. HOWEVER, AS RESULT INITIATIVES IN CORRIDOR WE MAY FIND OURSELVES TURNED ENTIRELY AWAY FROM GUIDING PRINCIPLES OF LAST TWO YEARS UNDER WHICH WE HAVE ACCEPTED UNEASY EQUILIBRIUM OF DE FACTO DIVISION OF LAOS AS BEST WE COULD GET FOR PRESENT AND BETTER THAN RESUMPTION LARGE SCALE FIGHTING. FOLLOWING STRIKES IN PANHANDLE WE MIGHT EVEN FIND OURSELVES BEING PRESSED HARD INTO A MAJOR MILITARY EFFORT AIMED AT PUSHING NORTH VIETNAMESE OUT OF PANHANDLE (WHEN IT BECOMES CLEAR AIR ATTACKS DO NOT HALT INFILTRATION) AND EVENTUALLY ENTIRELY OUT OF LAOS AND REESTABLISHING AUTHORITY OF RLG THROUGHOUT COUNTRY.

I REALIZE PROPOSED ACTION ENVISAGES EMPLOYMENT PRIMARILY GVN PERSONNEL BUT FROM INTERNATIONAL POINT OF VIEW WE MUST BE PREPARED ACCEPT FULL RESPONSIBILITY. ACTION WILL ALSO SOLIDLY LINK QUESTIONS LAOS AND SOUTH VIETNAM WHICH AT EARLIER DATE WE APPEARED TO BE INTENT ON KEEPING SEPARATE AS POSSIBLE, AT LEAST IN CONTEXT ANY INTERNATIONAL DISCUSSION.

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-2- 170, JULY 27, 5 PM, FROM VIENTIANE (SEC TWO OF TWO)

FROM HERE IT IS DIFFICULT TO SEE WHAT ALL INTERNATIONAL REPERCUSSIONS OF PROJECTED PANHANDLE ACTION MIGHT BE BUT I CAN FORESEE SERIOUS COMPLICATIONS WITH BRITISH AND CANADIANS, ON WHOM WE DEPEND FOR CO-CHAIRMAN AND ICC HELP. THEY MAY WELL ASK US TO DEMONSTRATE THAT THE INSTALLATIONS TO BE HIT HAVE SOME IMPORTANT CONNECTION WITH INFILTRATION PROBLEM AND THAT STRIKES WILL APPRECIABLY IMPROVE SITUATION SOUTH VIETNAM. ON OTHER HAND THEY WILL BE MOST APPREHENSIVE ABOUT DANGERS OF ESCALATION AS WELL AS MAJOR COMPLICATIONS IN HANDLING INTERNATIONAL ASPECTS OF PROBLEM AS ILLUSTRATED BY SOVIET NOTE JUST RECEIVED.

SOUVANNA'S ACQUIESCENCE IN PROPOSED ACTION NOT BE ENOUGH. IF WE PROCEED HE WILL UNDOUBTEDLY BE BESEIGED BY PRESS AND POSTURE OF PRIMIN OF LAOS CAN HARDLY BE ACQUIESCENCE IN OTHER COUNTRIES' TAKING ACTION ON HIS TERRITORY. IF WE ARE TO MAKE EFFORT TO BRING HIM ALONG, HIS POSITION WOULD HAVE TO BE FORTIFIED IN ADVANCE BY BUILDUP OF PUBLIC EVIDENCE OF USE OF CORRIDOR AND ITS AGGRAVATION OF PROBLEM IN SVN. PUBLIC INDICATIONS THAT CORRIDOR PROBLEM REALLY MUCH LESS THAN REPRESENTED (FOR EXAMPLE SEE JULY 26 WIRELESS FILE STORY BY ROBERT BRUNN, C S MONITOR) MUST ALSO BE OVERCOME. AGAINST THIS BACKGROUND WE MIGHT TRY SELL SOUVANNA ON LINE THAT ACTION AGAINST CORRIDOR IS FUNDAMENTAL TO RESOLVING WHAT IS BASIC CAUSE OF LAOS' PRESENT PLIGHT, NAMELY WAR IN SOUTH VIETNAM. IN OTHER WORDS, BLOCK CORRIDOR SO THAT GVN CAN AGAIN RESUME FULL AUTHORITY OVER ITS TERRITORY AT WHICH POINT DRV CAN MAKE NO FURTHER USE OF CORRIDOR. UNLESS SOUVANNA CAN BE PERSUADED ACTION IN PANHANDLE REALLY SERVES HIS CAUSE MORE THAN IT ENDANGERS IT, HIS SUPPORT WILL BE VERY HARD TO SECURE. EVEN IF SUPPORT IS SQUEEZED OUT (PERHAPS ONLY AS RESULT OF RIGHT WING PRESSURE), HIS REMAINING ON THE JOB BECOMES PROBLEMATICAL.

SPECIFIC COMMENTS FOLLOW:

- (1) DELETE MUONG PHINE FROM TARGET LIST PARA 2B BECAUSE OF PROBABLE PRESENCE THERE OF C-46 SURVIVORS.
- (2) FOREGONG RESERVATIONS DO NOT APPLY TO MU GIA CONTROL POINT OR OTHER POINTS INSIDE NORTH VIETNAM.
- (3) ATTACKS OF OPPORTUNITY ON CONVOYS (IF RELATED TO RECCE FLIGHTS) AND RESPONSIVE STRIKES TO GROUND FIRE WOULD BE

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-3- 170, JULY 27, 5 PM, FROM VIENTIANE (SEC TWO OF TWO)...

LESS OBJECTIONABLE THAN PROPOSED ACTION, AND THIS WOULD BE EVEN TRUER OF T-28 STRIKES.

IN SUMMARY, I BELIEVE IT WOULD BE EXCEPTIONALLY DIFFICULT TO PERSUADE SOUVANNA PHOUMA TO APPROVE STEPPED UP MILITARY ACTIONS IN PANHANDLE WITHOUT TRIGGERING VIRTUALLY IRRESISTIBLE PRESSURES FOR SIMILAR ESCALATION IN THIS PART OF LAOS, INVOLVING INCREASED COMMITMENTS HERE OF SORT WE HAVE THUS FAR SHIED AWAY FROM. PERHAPS WE CAN SUCCESSFULLY WITHSTAND THESE PRESSURES, BUT MORE LIKELY OUTCOME, IN MY JUDGMENT, WOULD BE HEIGHTENED POLITICAL INSTABILITY AND A SITUATION IN WHICH WE MIGHT WELL LOSE SOUVANNA AND THE INTERNATIONAL RECOGNITION HIS GOVERNMENT COMMANDS, ENDING UP WITH ALBATROSS AROUND OUR NECK IN FORM OF RIGHTIST REGIME LACKING IN INTERNATIONAL SUPPORT AND ABLE TO SURVIVE INTERNAL AND EXTERNAL PRESSURES ONLY WITH OUR OUTRIGHT MILITARY SUPPORT.

GP-1.

UNGER

H

FN: NO DRV NOT RLG GVN ICC NOT SVN 26 C S GVN DRV (1)
2B C-46 (2) NOT MU GIA (3) T-28 GP-1

UNGER

NOTE: ADVANCE DELIVERY TO S/S-O AT 8:50 AM, 7/27/64.
PASSED WHITE HOUSE, DOD, CIA AT 8:50 AM, 7/27/64.

~~TOP SECRET~~

INCOMING TELEGRAM Department of State

68

48

~~SECRET~~

Action 0 240500Z ZEA
FM AMEMBASSY VIENTIANE
SS TO RUEHCR/SECSTATE WASHDC
INFO RUMJIR/AMEMBASSY SAIGON
Info STATE GRNC
BT
SECRET ACTION IMMEDIATE DEPT 225 INFO IMMEDIATE SAIGON
FM VIENTIANE AUG. 4, 12NOON

001467

1964 AUG 4 AM 2 10
IMMEDIATE

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22

EXDIS

SAIGON FOR AMBASSADORS TAYLOR AND JOHNSON. NO OTHER DISTRIBUTION WHATSOEVER.

