

**FOREIGN
RELATIONS
OF THE
UNITED
STATES**

1969–1976

VOLUME IX

**VIETNAM,
OCTOBER 1972–
JANUARY 1973**



**DEPARTMENT
OF
STATE**

Washington



Foreign Relations of the United States, 1969–1976

Volume IX

Vietnam, October 1972– January 1973

Editor John M. Carland
General Editor Edward C. Keefer

DEPARTMENT OF STATE
OFFICE OF THE HISTORIAN
BUREAU OF PUBLIC AFFAIRS

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Preface

The *Foreign Relations of the United States* series presents the official documentary historical record of major foreign policy decisions and significant diplomatic activity of the United States Government. The Historian of the Department of State is charged with the responsibility for the preparation of the *Foreign Relations* series. The staff of the Office of the Historian, Bureau of Public Affairs, under the direction of the General Editor of the *Foreign Relations* series, plans, researches, compiles, and edits the volumes in the series. Secretary of State Frank B. Kellogg first promulgated official regulations codifying specific standards for the selection and editing of documents for the series on March 26, 1925. These regulations, with minor modifications, guided the series through 1991.

Public Law 102-138, the Foreign Relations Authorization Act, established a new statutory charter for the preparation of the series which was signed by President George H.W. Bush on October 28, 1991. Section 198 of P.L. 102-138 added a new Title IV to the Department of State's Basic Authorities Act of 1956 (22 U.S.C. 4351, et seq.).

The statute requires that the *Foreign Relations* series be a thorough, accurate, and reliable record of major United States foreign policy decisions and significant United States diplomatic activity. The volumes of the series should include all records needed to provide comprehensive documentation of major foreign policy decisions and actions of the United States Government. The statute also confirms the editing principles established by Secretary Kellogg: the *Foreign Relations* series is guided by the principles of historical objectivity and accuracy; records should not be altered or deletions made without indicating in the published text that a deletion has been made; the published record should omit no facts that were of major importance in reaching a decision; and nothing should be omitted for the purposes of concealing a defect in policy. The statute also requires that the *Foreign Relations* series be published not more than 30 years after the events recorded. The editor is convinced that this volume meets all regulatory, statutory, and scholarly standards of selection and editing.

Structure and Scope of the Foreign Relations Series

This volume is part of a subseries of volumes of the *Foreign Relations* series that documents the most important issues in the foreign policy of Presidents Richard M. Nixon and Gerald R. Ford. This specific volume documents U.S. policy towards the war in Vietnam from October 8, 1972, until January 27, 1973.

The most significant events for U.S. Vietnam war policy in this period were policy formation and decision making in Washington; the negotiations in Paris and reactions in Washington, Hanoi, and Saigon to the negotiations; and the December/Christmas Bombing as well as other events in South Vietnam and North Vietnam. Therefore, documentary coverage in this volume is limited mainly to these topics. Only a very small number of documents relate to events and policy in Laos and Cambodia, and then only as they, in turn, relate to events and policy in Vietnam.

*Focus of Research and Principles of Selection for Foreign Relations,
1969–1976, Volume IX*

Believing that time was on their side, North Vietnam's leaders refused to negotiate seriously with the United States and South Vietnam. Indeed, in March 1972, they attempted to bypass negotiations altogether with a full-scale invasion of South Vietnam. Called the Easter Offensive by the United States, the invasion at first appeared to overwhelm the South. By mid-summer, however, Nixon's May decision to mine North Vietnam harbors and dramatically intensify the application of American air power to infrastructure and other strategic targets in the North and to operational targets in the South, and the tenacious defense of South Vietnam by its own armed forces, had blunted the offensive.

At this point, the North Vietnamese agreed to resume negotiations and did so in meetings with President Nixon's National Security Adviser, Henry A. Kissinger, in Paris on July 19, August 1, August 14, September 15, and September 26–27. By the September talks, the North Vietnamese delegation, led by Le Duc Tho, seemed prepared to make what Kissinger considered a break-through concession: namely, that North Vietnam no longer linked its readiness to negotiate a U.S. withdrawal with a demand that the United States support and actively participate in the dismantling of President Nguyen Van Thieu's government in Saigon.

In early October, Kissinger and Le Duc Tho met again in Paris. During a marathon four-day session (October 8–11), the two negotiated a peace agreement. Its key elements were:

- the United States would respect the independence, sovereignty, unity, and territorial integrity of Vietnam as recognized by the 1954 Geneva Agreements;
- all parties would initiate a cease-fire in place 24 hours after signing the agreement;
- U.S. forces and all foreign troops would withdraw from South Vietnam no later than 60 days after signing the agreement;
- U.S. prisoners would be released simultaneously with the withdrawal of American and foreign forces; and

- a National Council of National Reconciliation and Concord—made up of members of the South Vietnamese Government, the Communist Provisional Revolutionary Government, or PRG (essentially an arm of the National Liberation Front), and a third, neutral force—would be created to organize and oversee free and democratic elections to determine the political future of the South.

The agreement was satisfactory to the Communists and to the United States but not to the South Vietnamese. Nixon quickly approved the terms, and sent Kissinger to Saigon to obtain the approval of President Thieu. However, on October 22, Thieu stopped the process in its tracks, informing Kissinger that he found the agreement unacceptable in several of its particulars. The cease-fire in place, for example, left thousands of North Vietnamese soldiers in South Vietnam (estimated at between 140,000 and 300,000) well-positioned to continue the war when the Americans departed. Thieu also objected to making the PRG a formal party to the agreement because it suggested that the PRG was sovereign over the parts of South Vietnam occupied by Communist troops. Finally, Thieu believed the Council of National Reconciliation to be little more than a stalking horse for a coalition government that would inevitably lead to a Communist one and to the demise of his own.