EMBTTEL 170; SAIGON'S TEL 11 (SENT DEPT 236).

IN FURTHER COMMENTS ON LAO SITUATION (ALSO SEE EMBTELS 221 AND 222) SOUVANNA PLACED RESPONSIBILITY FOR TROUBLE ABOVE ALL ON NORTH VIETNAMESE AND THEIR USE OF LAO TERRITORY FOR ACCESS TO SOUTH VIETNAM. HE VOLUNTEERED THAT ON MANY CFN 225 137 4 12NOON EXDIS 170 11 236 221 222

PAGE TWO RUMJFS 11A ~~SECRET~~
OCCASIONS IN PAST IN HANOI AND PEKING, AS WELL AS EARLIER AT GENEVA, HE HAD PRESSED VARIOUS COMMUNIST AUTHORITIES BRING THIS VIOLATION LAO TERRITORY TO AN END.

AMBASSADOR JOHNSON CONFIRMED SERIOUS PROBLEM THIS POSITION FOR US IN CONNECTION WITH EFFORTS SOUTH VIETNAM AND MENTIONED RECENT EVIDENCE THAT INFILTRATION NOW INCLUDES ACTUAL NORTH VIETNAMESE PERSONNEL AND PROBABLY SOME COMPLETE MILITARY UNITS. SOUVANNA SAID HIS INFORMATION CONFIRMS CONTINUING SIGNIFICANT USE OF CORRIDOR. HOWEVER WHEN AMBASSADOR JOHNSON INQUIRED WHETHER SOME EFFECTIVE STEPS COULD BE TAKEN TO IMPEDE THIS MOVEMENT SOUVANNA EXPRESSED DOUBT. I RAISED POSSIBILITY T-28'S MIGHT HARASS TRAIL BUT SOUVANNA SAID WITH REGARD INTERDICTION IN GENERAL HE DOUBTED VERY MUCH POSSIBILITY SERIOUSLY INTERFERING WITH MOVEMENT.

SOUVANNA THEN WENT ON TO SAY THAT WITH REGARD NORTH VIETNAMESE INTERFERENCE BOTH LAOS AND SOUTH VIETNAM HE CONSIDERED ONLY EFFECTIVE ACTION WE COULD TAKE WOULD BE AGAINST NORTH VIETNAM ITSELF. HE REPEATED SERIOUS DOUBTS I HAVE HEARD HIM FREQUENTLY EXPRESS IN PAST ABOUT POSSIBILITY OF SUCCESSFUL

* This copy must be returned to RM/RB SAIGON IMMEDIATELY AND SAID THAT IF

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DECLASSIFIED

Authority NJ 87-217

By [signature] NARA, Date 4-27-4

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~~SECRET~~

-2- 225, August 4, Noon, from Vientiane

PAGE THREE RUMJFS 130A ~~SECRET~~
NORTH VIETNAMESE DO NOT RESPOND SATISFACTORILY TO
CURRENTLY FIRMER LINE BY PULLING BACK INSIDE THEIR FRONTIERS,
THEN ACTION AIMED AT THEIR BASE OF OPERATIONS WAS ONLY THING
WHICH WOULD IMPRESS THEM. SOUVANNA DID NOT RULE OUT POSSIBILITY
THIS WOULD PRECIPITATE CHICOM REACTION BUT HE LEFT WITH US
DISTINCT IMPRESSION HE AND OTHER SOUTHEAST ASIANS WOULD BE
RELIEVED IF WE BROUGHT UNDER CONTROL CONTINUING MENACE WHICH
CHICOMS REPRESENT TO THEM. IN REPLY AMBASSADOR JOHNSON'S
QUESTION HE OPINED SOVIETS WOULD NOT INTERFERE AND WOULD BE
SECRETLY PLEASED IF SUCH ACTION TAKEN.

COMMENT: SOUVANNA'S REACTION TO PROPOSALS FOR ACTIONS WITH OR
WITHOUT US SUPPORT TO INTERDICT USE OF HO CHI MINH TRAIL WAS
NEGATIVE AS EXPECTED. I DON'T REGARD HIS ANSWER CONCERNING
T-28 EMPLOYMENT AS NECESSARILY FINAL AND MOREOVER I BELIEVE I
ALREADY HAVE HIS GENERAL CONCURRENCE IN SUCH ACTIONS AS
MENTIONED NUMBERED ITEM 3 PENULTIMATE PARA MYTEL 170 AND
SAIGON'S 11 CONCERNING EXPANDED USE OF RETALIATORY FIRE IN
CONNECTION WITH RECCE FLIGHTS TO HARRASS CORRIDOR MOVEMENT
AND INSTALLATIONS. HOWEVER HIS ANSWER CONFIRMS MY EARLIER
VIEW THAT IF QUERIED HE WOULD TAKE NEGATIVE POSITION WITH
REGARD GVN CROSS-BORDER OPERATIONS, AIR STRIKES, ETC.

GP-1.

UNGER

BT

CFN T-28 3 170 11 GP-1

Note: Advance Copy to S/S-0 at 2:16 a.m., August 4

Passed White House, DOD, CIA, USUN at 3:08 a.m., August 4

~~SECRET~~

INCOMING TELEGRAM Department of State

PERMANENT RECORD COPY

69

51
Action

~~TOP SECRET~~

001

SS
Info

CONTROL: 3184

RECEIVED: AUGUST 5, 11: A.M. 1964

FROM: SAIGON

ACTION: SECSTATE

312

INFO: BANGKOK 20

VIENTIANE 20

DATE: AUGUST 5, 6 PM

Authorized: NJ 002R-7-1-11
By: 4 NARA Date: 4-3-14

~~TOP SECRET~~

DEPT REPEAT INFO CINCPAC 148 DOD 26 CIA 23 FROM SAIGON

E X D I S

1. ON VISIT TO BANGKOK AND VIENTIANE THIS WEEKEND ALEX JOHNSON TENTATIVELY DEVELOPED POSSIBILITY OF SOME CONCEPTS RE OPERATIONS IN LAOS CORRIDOR THAT I THINK ARE WORTH FURTHER EXPLORATION.

2. FIRST FROM JOHNSON'S TALKS WITH AMBASSADOR MARTIN, JANTZEN AND THANAT IN BANGKOK, IT IS HIS IMPRESSION THAIS WOULD BE WILLING TO COOPERATE FURTHER IN CAREFULLY MEASURED AND CONTROLLED ACTIONS IN LAOS. (IN ADDITION TO PARIS, RANGERS REPRESENT POSSIBLE THAI ASSET).

3. IN VIENTIANE SOUVANNA IS UNDERSTANABLY NOT ENTHUSIASTIC ABOUT EXTENSIVE OPERATIONS IN CORRIDOR WHICH HE FEELS COULD NOT BE DECISIVE IN SVN AND, IN TOUCHING MOST SENSITIVE VIETMINH NERVE, WOULD JEOPARDIZE PRESENT DELICATE BALANCE IN LAOS BY POSSIBLY TRIGGERING PATHET LAO/VIETMINH REACTIONS BEYOND ABILITY FAR TO HANDLE. SOUVANNA REPEATED TO JOHNSON HIS VIEW THAT WAR IN SVN CANNOT BE WON UNDER PRESENT CONDITIONS, OPERATIONS IN CORRIDOR COULD AT BEST HAVE ONLY MARGINAL VALUE IN REDUCING INFILTRATION AND ONLY WAY OUT IS TO "STRIKE AT ORIGIN" IN NVN. (STRANGE TO NOTE "NEUTRALIST" SOUVANNA GENERAL KHANH NOW ON SAME TACK). HOWEVER, SOUVANNA'S ATTITUDE HOPEFULLY WOULD NOT PRECLUDE SOME LIMITED ADDITIONAL ACTION IN CORRIDOR,

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~~TOP SECRET~~

-2- 312, AUGUST 5, 6 PM, FROM: SAIGON

PARTICULARLY IF DIRECTLY RELATED TO OUR RECONNAISSANCE MISSIONS OF INTEREST TO SOUVANNA.