In high-level conversations and correspondence with Thieu, the United States attempted to convince the leader that he was wrong. For example, on the subject of coalition government and the National Council, Kissinger told Thieu that since the Council required agreement from all parties before it could act, Thieu possessed an absolute veto over any step the Council might take. On the much more critical issue of the military threat posed by the troops left in place, Nixon and Kissinger made unequivocal commitments to Thieu; the United States would apply massive airpower to counter Communist violations of the cease-fire if those violations threatened the survival of South Vietnam.

Thieu remained adamant: South Vietnam would not accept the document as drafted. For the moment, Nixon took steps to accommodate Thieu, the only person, in his view, capable of leading South Vietnam. Nixon sent Kissinger back to Paris to renegotiate 69 points on behalf of the South. The North Vietnamese, fiercely disagreeing with the U.S. move, decided that they too would renegotiate issues previously agreed to. By mid-November, the talks were on the verge of collapse. Consequently, the central goal of U.S. foreign policy over the next few weeks was to compel both South and North Vietnam to accept, in its main tenets, the agreement that the United States had negotiated with the latter in October. During this time the United States attempted through formal and informal talks with both sides, and through letters from Nixon to Thieu delivered personally by Major General Alexander

Haig, Kissinger's deputy, to convince the two Vietnams to accept the draft accords. All attempts failed.

In the wake of the unproductive December 13 meeting between Kissinger and Le Duc Tho, acrimonious meetings between experts from both sides on December 14 and 16, and the failure of Hanoi to respond to an American ultimatum to accept the agreed upon text of the settlement as of November 23, Nixon concluded that "we had now reached the point where only the strongest action would have any effect in convincing Hanoi that negotiating a fair settlement with us was a better option for them than continuing the war" (Nixon, *RN*, page 733). This analysis led Nixon to one of his most controversial decisions—re-mining Haiphong Harbor and ordering a sustained and severe air campaign (Operation Linebacker II) against all significant military targets in the Hanoi-Haiphong complex. Beginning on December 18 and continuing for eleven days, B-52 Stratofortresses and various types of fighter-bombers vigorously carried out the President's order, reducing most of the targets to rubble. Even though the targets were military, the aim was political and psychological—to shock the North Vietnamese back to the negotiations in a frame of mind to end the war before the newly elected and antiwar Congress convened in January. On December 26, the North Vietnamese government indicated its willingness to do so and to meet in early January. After three more days of bombing, Nixon ended Linebacker II. On how the bombing related to North Vietnamese action, John D. Negroponte, then one of Kissinger's aides, remarked at the time that "we are bombing them to force them to accept our concessions." (See Szulc, *The Illusion of Peace*, page 641. In a conversation with John M. Carland, editor of this volume, on August 4, 2008, Negroponte confirmed that he was the source of this quotation.)

Nixon intended the bombing to serve another important purpose: to pointedly remind the South Vietnamese that America's commitment to the defense and survival of South Vietnam was contingent upon South Vietnam supporting the agreement. When Presidential emissary General Alexander Haig arrived in Saigon on December 19, he told Thieu that if South Vietnam refused to support it, the United States would reach an agreement with the North on its own. Thieu understood what was happening. According to Haig, he observed: "what I am being asked to sign is not a treaty for peace but a treaty for continued U.S. support" (Haig, *Inner Circles*, page 311). Despite waiting until the last minute to agree to the settlement, Thieu realized that once Nixon made the U.S. position irrevocably clear he had very little choice in the matter.

In early January 1973, Kissinger and Le Duc Tho returned to Paris and in several days of hard bargaining ironed out the last details of the settlement. They initialed the agreement on January 23 and it was for-

mally signed on January 27 by a different cast of characters—Secretary of State William Rogers for the United States; Tran Van Lam, Minister of Foreign Affairs, for South Vietnam; Nguyen Duy Trinh, Minister for Foreign Affairs, for North Vietnam; and Nguyen Thi Binh, Minister of Foreign Affairs, for the Provisional Revolutionary Government (Viet Cong). Titled the “Agreement on Ending the War and Restoring Peace in Vietnam,” the accords included a number of minor compromises negotiated in November, December, and January. In its essentials, however, it remained remarkably similar to the document that Kissinger and Le Duc Tho had agreed to in October.

Editorial Methodology

The documents are presented chronologically according to Washington time. Memoranda of conversation are placed according to the time and date of the conversation, rather than the date the memorandum was drafted.

Editorial treatment of the documents published in the *Foreign Relations* series follows Office style guidelines, supplemented by guidance from the General Editor and the chief technical editor. The documents are reproduced as exactly as possible, including marginalia or other notations, which are described in the footnotes. Texts are transcribed and printed according to accepted conventions for the publication of historical documents within the limitations of modern typography. A heading has been supplied by the editor for each document included in the volume. Spelling, capitalization, and punctuation are retained as found in the original text, except that obvious typographical errors are silently corrected. Other mistakes and omissions in the documents are corrected by bracketed insertions: a correction is set in italic type; an addition in roman type. Words or phrases underlined in the source text are printed in italics. Abbreviations and contractions are preserved as found in the original text, and a list of abbreviations is included in the front matter of each volume.

Bracketed insertions are also used to indicate omitted text that deals with an unrelated subject (in roman type) or that remains classified after declassification review (in italic type). The amount and, where possible, the nature of the material not declassified has been noted by indicating the number of lines or pages of text that were omitted. Entire documents withheld for declassification purposes have been accounted for and are listed with headings, source notes, and number of pages not declassified in their chronological place. All brackets that appear in the original text are so identified in footnotes. All ellipses are in the original documents.