4. AS HARD NOSE IS ALREADY IN QUIET OPERATION PRESENTLY WITH INTELLIGENCE MISSION IN GENERAL AREA OF CORRIDOR AND IS OF ETHNIC LAOS COMPOSITION, THERE APPEAR TO BE POSSIBLE ELEMENTS FOR MEANINGFULLY ASSOCIATING THAIS WITH OPERATION AND THUS RELATING THEM WITH SVN PROBLEM IN POLITICALLY USEFUL WAY BOTH FROM STANDPOINT OF GVN AND OURSELVES. BECAUSE OF RACIAL AND LANGUAGE FACTORS THAIS SHOULD BE ABLE OPERATE BETTER IN THIS ENVIRONMENT THAN VIETNAMESE. THERE IS ALSO POSSIBILITY OF RELATING THAIS TO KHA OPERATIONS FURTHER SOUTH. IN VIEW OF HIS FAVORABLE EXPERIENCE THUS FAR WITH THAI AND HIS GENERAL ATTITUDE TOWARD GVN, IT MAY BE POSSIBLE TO GET FURTHER WITH SOUVANNA ON OPERATIONS INVOLVING ONLY HIS OWN PEOPLE AND THAI THAN WITH GVN CROSS BORDER OPERATIONS. THIS DOES NOT MEAN THAT WE SHOULD CEASE OUR PLANNING AND PREPARATIONS FOR GVN CROSS BORDER OPERATIONS BUT ONLY THAT WE SHOULD SEEK TO ADD AS MANY ARROWS AS WE CAN TO OUR QUIVER. LAO T-28 OPERATION COULD ALSO BE PERTINENT.

5. TO DO SO WILL FIRST REQUIRE FURTHER EXPLORATION AMONG OURSELVES, THEN IF THIS OR POSSIBLE OTHER CONCEPTS SEEM TO WARRANT, LAYING GROUNDWORK WITH GOVERNMENTS CONCERNED. (HERE I WOULD THINK IN SOME WAY RELATING TO OUR JOINT PLANNING WITH GVN). ANY CONCEPT WILL, OF COURSE, HAVE TO TAKE FULL ACCOUNT OF REALITIES OF SITUATION IN LAOS. IF TOO SUCCESSFUL THEY COULD WELL TRIGGER PL/VM REACTIONS THAT WOULD FACE US WITH GRAVE DECISIONS IN LAOS. ON THE OTHER SIDE WE GENUINELY NEED TO EXPLORE EVERY POSSIBLE AVENUE FOR DEALING WITH CORRIDOR PROBLEM AS WELL AS MEETING OUR POLITICAL SITUATION HERE.

6. WE DO NOT UNDERESTIMATE DIFFICULTIES



WOULD APPRECIATE BNAGKOK'S COMMENTS AND DEPARTMENT'S VIEWS, AS WELL AS ANY COMMENTS VIENTIANE MAY HAVE ON FOREGOING ANALYSIS.

~~TOP SECRET~~

~~TOP SECRET~~

-3- 312, AUGUST 5, 6 PM, FROM: SAIGON

NOTE: FOREGOING WAS DRAFTED BEFORE EVENTS OF AUGUST 4 AND 5 AND MAY WELL BE OVERTAKEN BY THEM. IT IS NEVERTHELESS BEING TRANSMITTED IN EVENT SITUATION UNFOLDS IN SUCH MANNER THAT CONSIDERATION WOULD STILL BE PERTINENT.

CFN 148 26 23 1 2 3 4 T-28 5 6 18 4 5

TAYLOR

BT

ADVANCE COPY TO S/S-O 1:56 PM, 8/5/64.

PASSED WHITE HOUSE, DOD, CIA, USUN 4:35 PM, 8/5/64.

PASSED CINCPAC 11:00 AM, 8/5/64.

~~TOP SECRET~~

INCOMING TELEGRAM *Department of State*

70

41

~~CONFIDENTIAL~~

Action

SS

Info

O 070750Z ZEA
 FM AMEMBASSY VIENTIANE
 TO RUEHCR/SECSTATE WASHDC
 INFO RUMTBK/AMEMBASSY BANGKOK
 RUMJIR/AMEMBASSY SAIGON
 RUHLHQ/CINCPAC CAMP HM SMITH HAWAII
 RUDTLN/AMEMBASSY LONDON
 RUFGWP/AMEMBASSY PARIS
 RUMJNO/AMEMBASSY PHNOMPENH
 RUMJRV/AMEMBASSY RANGOON
 RUMJMA/AMEMBASSY MANILA
 RUALOT/AMEMBASSY TOKYO
 STATE GRNC
 BT

CONTROL: 5149
 REC'D: AUGUST 7, 1964
 4:45 A.M.

I M M E D I A T E

~~CONFIDENTIAL~~

ACTION IMMEDIATE DEPT (251) INFO PRIORITY BANGKOK 174 SAIGON 150
 CINCPAC 185 LONDON 126 PARIS 98 PHENH SEVEN RANGOON TWO
 MANILA THREE TOKYO 15 FROM VIENTIANE AUGUST 7, 3 PM

EXDIS

CINCPAC FOR POLAD

I HAVE JUST RECEIVED CONFIDENTIAL LETTER FROM PRIMIN
 SOUVANNA PHOUMA ACKNOWLEDGING RECEIPT PRESIDENT'S MESSAGE
 OF AUGUST 5. UNOFFICIAL TRANSLATION LAST THREE PARAGRAPHS
 (FULL TEXT WILL BE POUCHED) FOLLOWS:
 CFN 251 174 150 185 126 98 7 3 5

PAGE TWO RUMJFS 266A ~~CONFIDENTIAL~~

"PLEASE BE SO GOOD, MR. AMBASSADOR, AS TO INFORM
 PRESIDENT JOHNSON THAT I APPROVE HIS RESPONSES (RIPOSTES)
 TO ATTACKS RECENTLY PERPETRATED BY UNITS OF NORTH
 VIETNAMESE NAVY AGAINST AMERICAN SHIPS NAVIGATING ON
 THE HIGH SEAS.

"I UNDERSTAND ALL THE MORE REASONS OF PRESIDENT OF
 USA SINCE WE IN LAOS ARE OURSELVES ATTACKED BY
 NORTH VIETNAM AND SINCE WE ARE EQUALLY REQUIRED TO
 TAKE MEASURES TO DEFEND OUR INDEPENDENCE AND OUR

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 Authority: PAC 22832

By: [signature] NARA, Date: 4-2-14

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~~CONFIDENTIAL~~

-2- 251, AUGUST 7, 3 P.M., FROM VIENTIANE

NEUTRALITY AGAINST THESE AGGRESSORS AND THEIR LAO
SATELLITES."

COMMENT ON OTHER LOCAL REACTION IN SEPARATE TELEGRAM.

GP-3.

UNGER

NOTE: ADVANCE COPY TO S/S-O AT 5:00 A.M., AUGUST 7.
PASSED WHITE HOUSE, DOD, CIA 5:30 A.M., AUGUST 7.

~~CONFIDENTIAL~~

INCOMING TELEGRAM *Department of State*

POL 27 Viet 5
71

59

Action

SVN

Info

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CIA

NSA

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ARMY

NAVY

AIR

RR RUENH RUENH RUENH RUENH
DE RUMJFS 255A 07/13202
R 071155Z ZEP

FM AMEMBASSY VIENTIANE

TO RUEHCR/SECSTATE WASHDC

RUEKDA/DOD WASHDC

INFO RUMTBK/AMEMBASSY BANGK

RUMJIR/AMEMBASSY SAIGON

RUMSMA/COMUSMACV

RUMBAJ/DEPCHJUSMAG THAI

RUHLHC/CINCPAC AIR FM SMITH HAWAII

RUSBAE/AMEMBASSY NEW DELHI

RUDIV/AMEMBASSY LONDON

RUFOWP/AMEMBASSY PARIS

STATE GRNC

BT

~~CONFIDENTIAL~~ ACTION DEPT (264) 0059 10
BANGKOK 25 SAIGON 159 COMUSMACV UNN DETCHJUSMAG THAI 283
CINCPAC 196 NDELHI 69 LONDON 131 PARIS 103 FROM VIENTIANE
AUGUST 7. 7 PM

LAO COMMENT ON US RETALIATION AGAINST DRVN HAS BEEN STRONGLY
FAVORABLE. AS REPORTED SEPARATELY, SOUVANNA PHOUMA CONFIDENTIALLY
INFORMED ME OF HIS APPROVAL TODAY; YESTERDAY GENERAL PHOUMI
SAID "THIS GIVES US CONSIDERABLE COMFORT". GENERAL MA AND OTHER
HIGH MILITARY OFFICIALS WHO DISCUSSED MATTER WITH US WERE EQUALLY
APPROVING, ONE COMMENT BEING THAT IT WAS HIGH TIME FOR
LAO EMP WATCH NORTH VIETNAMESE RUN". CIVILIANS VOICING THEIR
APPROVAL INCLUDED CHIEF DE CABINET FONOFF, TIANTHONE CHANTARASY;
GOVERNOR OF NATIONAL BANK, GUDONG SOUVANNAVONG, AND DIPLOMATIC
COLLEAGUES FROM UK, AUSTRALIA, JAPAN AND INDIA. CONSERVATIVE
PAPER SIENG MAHASON SAID DRVN HAD REPEATEDLY SLANDERED US AND
IT ENCOURAGING SEE US RESPOND.

SEVERAL CHINESE ENTHUSIASTICALLY APPROVED ACTION IN EXPECTATION
IT WOULD BE START OF MOVE TO REGAIN THEIR HOMELAND, BUT WE
BEL

GIVE MOST INFORMED LAO OPINION SEES THIS AS LIMITED ACTION.
SECOND SECY SOVEMB WHO GOT FIRST NEWS OF RETALIATION FROM EMBOFF,
EXPRESSED ASTONISHMENT AND SAID ACTION PUT USSR IN DIFFICULT
POSITION.

GP-3

UNGER

ADVANCE COPY S/S-0 5:12 PM 8/7/64

Microfilmed by RZ/1

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Authority NLS 96-69

By *SEP/14* NARA, Date *4-2-94*

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OUTGOING TELEGRAM Department of State

IN DATE: [] COLLECT
AGE 10

~~SECRET~~
Classification

05208

72

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AUG 12 3 46 PM '64

Origin

ACTION: Amembassy VIENTIANE - IMMEDIATE 150

Info

INFO: Amembassy SAIGON - PRIORITY 410

CINCPAC

Amembassy BANGKOK - PRIORITY 215

EXDIS

In view possibility Communists may react in Laos to Gulf Tonkin events, every effort should be made determine possible Communist moves and intentions toward Laos or through corridor to SVN. Through separate channel we are authorizing, subject to your concurrence in each case, or elsewhere where useful air support activities along eastern border with DRV to place and supply road watch teams for early warning purposes. Would appreciate rundown any other steps you may have already taken for this early warning purpose plus any recommendations for further actions you believe necessary. One area we believe should also be covered is northeast of junction Routes 7 and 13 toward Dien Bien Phu area.

GP-3

END

RUSK

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Authority STATE letter APR 9 1979

By isp, NARS, Date 7-30-79

Drafted By:

FE:SEA:GMB:mas:8/12/64

Telegraphic transmission and
classification approved by:

FE - William P. Bundy

Clearances:

SEA - Mr. Trueheart (draft) S/S - Mr. Davies

~~SECRET~~

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FORM
8-63 DS-322

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73 FE

TELEGRAM Department of State

4-1
Action
55
16

~~SECRET~~

SANITIZED
E.O. 12958, Sec. 3.6
NL 101-120, State Ltr. 4/4/79, CIA Dir 1/25/81
By cbm, NARA, Date 3-22-02
011682 101
1984 AUG 14 AM 4 53

PP RUEHCR
DE RUMJFS 483A 14/0530Z
P 140253Z ZEA
FM AMEMBASSY VIENTIANE
TO RUEHCR/SECSTATE WASHDC
INFO RUHLHQ/CINCPAC CAMP H M SMITH HAWAII
RUMJIR/AMEMBASSY SAIGON
RUMTBK/AMEMBASSY BANGKOK
STATE GRMC
BT

P R I O R I T Y

~~SECRET~~ ACTION PRIORITY DEPT 292 INFO PRIORITY SAIGON 174
CINCPAC 213 BANGKOK 203 FROM VIENTIANE AUGUST 14, 10:00 AM.

E X D I S

DEPTEL 150.

1. HAVE REVIEWED IN CONSULTATION WITH [] STATUS OF EARLY
WARNING ASSETS POSITIONED ALONG ROUTES LEADING INTO LAOS FROM
CHINA AND NORTH VIETNAM. [] MESSAGE [] WAS
DISCUSSED WITH ME PRIOR TO RELEASE AND REPRESENTS WHAT WE
CONSIDER TO BE REASONABLE AND EFFECTIVE PROGRAM TO INCREASE
CAPACITY MONITOR COMMUNIST MILITARY MOVEMENTS INTO LAOS AND
CFN: 202 174 213 203 14 10:00 150 1. []

PAGE TWO RUMJFS 483A ~~SECRET~~

REPORT SUCH MOVEMENTS PROMPTLY. ALL ACTIONS RECOMMENDED THAT
MESSAGE ARE CURRENTLY BEING IMPLEMENTED WITH EXCEPTION
MOVEMENT OF ROAD WATCH BY HELICOPTER TO POINT NORTH OF ROUTE
12 NEAR WE 8050. [] IS BRINGING TOGETHER AVAILABLE INFOR-
MATION CONCERNING DELIVERY OF THIS TEAM BY HELICOPTER SO THAT
WE CAN MAKE A DECISION ON FEASIBILITY BASED ON ALL RELEVANT
INTELLIGENCE.

2. AREA NORTHEAST OF JUNCTION ROUTES 7 AND 13 IS A TRA-
DITIONAL INVASION ROUTE INTO LAOS USING WATER TRANSPORT
ALONG NAM OU RIVER TO LUANG PRABANG. IT IS COVERED BY
EXISTING ASSETS WHICH WILL BE EQUIPPED WITH RADION COMMUNICATION

3. CONCUR IN VIEWS EXPRESSED IN REF [] MESSAGE THAT IT
UNWISE ATTEMPT REINFORCE EXISTING ASSETS WITH ANY SUBSTANTIAL
NUMBER OF TROOPS. THESE AREAS ARE ALL DEEP BEHIND FRONT

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| OFFICE SYMBOL | | |

~~SECRET~~

-2- 292, August 14, 10 a.m., from Vientiane

LINES AND TEAMS CAN ONLY SURVIVE USING TECHNIQUES OF EVASION AND CONCEALMENT. TO REINFORCE THEM WOULD REQUIRE AIR SUPPORT. ADDITIONAL TROOPS AND AIR SUPPORT WOULD INEVITABLY ALERT SUPERIOR COMMUNIST FORCES IN AREA AND RESULT IN TEAMS BEING ATTACKED AND EITHER ELIMINATED OR EXPELLED FROM AREA.

4. WE KEEPING EARLY WARNING PROBLEM IN FOREFRONT OUR ATTENTION AND WILL FORWARD PROMPTLY FURTHER SUGGESTIONS AS THEY OCCUR TO US.

GP-3.