The first footnote to each document indicates the source of the document, original classification, distribution, and drafting information.

This note also provides the background of important documents and policies and indicates whether the President or his major policy advisers read the document.

Editorial notes and additional annotation summarize pertinent material not printed in the volume, indicate the location of additional documentary sources, provide references to important related documents printed in other volumes, describe key events, and provide summaries of and citations to public statements that supplement and elucidate the printed documents. Information derived from memoirs and other first-hand accounts has been used when appropriate to supplement or explicate the official record.

The numbers in the index refer to document numbers rather than to page numbers.

Advisory Committee on Historical Diplomatic Documentation

The Advisory Committee on Historical Diplomatic Documentation, established under the Foreign Relations statute, reviews records, advises, and makes recommendations concerning the *Foreign Relations* series. The Advisory Committee monitors the overall compilation and editorial process of the series and advises on all aspects of the preparation and declassification of the series. The Advisory Committee does not necessarily review the contents of individual volumes in the series, but it makes recommendations on issues that come to its attention and reviews volumes, as it deems necessary to fulfill its advisory and statutory obligations.

Presidential Recordings and Materials Preservation Act Review

Under the terms of the Presidential Recordings and Materials Preservation Act (PRMPA) of 1974 (44 U.S.C. 2111 note), the National Archives and Records Administration (NARA) has custody of the Nixon Presidential historical materials. The requirements of the PRMPA and implementing regulations govern access to the Nixon Presidential historical materials. The PRMPA and implementing public access regulations require NARA to review for additional restrictions in order to ensure the protection of the privacy rights of former Nixon White House officials, since these officials were not given the opportunity to separate their personal materials from public papers. Thus, the PRMPA and implementing public access regulations require NARA formally to notify the Nixon Estate and former Nixon White House staff members that the agency is scheduling for public release Nixon White House historical materials. The Nixon Estate and former White House staff members have 30 days to contest the release of Nixon historical materials in which they were a participant or are mentioned. Further, the PRMPA and implementing regulations require NARA to segregate and return to the creator of files private and personal materials. All *Foreign*

Relations volumes that include materials from NARA's Nixon Presidential Materials Staff are processed and released in accordance with the PRMPA.

Nixon White House Tapes

Access to the Nixon White House tape recordings is governed by the terms of the PRMPA and an access agreement with the Office of Presidential Libraries of the National Archives and Records Administration and the Nixon Estate. In February 1971, President Nixon initiated a voice activated taping system in the Oval Office of the White House and, subsequently, in the President's Office in the Executive Office Building, Camp David, the Cabinet Room, and White House and Camp David telephones. The audiotapes include conversations of President Nixon with his Assistant for National Security Affairs, Henry Kissinger, other White House aides, Secretary of State Rogers, other Cabinet officers, members of Congress, and key foreign officials. The clarity of the voices on the tape recordings is often very poor, but the editor has made every effort to verify the accuracy of the transcripts produced here. Readers are advised that the tape recording is the official document; the transcript represents an interpretation of that document. Through the use of digital audio and other advances in technology, the Office of the Historian has been able to enhance the tape recordings and over time produce more accurate transcripts. The result is that some transcripts printed here may differ from transcripts of the same conversations printed in previous *Foreign Relations* volumes. The most accurate transcripts possible, however, cannot substitute for listening to the recordings. Readers are urged to consult the recordings themselves for a full appreciation of those aspects of the conversations that cannot be captured in a transcript, such as the speakers' inflections and emphases that may convey nuances of meaning, as well as the larger context of the discussion.

Declassification Review

The Office of Information Programs and Services, Bureau of Administration, conducted the declassification review for the Department of State of the documents published in this volume. The review was conducted in accordance with the standards set forth in Executive Order 12958, as amended, on Classified National Security Information and applicable laws.

The principle guiding declassification review is to release all information, subject only to the current requirements of national security as embodied in law and regulation. Declassification decisions entailed concurrence of the appropriate geographic and functional bureaus in the Department of State, other concerned agencies of the U.S. Government, and the appropriate foreign governments regarding specific doc-

uments of those governments. The declassification review of this volume, which began in 2008 and was completed in 2010, resulted in the decision to withhold 1 document in full, excisions of a paragraph or more in 1 document, and minor excisions of less than a paragraph in 8 documents.

The Office of the Historian is confident, on the basis of the research conducted in preparing this volume and as a result of the declassification review process described above, that the record presented in this volume presented here provides an accurate and comprehensive account of the U.S. foreign policy towards Vietnam from October 1972 to January 1973.

Acknowledgments

The editor wishes to acknowledge the assistance of officials at the Nixon Presidential Materials Project of the National Archives and Records Administration (Archives II), then at College Park, Maryland, who made possible the research that forms the heart of this volume. Additionally, he is grateful to the Richard Nixon Estate for allowing access to the Nixon presidential recordings and the Richard Nixon Library & Birthplace for facilitating that access. Research in the Kissinger Papers, including transcripts of telephone conversations, could not have occurred without the kind permission of Henry A. Kissinger. John Haynes and Ernest Emrich of the Library of Congress expedited access to the Kissinger Papers and carried out extensive copying on the editor's behalf. Thanks are also due to the Historical Staff of the Central Intelligence Agency, who helped to arrange full access to the files of the Central Intelligence Agency. Sandy Meagher ably assisted research in the Department of Defense. Furthermore, the editor is also grateful to Michael Johnson of the Joint Chiefs of Staff for making research in the diary of Admiral Thomas H. Moorer, Chairman, Joint Chiefs, 1970–1974, while it was still at the Pentagon, convenient and productive. The Diary has since moved to the National Archives. Because it is one of the most significant sources for Nixon's national security policies, the editor hopes it will be available sooner rather than later to all researchers.

The editor of this volume, John M. Carland, collected the documents, made the selections, and annotated them, but he did not work alone. He wishes to recognize in the Historian's Office the assistance and guidance of former General Editor, Edward Keefer, who always knew more about how to do documentary history of American foreign relations than the rest of the historians combined and who always willingly shared that expertise. Additionally, Erin Mahan, Chief of what was then the Asia, General, and Africa Division, proved more than once, and at just the right time, to be an able problem solver. Finally, the editor would be remiss if he did not mention the work of individuals in

the Office of the Historian's Declassification and Publishing Division who consistently provide high-level support to compilers under the direction of Division Chief Susan Weetman. For this volume they are: Aaron W. Marrs, who carried out a difficult copy and technical editing tasking with skill and determination, and Christopher Tudra, who capably coordinated and managed a complex declassification review. The editor also notes that Do Mi Stauber proficiently prepared the index.

Bureau of Public Affairs
September 2010

Ambassador Edward Brynn
Acting Historian

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Sources

Sources for the Foreign Relations Series

The 1991 *Foreign Relations* statute requires that the published record in the *Foreign Relations* series include all records needed to provide comprehensive documentation on major U.S. foreign policy decisions and significant U.S. diplomatic activity. It further requires that government agencies, departments, and other entities of the U.S. Government engaged in foreign policy formulation, execution, or support cooperate with the Department of State Historian by providing full and complete access to records pertinent to foreign policy decisions and actions and by providing copies of selected records. Most of the sources consulted in the preparation of this volume have been declassified and are available for review at the National Archives and Records Administration.

The editors of the *Foreign Relations* series have complete access to all the retired records and papers of the Department of State: the central files of the Department; the special decentralized files ("lot files") of the Department at the bureau, office, and division levels; the files of the Department's Executive Secretariat, which contain the records of international conferences and high-level official visits, correspondence with foreign leaders by the President and Secretary of State, and memoranda of conversations between the President and Secretary of State and foreign officials; and the files of overseas diplomatic posts. All the Department's indexed central files through July 1973 have been permanently transferred to the National Archives and Records Administration at College Park, Maryland (Archives II). Many of the Department's decentralized office files covering the 1969–1976 period, which the National Archives deems worthy of permanent retention, have been transferred or are in the process of being transferred from the Department's custody to Archives II.

The editors of the *Foreign Relations* series also have full access to the papers of President Nixon and other White House foreign policy records. Presidential papers maintained and preserved at the Presidential libraries include some of the most significant foreign affairs-related documentation from the Department of State and other Federal agencies including the National Security Council, the Central Intelligence Agency, the Department of Defense, and the Joint Chiefs of Staff. Dr. Henry Kissinger has approved access to his papers at the Library of Congress. The papers are a key source for the Nixon-Ford subseries of *Foreign Relations*.

Research for this volume was completed through special access to restricted documents at the Nixon Presidential Materials Project (at Archives II), the Library of Congress, and other agencies. While all the material printed in this volume has been declassified, some of it is extracted from still classified documents. Nixon's papers were transferred to their permanent home at the Nixon Presidential Library and Museum in Yorba Linda, California, after research for this volume was completed. The Nixon Library staff is processing and declassifying many of the documents used in this volume, but they may not be available in their entirety at the time of publication.

Sources for Foreign Relations, 1969–1976, Volume IX

In preparing this volume, the editor made extensive use of Presidential papers and other White House records at the Nixon Presidential Materials Project, which proved to be the single most useful collection bearing on the Nixon administration's management of the Vietnam war and its search for a negotiated peace in Southeast Asia. The collection of most value within the Nixon materials is the National Security Council (NSC) Files. Within that collection resides the richest source of documentation for this volume: a file called For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David. It contains verbatim transcripts of the talks in Paris between the chief negotiator for the United States, Henry A. Kissinger, and the Democratic Republic of Vietnam, Le Duc Tho; Kissinger's summary memoranda to President Nixon of the negotiations; and other supporting documents.

Additionally in the NSC Files, and critical to understanding the policy formation and implementation processes, are documents, including transcripts of telephone conversations, generated by the Deputy Assistant for National Security Affairs, Alexander M. Haig, or received by his office. In this period, as relations between Nixon and Kissinger became strained, Haig's role became more significant. Thus this material, which can be found in two collections in the NSC Files (the Alexander M. Haig Chronological File and the Alexander M. Haig Special File), is of substantial historical importance. The transcripts of the telephone conversations in the former, almost always on policy topics, are worth highlighting since scholars have not used them much.

There are other important NSC Files. In the Backchannel Messages To and From Ambassador Ellsworth Bunker in Saigon files, President Nixon and Kissinger communicated with Bunker through a channel that excluded the Department of State. Other NSC Files of importance are: the Vietnam Subject Files; Vietnam Country Files; the Paris/Talks Meetings Files; Subject Files, HAK/Presidential Memos Files; and the Jon Howe Files.

Within the National Security Council Files, complete with its own box numbering (1 to 149), the Henry A. Kissinger Office Files form a separate sub-file. Two collections in the Office Files especially useful to this volume are the HAK Trip Files, which contain documents relevant to Kissinger's five trips to Paris and one to Saigon in this period, and Country Files, Far East, Vietnam Negotiations, which contain American correspondence with the North Vietnamese, Kissinger's correspondence with William Sullivan, Deputy Assistant Secretary of State for East Asian and Pacific Affairs, William Porter, Chief of the U.S. Delegation to the Paris Peace Talks, and additional material pertinent to the negotiations.