UNGER

BT

CFN: 12 WE 8050 ☐ 2. 7 13 NAM OU 3. ☐ 4. GP-3

Note: Advance Copy to S/S-0 at 5:03 a.m., August 14

Passed White House, DOD, CIA at 5:58 a.m., August 14

~~SECRET~~

74

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OUTGOING TELEGRAM Department of State

DATE: [] COLLECT
AGE 10

~~SECRET~~

Classification

0 2 2 4 6

75

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AUG 5 7 24 PM '64

Origin

Info

ACTION: Amembassy BANGKOK 178 IMMEDIATE
INFO: Amembassy SAIGON 350
Amembassy VIENTIANE 124
CINCPAC

EXDIS -- PIERCE-ARROW

Saigon for Westmoreland

DECLASSIFIED

Authority STATE letter APR 9 1979

Your 145.

By isg, NARS, Date 7-30-79

1. In response press queries, you should state you know of no deployment to Thailand other than air movements already underway. We would describe latter movements as precautionary and as having been carried out after full consultations with RTG and with its approval. Advise urgently whether RTG concurs in this line.
2. No decision has been taken to deploy US ground forces to Thailand. However, certain units have been alerted for possible repeat possible deployment to Thailand (JCS 050043Z and CINCPAC 050445Z, repeated COMUSMACTHAI). Believe it would be desirable to seek advance RTG approval for these moves. However, we realize that this might involve us in wide-ranging discussion use to which troops might be put (Deptel 141). If you believe there is serious risk of this, advise us urgently before making approach so that we may consider matter further. In seeking Thai

Drafted by:

FE:SEA:WCTrueheart:cst 8/5/64

Telegraphic transmission and

classification approved by: William P. Bundy

Clearances:

ODS/ISA - Mr. Friedman (subs.) W P - Mr. Greenfield (subs.) W
G/PM - Col. Robinson (subs.) W
S/S - Mr. Christensen W

~~SECRET~~

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FORM DS-322
8-63

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~~SECRET~~

Classification

approval for deployment, you should at same time work out agreed public line. From our point of view line proposed above for air movements would be satisfactory; we do not wish to say that moves made at Thai request.

GP-2

End

RUSK

~~SECRET~~

Classification

INCOMING TELEGRAM *Department of State* *7E* *77*

31

Action

SS

Info

OO RUEHCR
DE RUMTBK 096K 05/1125Z
O 051120Z ZEA ZFF1
FM AMEMBASSY BANGKOK
TO RUEHCSECSTATE WASHDC
RUEPCR/OSD
RUEPCR/JCS
RUEPIA/CIA
RUEPWW/WHITE HOUSE
INFO RUHLHQ/CINCPAC
RUMJIR/AMEMBASSY SAIGON
STATE GRNC
BT

~~SECRET~~ ACTION IMMEDIATE DEPT 145 OSD UNN JCS UNN
CIA UNN WHITE HOUSE UNN INFO IMMEDIATE CINCPAC UNN
SAIGON 28 FROM BANGKOK AUG 5, 6 PM

EXDIS - PIERCE ARROW

WE, AND PRESUMABLY ALSO THAI, ARE BEING BESEIGED BY PRESS
FOR INFORMATION ON REPORTED US TROOP MOVEMENTS TO THAILAND.
WE DECLINING COMMENT.

HOW PUBLIC STATEMENTS DEALING WITH THIS QUESTION PHRASED WILL
FACILITATE OR DAMAGE FURTHER THAI COOPERATION. TO AVOID
INTENSE RESENTMENT AT ANY SUCH FORMULATION AS "AT THE REQUEST
CFN 145 28 5 6

PAGE TWMRUMTBK 096K ~~SECRET~~
OF THE THAI GOVERNMENT", I REQUEST INSTRUCTIONS BE ISSUED
REQUIRING ADVANCE COORDINATION WITH RTG OF ANY US PUBLIC
STATEMENT ON DEPLOYMENTS TO THAILAND.

GP-1.
MARTIN
CFN GP-1

NOTE: ADVANCE COPY TO S/S-O AT 8:15 AM, AUGUST 5.

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Authority STATE letter APR 9 1979
By *isp*, NARS, Date *7-30-79*

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100-33-6 US-VIET N

78

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30
Action

SVN

Info

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USIA

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NSA

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PP RUEHC
DE RUMTBK 120K 06/1115Z
ZNR
P 061110Z
FM AMEMBASSY BANGKOK
TO RUEHC/SECSTATE WASHDC
INFO RUMPA/CINCPAC
STATE GRNC
BT

004236

1964 AUG 6 AM 8 42

UNCLAS PRITY ACTION DEPT 151 INFO PRITY CINCPAC UNN SIXTH

ACCORDING AFTERNOON BANGKOK NEWSPAPERS PRIME MINISTER THACH TOLD REPORTERS THAT WHEN AMERICAN AMBASSADOR CALLED ON AUGUST 5 HE BROUGHT LETTER FROM PRESIDENT INFORMING THAI OFFICIALLY OF US DECISION TAKE ACTION AGAINST NORTH VIETNAM. MEETING OF THAI MILITARY LEADERS AND OF CABINET HAD THEREAFTER BEEN HELD TO STUDY SITUATION URGENTLY.

PM SAID IMPOSSIBLE KNOW IF SITUATION WILL EXPAND. WHETHER COMMUNIST CHINA WILL RETALIATE IS MAIN CAUSE OF CONCERN. AS PRECAUTIONARY MEASURE HE HAD ORDERED FULL ALERT THREE
CFN 151 5

PAGE 2 RUMTBK 120K U N C L A S
ARMED FORCES FROM AUGUST 6.

PM EMPHASIZED THAT US HAD GIVEN ASSURANCE THAILAND WILL BE KEPT INFORMED OF DEVELOPMENTS SO THAT CONSULTATIONS CAN BE HELD AT EVERY STEP. ASKED WHETHER US WOULD SEND TROOPS TO THAILAND SHOULD EMERGENCY OCCUR, PM REPLIED THAT THERE IS NO NEED WHATEVER AT PRESENT FOR ANY TROOPS TO BE SENT TO BE STATIONED IN THAILAND. MARTIN
CFN 2 6

NOTE: ADVANCE COPY DELIVERED TO S/S-O AT 9:24 AM AUGUST 6TH
PASSEI WHITE HOUSE, DOD, CIA AT 11:10 AM AUGUST 6TH

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OUTGOING TELEGRAM Department of State

DATE: ☐ COLLECT
JARGE TO

~~TOP SECRET~~

Classification

02423

79

FOR OC/T USE ONLY

AUG 6 1 18 PM '64

Origin

ACTION: Amembassy BANGKOK IMMEDIATE 180

Info

INFO: Amembassy SAIGON 355
Amembassy VIENTIANE 12.5
CINCPAC

SAIGON FOR WESTMORELAND

E X D I S

DECLASSIFIED

Authority State 17 3/10/76
By RUE, NARS, Date 10/26/76

Require urgently RTG concurrence in deployment to Thailand of six helicopters and support personnel for SAR operations--two helicopters and 20 total personnel to Takhli; four helicopters and 55 total personnel to Korat. First arrivals would probably be 24-48 hours after approval. Helicopters would be part of total SAR operation in SEA, but range would limit probable operations to Laos, Thailand

GP-1.

End

RUSK

Drafted by:

FE:SEA:LG Pickering:mj 8/6/64

Telegraphic transmission and
classification approved by:

FE - Marshall Green mg

Clearances:

SEA - Mr. Trueheart (subs)
G/IRM - Mr. Warren (subs)
S/VN - Mr. Corcoran (subs)

DOD/ISA - Capt. Drachnik
S/S - Mr. Christensen

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FORM 8-63 DS-322

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41

~~SECRET~~

80

Action

Control:
Rec'd:

3911
AUGUST 6, 1964
2:33 AM

SS

Info

FROM: BANGKOK

ACTION: SECSTATE 148 IMMEDIATE

INFO: CINCPAC UNNUMBERED IMMEDIATE
SAIGON 29 IMMEDIATE
VIENTIANE 32 IMMEDIATE

Thail.