Also of importance in the NSC Files of the Nixon Presidential Materials are the National Security Council Institutional Files (H-Files), which are not to be confused with the NSC Institutional Matters Files. For this volume, the H-Files contain the minutes of the Washington Special Actions Group (WSAG). For each set of meeting minutes there are corresponding folders that contain the papers that Kissinger, who chaired WSAG meetings, used in preparations for the meetings. Also of value in the H-Files are the National Security Study Memorandum and National Security Decision Memorandum files, containing the request for studies, the studies themselves, and the decision memoranda resulting from the process.

Presidential tape recordings of Nixon's telephone conversations and of his meetings with senior advisers, also part of the Presidential Materials collection, greatly enhance documentation of the Vietnam policy process and its implementation. The transcripts of conversations reveal crucial pre-decisional discussions between and among principals and on occasion even capture the moment of decision. These frank conversations yield a deeper understanding of the players, their actions, the consequences of action, and in general provide an additional richness in the sources.

The Nixon Presidential Diary is an essential tool for researchers and is in the White House Central Files, Staff Members and Office Files. Without the Diary, it would be difficult to confirm times of meetings, telephone conversations, and attendees at and participants in meetings.

After the records in the Nixon Presidential Materials Project, the papers of Henry A. Kissinger at the Manuscript Division of the Library of Congress are second in importance. While the Kissinger papers often replicate documentation found in other collections, especially the NSC File of the Nixon Presidential Materials, on occasion they include important documents unique to that collection, especially in the Geopolitical File. The papers also contain the transcripts of Kissinger's telephone conversations, copies of which have been given by Kissinger to the National Archives. These telephone transcripts are a key source for

policy research on Vietnam in the National Archives and are part of the Nixon Presidential Materials.

The Department of State, the Department of Defense, and the Central Intelligence Agency, strong bureaucratic players in *Foreign Relations Vietnam* volumes focused on earlier administrations, play reduced roles under President Nixon, who concentrated policy in his own hands and Kissinger's. Because Nixon excluded the Secretary of State from the policy process, the files of the Department of State are at best only modestly valuable because they report what was happening in Indochina. The Department of Defense and Secretary of Defense Melvin R. Laird performed crucial roles in the implementation of Vietnam policy, especially regarding Vietnamization. Laird had a semi-independent base in Congress, where he had been a member of the House of Representatives for years before coming to the Department of Defense, and his actions often supported limits on the President's Vietnam policy rather than enabling it. Still, Laird and his department were for the most part effectively excluded from policy formation. While Laird's key memoranda are almost always found in the Nixon Presidential Materials, NSC Files, it is sometimes illuminating to trace the evolution of a Defense position through documents originating with that Department. The Central Intelligence Agency's records are useful in a limited way because they do contain intelligence on Vietnam and the war in Southeast Asia. Collections of note under CIA control are the National Intelligence Council Files, the Records of George Carver, and the DCI Helms and DCI Executive Registry Files. Carver's files are a treasure trove since he was, from 1966 to 1973, the CIA Director's Special Assistant for Vietnam Affairs and involved in all Agency activities—tactical, operational, and strategic—related to the war.

The Chairman of the Joint Chiefs of Staff, Admiral Thomas H. Moorer, exercised considerable sway over the implementation of Nixon's military policy in Vietnam, more so than did his nominal superior, Secretary Laird. Therefore, Moorer's office records, particularly message traffic to and from the Commander-in-Chief, Pacific Command, the Commander, Military Assistance Command, Vietnam, and other military commanders, as well as memoranda to and from Secretary Laird and senior officials at the Pentagon, are useful to the researcher. Even more helpful for understanding Moorer's role are his diary entries and telephone conversation transcripts attached to the entries. The transcripts of his conversations with senior military officers and civilians at the Department of Defense, and with senior White House officials, relating to Vietnam are always instructive.

Memoir literature of principals in a documentary history—in this case of Richard M. Nixon, Henry A. Kissinger, and Alexander M.

Haig—better serve the needs of such history than do more traditional histories. After all, those traditional works—monographs, biographies, articles, and general histories—spring from documents and not the other way around. Memoir literature tells the reader how the author/actor perceived reality, or how he or she wanted to be seen as perceiving reality, which, for contextualizing documentary histories, is critical. A diary, such as the one penned by Nixon’s chief of staff, H.R. “Bob” Haldeman, can do the same, and perhaps, because of its contemporary nature, can do it better. Haldeman’s diary is on occasion extraordinarily useful because his entries set the scene for White House decision making, provide insight into the decision-making process and decisions made, characterize the President’s state of mind vis-à-vis the process, and describe the actions and interactions of the major White House actors on Vietnam policy issues. *The Palace File*, listed in the bibliography below, is based largely on extensive interviews with South Vietnamese President Nguyen Van Thieu and therefore in sensibility at least occasionally resembles a hybrid memoir.

The following list identifies the particular files and collections used in the preparation of this volume. In addition to the paper files cited below, a growing number of documents are available on the Internet. The Office of the Historian maintains a list of these Internet resources on its website and encourages readers to consult that site on a regular basis.

Unpublished Sources

Department of State

Central Files. See National Archives and Records Administration *below*.

National Archives and Records Administration, College Park, Maryland

Record Group 59, General Records of the Department of State

Central Files

POL 27 VIET S 12/23/1972

Record Group 218, Records of the Chairman of the Joint Chiefs

Records of Thomas H. Moorer

Miscellaneous Material on Vietnam, including memoranda to and from Secretary of Defense

Correspondence to and from Commander, Military Assistance Command, Vietnam, and Commander-in-Chief, Pacific Command

Diary, July 2, 1970–July 1, 1974

Nixon Presidential Materials Project, National Archives and Record Administration, College Park, Maryland (now at the Nixon Presidential Library and Museum, Yorba Linda, California)

National Security Council Files

Vietnam Subject Files

Vietnam Country Files

Paris Talks/Meetings

Subject Files

Backchannel Messages

Country Files, Far East:

Laos

For the President's Files—Vietnam Negotiations

Alexander M. Haig Chronological File

Alexander M. Haig Special File

Institutional Files (H-Files)

Jon Howe, Vietnam Subject Files

Jon Howe, Trip Files

Henry A. Kissinger Office Files

Kissinger Telephone Conversation Transcripts

Chronological File

White House Tapes

Central Intelligence Agency

Files of the Deputy Director for Intelligence

Jobs 80–B01630R, 80–R01720R

Executive Registry Files

Job 80–B01086A

Library of Congress, Washington, DC

Papers of Henry A. Kissinger

Top Secret

Geopolitical File, Vietnam

National Security Council, Washington Special Actions Group

Vanderbilt University, Nashville, Tennessee

Television News Archive

Washington National Records Center, Suitland, Maryland

FRC 330, Records of the Office of the Secretary of Defense

75–0125

Secret subject decimal files from the Office of the Assistant Secretary of Defense for International Security Affairs

75–0155

Top Secret subject decimal files from the Office of the Assistant Secretary of Defense for International Security Affairs

77–0094/95

Secret and Top Secret subject decimal files from the Official Records of the Secretary of Defense, Deputy Secretary of Defense, and the Special Assistant to the Secretary and Deputy Secretary of Defense

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Abbreviations and Terms

- A-1 Skyraider**, a propeller-driven attack aircraft that carried out close air support for U.S. Navy, U.S. Marine Corps, and for the South Vietnamese Air Force
- A-6 Intruder**, twin jet-engine, mid-wing attack aircraft
- ABF**, attack by fire
- AC-130 Spectre**, heavily armed U.S. aircraft that provided close air support, air interdiction, and force protection
- AF**, Air Force
- AID**, Agency for International Development
- Amb**, Ambassador
- ARC LIGHT**, code name for U.S. B-52 bombing missions in Vietnam, Laos, and Cambodia
- ARVN**, Army of the Republic of (South) Vietnam
- Avenue Kléber**, shorthand for the public plenary talks held at the International Conference Center on Avenue Kléber in Paris
- B-52 Stratofortress**, a heavy bomber used for both strategic and tactical bombing
- BARREL ROLL**, U.S. air campaign in Laos to support Royal Lao Government forces in operations against the Communist Pathet Lao near Long Tieng and the Plain of Jars
- BDA**, bomb damage assessment
- BE Number**, Basic Encyclopedia Number, a target identifier system used by the Department of Defense
- Binh Tram**, military way station on the Ho Chi Minh Trail
- BN**, battalion
- Buffalo hunter**, unmanned drone aircraft that conducted reconnaissance missions over North Vietnam
- C-130**, *see* AC-130
- CAS**, Controlled American Source
- CBS**, Columbia Broadcasting System
- CBU**, cluster bomb unit, small explosive device, also called a bomblet, placed inside a canister with other CBU's; when canister is dropped from an aircraft it opens before reaching the ground; the bomblets can be configured to explode on contact with the ground, when stepped on, or after a certain amount of time has passed, and to carry a variety of payloads
- Chaff**, radar confusion reflectors, consisting of thin, narrow, metallic strips of various lengths and frequency responses, which are used to reflect echoes for confusion purposes and to cause enemy radar guided missiles to lock on to it instead of the real aircraft
- CIA**, Central Intelligence Agency
- CINCPAC**, Commander-in-Chief, Pacific Command
- CINCPACAF**, Commander-in-Chief, Pacific Air Force
- CINCPACFLT**, Commander-in-Chief, Pacific Fleet
- CINCSAC**, Commander-in-Chief, Strategic Air Command
- CINCUSARPAC**, Commander-in-Chief, U.S. Army Pacific
- CJCS**, Chairman, Joint Chiefs of Staff
- CL**, classified
- CMD**, Capital Military District

- CNO**, Chief of Naval Operations
CNCR, Committee of National Concord and Reconciliation, variant of NCNRC
CNR, Committee of National Reconciliation
COM, Commander
COMINT, communications intelligence
Component Commander, senior military officer responsible to the commander for a specific component (Air Force, Army, Marines, Navy) in a unified or subordinate unified command
COMUSMACV, Commander, U.S. Military Assistance Command, Vietnam
CONUS, Continental United States
CORDS, Civil Operations and Revolutionary (later Rural) Development Support
COSVN, Central Office of South Vietnam, Communist political and military headquarters for the southern half of South Vietnam
CVT, *Confédération Vietnamiennne des Travailleurs* (Vietnamese Confederation of Labor)
- DCI**, Director of Central Intelligence
DCM, Deputy Chief of Mission
DD, destroyer
DIA, Defense Intelligence Agency
Dikes, Red River Delta, an intricate, centuries-old system of dikes that controlled irrigation in the low-lying areas of the Red River Delta of North Vietnam and protected those who lived and worked there
DJSM, Director, Joint Staff, Memorandum
DMZ, demilitarized zone, established roughly at Vietnam's 17th parallel to a width not more than five kilometers each side of the demilitarized zone line
DOD, Department of Defense
DOD/ISA, Office of the Assistant Secretary of Defense for International Security Affairs
DOS, Department of State
DRV, Democratic Republic of Vietnam (North Vietnam)
- EA**, Executive Assistant, Joint Chiefs of Staff
EAP, Bureau of East Asian and Pacific Affairs, Department of State
EO, electro optical
EOB, Executive Office Building
Exdis, exclusive distribution
- F-4 Phantom**, an all-weather jet fighter-bomber used by the U.S. Air Force and the U.S. Navy in Vietnam
F-111, a U.S. Air Force heavy fighter-bomber without an official name; nicknamed "Aardvark"
FAC, forward air controller
FANK, *Forces Armées Nationales Khmères* (Khmer Republic Armed Forces [Cambodia])
FAR, *Forces Armées Royales* (Royal Armed Forces [Laos])
FARK, *Forces Armées Royales Khmères* (Royal Khmer Armed Forces [Cambodia])
FBIS, Foreign Broadcast Information Service
Flash, precedence indicator for an extremely urgent message which requires instant action by the addressee regardless of the time of day or night
FLT, fleet
FonMin, Foreign Minister
FRC, Federal Records Center
FSO, Foreign Service Officer
- GAC**, George A. Carver
GKR, Government of Khmer Republic (Cambodia)