DATE: AUGUST 6, 1 PM

SAIGON PASS GENERAL WESTMORELAND

EXDIS - PIERCE ARROW

EMBTEL 145; DEPTL 178

RTG CONCURS IN LINE YOU PROPOSE PARA 1 DEPTL 178; COMMENT
ON PARA 2 FOLLOWS.

GP-1.

MARTIN

LM

NOTE: ADVANCE COPY TO S/S-O AT 2:38 AM, AUGUST 6
PASSED WHITE HOUSE, DOD, CIA AT 2:55 AM, AUGUST 6

DECLASSIFIED

Authority STATE letter APR 9 1979

By *isp*, NAKS, Date 7-30-79

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| ION | ACTION | DIRECTIONS |
| ASSIGNED TO. | TAKEN | TO RM/R |
| NAME OF OFFICER | DATE OF ACTION | FILE |
| OFFICE SYMBOL | AUG 6 1964 | |

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☐ CHARGE TO

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Classification

03021

81

FOR OC/T USE ONLY

AUG 6 / 51 PM '64

Origin

ACTION: Amembassy BANGKOK - FLASH 188

Info

INFO: Amembassy SAIGON - 36/
 Amembassy VIENTIANE - 13/
 CINCPAC

Saigon for Westmoreland

Thail

EXDIS

DECLASSIFIED

Embtel 152

Authority State 112 9/19/75
 By MDE, NARS, Date 10/26/76

Appreciate prompt action on Deptel 180. Since receipt reftel, have learned that SAR package consists of four helicopters and two amphibious aircraft (HU-16s) (capable of operating radius of roughly 1000 miles) rather than six helicopters as stated Deptel 180. Personnel totals unaffected.

DOD ordering deployment of four helicopters now.

Accompanying instructions require Embassy be notified of ETAs. Deployment HU-16s will await your concurrence which requested urgently.

GP-1

END

RUSK

Drafted by:

FE:SEA:LG Pickering:mas:8/6/64

Telegraphic transmission and
 Classification approved by:

SEA - William C. Trueheart

Clearances:

DDO (NMCC) - Brigadier General Chester C. Cox

S/S - Mr. Christensen

~~TOP SECRET~~

Classification

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41

Action

55

Info

~~TOP SECRET~~Control: 5077
Rec'd: AUGUST 7, 1964
1:34 AM

82

FROM: BANGKOK

ACTION: SECSTATE 154 FLASH

INFO : SAIGON 32 FLASH
VIENTIANE 36 FLASH
DOD UNNUMBERED FLASH
CINCPAC UNNUMBERED FLASH

DECLASSIFIED

Authority State ltr 9/19/75
By MIE, NARS, Date 10/26/76

DATE : AUGUST 7, NOON

Thul.

22

EXDIS

SAIGON FOR WESTMORELAND

DEPARTMENT TELEGRAMS 188 AND 180, EMBASSY TELEGRAM 152

RE DEPTTEL 188. RTG CONCURRENCE GRANTED DEPLOYMENT TWO
AMPHIBIOUS AIRCRAFT (HU-16'S) TO KORAT.

GP-1.

MARTIN

UMT

NOTE: ADVANCE COPY TO S/S-O AT 1:39 AM AUGUST 7, 1964

PASSED WHITE HOUSE, DOD, CIA AT 1:45 AM AUGUST 7, 1964

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| OFFICE SYMBOL <u>SEA/President</u> | | 8-7 | |

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INCOMING TELEGRAM Department of State

PC 33-6 US-VIET N RMR

~~CONFIDENTIAL~~

83 044

Action

55

Info

OO RUEHCR
DE RUMTBK 136K 07/0830Z
O P 070815Z ZUEA
FM AMEMBASSY (BANGKOK)
TO RUEHCR/SECSTATE
INFO RUMJIR/AMEMBASSY SAIGON
RUHLHQ/YCCINCPAC POLAD
STATE GRNC
BT

IMMEDIATE

005154

Thai

1964 AUG 7 AM 5 19

~~CONFIDENTIAL~~ ACTION IMMEDIATE DEPT (156) INFO SAIGON
33 CINCPAC POLAD 16 FROM BANGKOK AUG 7, 3PM

SAIGON FOR COMUSMACV
PRIMIN THANOM REQUESTED US TRANSMIT FOLLOWING MESSAGE FROM HIM
TO PRESIDENT JOHNSON IN REPLY TO PRESIDENT'S MESSAGE OF AUG 4:

"DEAR MR. PRESIDENT,

AMBASSADOR MARTIN HANDED ME YOUR MESSAGE DATED AUGUST 4, 1964,
KINDLY INFORMING ME OF THE CONTENTS OF THE STATEMENT YOU WERE
MAKING IN WASHINGTON IN REGARD TO DELIBERATE ATTACKS BY NORTH
VIETNAMESE TORPEDO BOATS ON AMERICAN VESSELS OPERATING ON THE
HIGH SEAS.

CFN 156 33 16 7 3 4 4 1964

PAGE TWO RUMTBK 136K ~~CONFIDENTIAL~~

I AM VERY GRATEFUL TO YOU FOR BRINGING THE MATTER TO MY ATTENTION
AND, AS I SAID TO YOUR AMBASSADOR, THE THAI GOVERNMENT IS
IN FULL ACCORD WITH YOUR DECISION THAT WHILE THE UNITED STATES
MAKES EVERY EFFORT TO PRESERVE PEACE, THESE ACTS OF AGGRESSION
CANNOT GO UNANSWERED.

THESE UNPROVOKED AND INEXCUSABLE ATTACKS ON AMERICAN VESSELS
OPERATING IN INTERNATIONAL WATERS ARE BLATANT VIOLATIONS OF
INTERNATIONAL LAW AND THE LIMITED BUT POSITIVE RESPONSE OF THE
UNITED STATES SHOULD SERVE AS A FIRM AND UNEQUIVOCAL WARNING TO
COMMUNIST NORTH VIETNAM TO DESIST FROM SUCH RASH AND ADVENTURIST
ACTIONS.

IT IS OUR CONVICTION THAT YOUR PROMPT AND RESOLUTE REPLY IN THIS
INSTANCE HAS DONE MUCH TO PRESERVE THE THREATENED PEACE OF THIS AREA.

~~CONFIDENTIAL~~

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DECLASSIFIED

Authority NSC Ltr 4-29-77, Sec 8-11-78

By isp/4, NARA, Date 4-2-79

~~CONFIDENTIAL~~

-2- 156, AUGUST 7, 3 P.M., FROM BANGKOK

AND HAS LIKEWISE THE EFFECT OF REASSURING THE GOVERNMENTS AND PEOPLES OF THIS REGION WHICH ARE IN SYMPATHY WITH OUR OBJECTIVES AS WELL AS THOSE WHO MAY ENTERTAIN ANY DOUBT THEREABOUT THAT THE UNITED STATES GOVERNMENT IS FIRMLY DETERMINED TO CARRY OUT ITS COMMITMENTS TO HELP THEM MAINTAIN FREEDOM AND SECURITY IN SOUTH EAST ASIA.

SINCERELY YOURS,

FIELD MARSHAL THANOM KITTIKACHORN
PRIME MINISTER OF THAILAND"

MINFONAFF REQUESTS DEPT PROVIDE COPY TO THAI EMB WASHINGTON.

MFA ADVISES NO OBJECTION TO PUBLIC RELEASE.

GP-3

MARTIN

CFN GP-3

BT

NOTE: ADVANCE COPY TO S/S-O AT 5:27 A.M. AUGUST 7, 1964

PASSED WHITE HOUSE, DOD, CIA, 8-7-64 - 5:44 A.M.

HANDLED AS LIMDIS PER SS/O

~~CONFIDENTIAL~~

~~TOP SECRET~~

84

Action FROM: Bangkok CONTROL: 5212 001
SS REC'D : August 7, 1964
Info ACTION: Secstate 157 Flash
DOD Unnumbered Flash
JCS Unnumbered Flash
White House Unnumbered Flash
CIA Unnumbered Flash
5:52 a.m.
INFO C Saigon 34 Immediate
CINCPAC Unnumbered Immediate

DATE : August 7, 4 p.m.