GVN, Government of Vietnam (South Vietnam)

HAK, Henry A. Kissinger

HES, Hamlet Evaluation System, begun in 1967 to rate individual villages in South Vietnam according to six criteria of how secure they were

Hmong, ethnic minority in Laotian hill country

Hue, major city in northern South Vietnam and capital of former Vietnamese empire

ICC, International Control Commission, established under the 1954 Geneva Accords and incorporated into the 1962 Geneva agreement on Laos

ICCS, International Commission of Control and Supervision

ICRC, International Committee of the Red Cross

JCS, Joint Chiefs of Staff

JGS, Joint General Staff, Republic of Vietnam Armed Forces

JMC, Joint Military Commission

JRC, Joint Reconnaissance Command

KC, Khmer (Cambodian) Communist

KHR, Khmer Republic (Cambodia)

KI, Khmer insurgent

KIA, killed in action

Komar, Soviet-built missile boat used by North Vietnamese in coastal waters

Kontum, a province in South Vietnam's Central Highlands opposite Laos

Lao Dong Party, *Dang Lao Dong Viet Nam* (Vietnamese Workers' Party), Communist Party of North Vietnam

LDX, long distance xerography

LGB, laser guided bomb, also called a "smart bomb"

LINEBACKER I, code name for U.S. air interdiction campaign against North Vietnam, May 10–October 23, 1972

LINEBACKER II, code name for U.S. strategic bombing campaign against North Vietnam, December 18–29, 1972

LOC, line of communication

LORAN, long-range navigation system for air and marine travel

LOU, limited official use

LPF, Lao Patriotic Front, political arm of the Pathet Lao

MACV, Military Assistance Command, Vietnam

MAP, Military Assistance Program

MASF, military assistance service-funded

MAT, Mobile Advisory Team

MEDTC, Military Equipment Delivery Team, Cambodia

Meo, *see* Hmong

MIG-21, fighter aircraft provided by Soviet Union to North Vietnam

mm, millimeter

MR, Military Region; Government of Vietnam divided the country into four zones for military and administrative purposes; MR1 contained the five northernmost provinces of South Vietnam, MR2 included provinces in the central and north central sections, MR3 was made up of the south central part of the country and included Saigon, and MR4 in the Mekong Delta held the rest of the country; sometimes an MR was also called a Corps Tactical Zone

MSO, minesweepers, ocean

mtg, meeting

Muong, *see* Hmong

NCNRC, National Council for National Reconciliation and Concord

NCO, non-commissioned officer

NCRC, National Council for Reconciliation and Concord, variant of NCNRC

NGF, naval gunfire

NGFS, naval gunfire support

NIC, Naval Intelligence Command; National Intelligence Council, Central Intelligence Agency

NIE, National Intelligence Estimate

NLF, National Liberation Front

nm, nautical mile

NMCC, National Military Command Center

Nodis, no distribution

Noform, no dissemination to foreign nationals

NSA, National Security Agency

NSAM, National Security Action Memorandum

NSC, National Security Council

NSDF, National Social Democratic Front

NSDM, National Security Decision Memorandum

NSSM, National Security Study Memorandum

NVA, North Vietnamese Army, also PAVN

NVN, North Vietnam

ONE, Office of National Estimates

OP, observation post

OSA, Office of the Special Assistant to the Ambassador

OSD, Office of the Secretary of Defense

PAC, Pacific Command

PAO, Public Affairs Office

PACFLT, Pacific Fleet

Paris Peace Talks, public talks between U.S. and GVN on one side and the DRV and PRG (NLF) on the other; also known as Plenary or Avenue Kléber talks

PAVN, People's Army of Vietnam, also NVA

PF, *see* RF/PF

PNM, Progressive Nationalist Movement

POCKET MONEY, Operation, plan to mine major North Vietnamese ports

POL, petroleum, oil, lubricants

POW, prisoner of war

PPOG, Psychological Pressure Operations Group

PR, public relations

PRC, People's Republic of (Communist) China

PRG, Provisional Revolutionary Government, political wing of the South Vietnamese Communist movement, replaced the NLF, but terms often used interchangeably

Protocol, implementing instrument to a treaty, frequently detailed and technical

PSDF, People's Self Defense Force

PX, Post exchange

RD, Revolutionary Development

RDV, Revolutionary Dai Viet Party

Recce, reconnaissance or reconnoiter

RefTel, reference telegram

RF/PF, Regional Forces/Popular Forces, South Vietnamese provincial and district security (militia) forces, respectively

RG, Record Group

ROK, Republic of Korea

ROKV, Republic of Korea Forces, Vietnam

RP, route package, target areas for airstrikes against North Vietnam, numbered 1 through 6, south to north, from the DMZ to a bugger zone near the Chinese border

RLG, Royal Lao Government

RN, Richard Nixon

RSC, Regional Supply Center

RTG, Royal Thai Government

RVN, Republic of Vietnam (South Vietnam)