DECLASSIFIED
Authority State 17 9/19/75
By MLD, NARS, Date 10/26/76

EXDIS

SAIGON FOR WESTMORELAND.

REF: JCS 7787 TO SECSTATE

REF: CINCPAC 062125Z TO JCS.

1. THIS MORNING DEPDEFMIN DAWEI AT HIS REQUEST CALLED ON ME AT CHANCERY. AFTER CONSIDERABLE DISCUSSION, HE AGREED REMOVE ANY RESTRICTIONS ON LAUNCH OF COMBAT SORTIES OUT OF THAILAND BY US AIRCRAFT ON THAI BASES IN EVENT THIS BECOMES NECESSARY.

2. IT MUST BE RECOGNIZED BY ALL CONCERNED THAT THIS IS MAJOR DEPARTURE FROM PREVIOUS THAI POLICY. THIS AUTHORITY HAS BEEN GRANTED WITH CONSIDERABLE RELUCTANCE. THE METHOD OF THE EMPLOYMENT OF THIS AUTHORITY AND THE DEGREE OF RESTRAINT EXERCISED IN ITS USE MAY WELL HAVE DETERMINING EFFECT ON POSSIBLE SUBSEQUENT DEPLOYMENT GROUND FORCES.

3. THAI ENGAGEMENT IN SEA HAS BEEN CONSIDERABLE. HOWEVER, USE OF PARU, THAI PILOTS, AND CURRENT 300 MEN ARTILLERY COMMITMENT TO OPERATION TRIANGLE ARE ALL SUBJECT TO PLAUSIBLE DENIAL AND WOULD NOT OVERTLY INVOLVE THAILAND AS BELLIGERENT. THIS NOT POSSIBLE IN CASE OF COMBAT SORTIES FROM THAI BASES AGAINST DRV TARGETS. NEVERTHELESS, AUTHORITY GRANTED PAR ONE ABOVE UNLIMITED - RPT UNLIMITED - EXCEPT BY REQUEST FOR LATERAL INFORMATION AT TIME OF LAUNCH.

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| ASSIGNED TO | | | |
| NAME OF OFFICER | DATE OF ACTION | DIRECTIONS TO RM/R | |
| OFFICE SYMBOL | <i>8/7/64</i> | <i>file</i> | |

XEROX FROM QUICK COPY

~~TOP SECRET~~

-2- 157, August 7, 4 p.m. from Bangkok

4. NO PROBLEMS OF ANY SORT ON IMMEDIATE AND AUTOMATIC ENGAGEMENT OF ANY INTRUDERS IN THAI AIR SPACE OR OVER LAOS.

5. SINCE COMUSMACTHAI ROLE IN OP PLAN 37 LARGELY SUPPORTING TO COMUSMACV WOULD HOPE OTHER ASSETS COULD BE EMPLOYED ON TARGETS OUTSIDE THAILAND BEFORE ENGAGING US AIR UNITS FROM THAI BASES. IN EVENT THEY ARE USED, HOPE IT NOT NECESSARY TO PUBLICLY REVEAL THEY BASED IN THAILAND.

6. THAI ASSUME NORMAL COOPERATIVE ARRANGEMENTS ON MESHING THEIR OWN AIR ASSETS IN DEFENSE THAI AIR SPACE. SINCE PARA 1-E ANNEX BRAVO COMUSMACTHAI OP PLAN 37 PROVIDES THIS TYPE COORDINATION, THIS SEEMS NO PROBLEM AND DEPCOMUSMACTHAI COORDINATING WITH DEPCOM 2ND AIR DIV.

GP-1

CFN 7787 062125Z 1 DAWEE 2 3 300 4 5 37 6 1-E 37 2 1

Note: Advance copy to S/S-0 at 6:30 a.m. August 7, 1964

~~TOP SECRET~~

ACTION COPY

PERMANENT RECORD COPY

INCOMING TELEGRAM *Department of State*

85

41

~~SECRET~~

Action

SS

Info

005170

1964 AUG 7 AM 5 30

CRF945
 OO RUEHCR
 DE RUEPCR 83 07/0828Z
 TO 070826Z
 FM JCS
 TO ZEN/CSAF
 RUHLHQ/CINCPAC
 RUCDA/COMATS
 INFO RUCQHK/CINCSRIKE
 RUCOC/CINCARSTRIKE
 RUEAD/CINCAFSTRIKE
 RUHLKM/PACAF
 RUMSMA/COMUSMACV
 RUMSO/COMUSMACTHAI
 RUMJIR/AMEMB SAIGON
 RUMTBK/AMEMB BANGKOK
 RUMJFS/AMEMB VIENTIANE
 RUMJMA/AMEMB MANILA
 RUAPFD/AMEMB TOKYO
 RUEPWW/WHITE HOUSE
 RUEHCR/STATE DEPT
 RUEKC/ANMCC
 RUEKVA/NECPA
 RUEKMJ/NEACP

IMMEDIATE

DECLASSIFIED

Authority

By

NARS, Date

BT
~~SECRET~~ JCS 7788 JCS SENDS.

SUBJ: SAR FORCES (U)

REFS: A. JCS 7786

B. BANGKOK 154 TO SECSTATE (UNNUMBERED
 TO CINCPAC) (NOTAL)

REFERENCE B GRANTED DIPLOMATIC CLEARANCE TO
 MOVE HU-16 AIRCRAFT TO KORAT. GP-3

BT

NOTE: Advance copy to S/S-0 at 5:30 a.m., August 7.

HANDLED EXDIS PER S/S-0.

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CATE: ☐ COLLECT
LARGE TO

~~TOP SECRET~~
Classification

04220

86

FOR OC/T USE ONLY

AUG 8 6 32 PM '64

Origin

ACTION: Amembassy BANGKOK - IMMEDIATE 201
Amembassy VIENTIANE - IMMEDIATE 139

Info

INFO: Amembassy SAIGON 384
CINCPAC.

CINCPAC FOR POLAD

EXDIS

DECLASSIFIED

Authority State 12 9/19/75
By MIE, NARS, Date 10/26/76

Thai

You should be aware that photography August 7 shows some 30 MIG 15/17 on Phucyen airfield in Hanoi area. Martin is authorized inform Thanom and or other appropriate Thai leaders. We have no indication that this development necessarily presages offensive action by Chicoms or DRV.

Unger may in his discretion inform Souvanna without disclosing source of information.

GP-1

END

RUSK

Drafted by:

FE:SEA:WCTrueheart:mas:8/8/64

Clearances:

Telegraphic transmission and

Classification approved by:

SEA - William C. Trueheart

~~XXXXXXXXXXXX~~

S/S - Mr. Moore

FE - Mr. Bundy (draft) DOD - Mr. McNaughton (draft)

~~TOP SECRET~~

Classification

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INCOMING TELEGRAM *Department of State*

PERMANENT RECORD COPY

87

41

~~SECRET~~

Action

Control:

6365

Rec'd:

AUGUST 8, 1964

SS

4:27 AM

Info

FROM: BANGKOK

ACTION: SECSTATE 162 IMMEDIATE
DOD UNNUMBERED IMMEDIATE

INFO: CINCPAC UNNUMBERED IMMEDIATE
SAIGON 35 IMMEDIATE
VIENTIANE 38

1

DATE: AUGUST 8, 2 PM

SAIGON FOR WESTMORELAND.

EXDIS - PIERCE ARROW.

DEPTELS 178, 141.

~~SECRET~~

Authority *FRUS, Vol. XXVII, # 283*

By *NARA* Date *1-3-74*

1. I HAVE DELAYED ANSWERING INQUIRY RELATING THAI ATTITUDE IN EVENT WE REQUEST DEPLOYMENT OF GROUND FORCES UNTIL I COULD GET THE RESULTS OF SPECIAL THAI CABINET MEETING THAT WAS HELD ON 5 AUGUST AFTER I HAD PRESENTED PRESIDENT'S LETTER TO PRIMIN. IN COURSE OF MY MEETING WITH THANOM, I DECIDED TO TAKE ADVANTAGE OF HIS OBVIOUS PLEASURE WITH US ACTIONS AND PRESIDENT'S MESSAGE. I SAID I HAD NOT BEEN INSTRUCTED TO BRING UP QUESTION OF GROUND TROOP DEPLOYMENT, BUT IT OBVIOUSLY MATTER WE SHOULD KEEP UNDER CLOSE REVIEW AS SITUATION DEVELOPED. THANOM STATED THAT IN PRINCIPLE HE HAD NO OBJECTION TO DEPLOYMENT OF GROUND TROOPS BUT WOULD WISH TO HAVE FURTHER ADVANCE CONSULTATION AS TO THE TIMING OF ANY DEPLOYMENTS CONSIDERED NECESSARY. I DID NOT PURSUE MATTER FURTHER. AS I HAD THOUGHT, THE CABINET REACTION INDICATES A DIVIDED OPINION (SEE FTG 8110). I THINK THANOM WOULD BE INCLINE TO AGREE WITHOUT MUCH ARGUMENT OVER DETAIL BUT HE WOULD BE UNDER CONSIDERABLE PRESSURE FROM GEN CHITTI, MARSHAL DAWEE AND FONMIN THANAT TO REFRAIN FROM DOING SO UNTIL AND UNLESS THERE WAS A CLEAR INDICATION OF THE NECESSITY FOR THEIR USE ACROSS THE MEKONG MOTIVATIONS ARE NOT WHOLLY CLEAR. I AM INCLINED TO FEEL CHITTI AND DAWEE OPPORTUNISTIC IN TERMS PERSONAL, EFFECT ON INDIVIDUAL

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| OFFICE SYMBOL <i>SEA/2nd Lt</i> | | |

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-2- 162, AUGUST 8, 2 PM, FROM BANGKOK

POSITIONS. THANAT QUITE SIMPLY WOULD WISH TO USE SUCH CONSULTATION TO INFLUENCE US POLICY IN PROTECTING THAI VITAL INTERESTS.

2. THERE ARE SEVERAL BASIC FACTORS ON WHICH THERE IS GENERAL THAI AGREEMENT. THESE ARE:

A. EXTREME THAI SENSITIVITY ABOUT ASSUMING A STANCE OF OPEN BELLIGERENCY.

B. AS I HAVE REPORTED SEVERAL TIMES, THE THAI SIMPLY DO NOT BELIEVE THAT THE PRESENCE OF AMERICAN TROOPS AS SUCH WOULD PROVIDE ADDITIONAL DETERRENCE. THEY BELIEVE THE WIDE PUBLICITY GIVEN TO RECENT LOGISTIC BUILDUP PLUS DEMONSTRATED ABILITY TO DEPLOY RAPIDLY BY AIR MAKES ACTUAL PHYSICAL PRESENCE IN THAILAND UNNECESSARY BEFORE THERE IS REASON FOR THEIR USE AND A DECISION TO SO USE THEM.

C. THE THAI ARE QUITE FRANKLY EXTREMELY LOATH TO INCREASE THE AMERICAN MILITARY PRESENCE. AT PRESENT MOMENT WE ARE OVER THE 5,000 MARK AND RAPIDLY CLIMBING. UNTIL WE INTEND TO USE COMBAT TROOPS ACROSS THE MEKONG THEY WOULD HOPE TO LIMIT US MILITARY PRESENCE HERE, PARTICULARLY THAT GROWING PORTION WHICH IS PRIMARILY INTENDED FOR US STRATEGIC INTERESTS.

D. THAI SENSITIVITY OVER IMPUTATION THEY TOTALLY DEPENDENT ON US. LATEST THAI PUBLIC COMMENTS CARRY POINTED EMPHASIS ON ABSENCE PRESENT NEED FOR US TROOP DEPLOYMENT AND REFRAIN FROM PUBLIC COMMENT ON US AIR DEPLOYMENT. RTG OBVIOUSLY ATTEMPTING MAKE IT CLEAR TO ITS OWN CITIZENS IT NOT ABDICATING ITS AUTHORITY AND RESPONSIBILITY TO US; AND THAT US ASSISTANCE WILL BE INVOKED ONLY WHEN JOB CLEARLY BEYOND THAI CAPABILITIES.

E. US SLOWNESS

~~SECRET~~

~~SECRET~~

-3- 162, AUGUST 8, 2 PM, FROM BANGKOK

E. US SLOWNESS IN RESPONDING TO THAI CONCERN OVER US COMMAND ARRANGEMENTS.

3. IN SUMMARY, I HAVE AGREEMENT (IN PRINCIPLE) FOR DEPLOYMENT OF GROUND TROOPS SUBJECT TO CONSULTATION ON TIMING. SUCH CONSULTATION WILL INEVITABLY INVOLVE SOME SEARCHING QUESTIONS AS TO OUR PLANS FOR THEIR USE. NEVERTHELESS, I CAN SECURE AGREEMENT ANY TIME WE REALLY DETERMINE THIS ESSENTIAL ENOUGH TO WARRANT REAL PRESSURE AND I AM GIVEN REASONABLE RATIONALE.

IN MY OPINION, IT WOULD BE SERIOUS ERROR TO PRESS SUCH REQUEST AT PRESENT TIME.

GP-2.

MARTIN

LM

NOTE: ADVANCE COPY TO S/S-O AT 4:41 AM, AUGUST 8

PASSED WHITE HOUSE, DOD, CIA AT 5:05 AM, AUGUST 8

~~SECRET~~

88

INCOMING TELEGRAM *Department of State*

32

Action

55

Info

CONTROL: 6536
 RECD: AUGUST 8, 1964
 10:10 AM

~~TOP SECRET~~

CORRECTION ISSUED:
 8/9/64, 2:10 a.m.

FROM: BANGKOK - CORRECTED COPY

001

ACTION: SECSTATE 164

DECLASSIFIED

Authority *State 9-19-75*
 By *huf/ry* NARA Date *4-2-84*

INFO: VIENTIANE 39
 SAIGON 38
 DOD, CIA, CINCPAC UNNUMBERED

DATE: AUGUST 8, 6 PM

~~TOP SECRET~~

EXDIS

REF: A. SAIGON'S 312 TO DEPT
 REF: B. VIENTIANE'S 263 TO DEPT
 REF: C. CINCPAC 052250Z

1. RE PARA 2 REF A, EYE AM CONFIDENT (THAI) WILLING COOPERATE FULLY IN CAREFULLY MEASURED AND CONTROLLED ACTIONS LAOS. TO EXTENT THESE ACTIONS COVERT AND IN CONCERT WITH US SPECIAL FORCES THAI COOPERATION CERTAIN.
2. EYE BELIEVE PIERCE-ARROW ACTIONS MAKE CORRIDOR CLOSURE NOT RPT NOT ONLY MORE URGENT BUT ALSO WILL MAKE IT EASIER TO ENLIST SOUVANNA'S COOPERATION WHEN THIS ESSENTIAL.
3. EYE AGREE DESIRABILITY MEETING UDORN AUGUST 18 AND WOULD SUGGEST DETAILED EXPLORATION OF POSSIBILITIES ALREADY OVERDUE RATHER THAN PREMATURE.
4. ALTHOUGH REF C DEALS WITH OPLAN 32 SITUATION, I WOULD HOPE MACV COULD PROVIDE MEETING WITH ESTIMATE US SPECIAL FORCES CAPABILITIES TO ASSIST IN CORRIDOR PROBLEM UNDER PRESENT CONDITIONS.

* This copy must be returned to AM/AR/CE/TRA SOUVANNA 803 UDORN 18 take REF C

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