RVNAF, Republic of (South) Vietnam Armed Forces

S/S, Executive Secretariat, Department of State

SA-2, missile

SAC, Strategic Air Command

SAM, surface-to-air missile

SAR, search and rescue

SALT, Strategic Arms Limitation Talks

SAVA, Special Assistant for Vietnamese Affairs, Central Intelligence Agency

SDO, Special Development Office, Defense Intelligence Agency

SEA, Southeast Asia

SEAsia, Southeast Asia

SecDef, Secretary of Defense

SecState, Secretary of State

Septel, separate telegram

SGU, Special Guerrilla Unit

SIOP, Single Integrated Operational Plan, the U.S. contingency plan for nuclear war

SNIE, Special National Intelligence Estimate

Sortie, one attack by a single military aircraft

Sparrow, a medium-range, air-to-air missile used by U.S. Navy and U.S. Marine Corps fighter aircraft

Specat, special category

SR-71, a long-range, high-altitude, strategic reconnaissance aircraft

SRG, Senior Review Group

Subj, subject

SVN, South Vietnam

Tacair, tactical air support

Telcon, **telecon**, telephone conversation

TPP, thermal power plant

TS, Top Secret

U, unclassified

UH, utility helicopter

UPI, United Press International

USA, United States Army

USAF, United States Air Force

USG, United States Government

USIA, United States Information Agency

USN, United States Navy

USSAG, United States Support Activities Group

USSR, Union of Soviet Socialist Republics

XXVIII Abbreviations and Terms

U Tapao, Royal Thai Air Force Base from which USAF B-52s carried out missions over Vietnam

VC, Viet Cong

Viet Minh, *Viet Nam Doc Lap Dong Minh* (League for the Independence of Vietnam), a Communist-led coalition, formed in 1941, that fought the Japanese in World War II and the French in the First Indochina War

VNAF, (South) Vietnamese Air Force

VNN, (South) Vietnamese Navy

VOA, Voice of America

VSSG, Vietnam Special Studies Group

WH, White House

WSAG, Washington Special Actions Group

Yankee Station, South China Sea location of U.S. aircraft carrier or carriers from which Navy conducted air operations against North Vietnam

Z, Zulu, time designator on White House, Departments of State and Defense messages/cables based on Greenwich Mean, aka Coordinated Universal, Time

Persons

Abrams, Creighton W., General, USA, Commander, United States Military Assistance Command, Vietnam until June 28, 1972; Chief of Staff, USA, from October 12
Aiken, George D., Republican Senator from Vermont
Aldrich, George H., Deputy Legal Adviser, Department of State

Bac, Vuong Van, *see* Vuong Van Bac
Bennett, Josiah W., Political Officer at the U.S. Embassy in Vietnam
Binh, Nguyen Thi, *see* Nguyen Thi Binh
Bradsher, Henry, journalist with *The Evening Star*
Brown, Frederic J., Lieutenant Colonel, USA, Special Assistant to the Vice Chief of Staff
Bui Diem, former South Vietnamese Ambassador to the United States
Bull, Steven B., Staff Assistant to the President
Bunker, Ellsworth, U.S. Ambassador to South Vietnam
Butterfield, Alexander P., Deputy Assistant to the President
Buzhardt, J. Fred, General Counsel, Department of Defense

Cao Van Vien, General, ARVN, and Chief, Joint General Staff
Carver, George A., Jr., Special Assistant for Vietnamese Affairs to the Director for Central Intelligence
Chou En-lai (Zhou Enlai), Premier, People's Republic of China
Clarey, Bernard A. "Chick," Admiral, Commander, Pacific Fleet, Pacific Command
Clay, Lucius D., General, USAF, Commander, Air Force, Pacific Command
Clements, William P., Deputy Secretary of Defense
Colson, Charles, Special Assistant to the President
Connally, John B., Jr., former Secretary of the Treasury and informal adviser to President Nixon
Cooksey, Howard H., Major General, USA, Commander, 1st Regional Assistance Command, South Vietnam, and, from January 27 until March 29, 1973, Acting Chief of Staff, Military Assistance Command, Vietnam
Cooper, Damon W., Admiral, USN, Commander, (Carrier) Task Force 77

Dang Van Quang, Lieutenant General, ARVN, Military Assistant to President Thieu
Dean, John Gunther, Deputy Chief of Mission, U.S. Embassy in Laos
DePuy, William E., Lieutenant General, USA, Assistant Vice Chief of the Army
Diem, *see* Bui Diem
Diem, *see* Ngo Dinh Diem
Do, Tran Van, *see* Tran Van Do
Dobrynin, Anatoly F., Soviet Ambassador to the United States
Dole, Robert J., Republican Senator from Kansas
Don, Tran Van, *see* Tran Van Don
Duc, Nguyen Phu, *see* Nguyen Phu Duc
Duong Van Minh (Big Minh), South Vietnamese General and political activist

Ehrlichman, John D., Assistant to the President for Domestic Affairs
Enders, Thomas, Deputy Chief of Mission at the Embassy in Cambodia
Engel, David A., Vietnamese language translator, Department of State

Fulbright, J. William, Democratic Senator from Arkansas; Chairman, Foreign Relations Committee

Gandhi, Indira, Prime Minister of India

Gayler, Noel A.M., Admiral, USN, Commander in Chief, Pacific

Giap, Vo Nguyen, *see* Vo Nguyen Giap

Godley, G. McMurtrie, U.S. Ambassador to Laos

Goldwater, Barry M., Republican Senator from Arizona

Green, Marshall, Assistant Secretary of State for East Asian and Pacific Affairs

Gromyko, Andrei A., Foreign Minister of the Soviet Union

Guay, Georges R., Colonel, USAF, Air Attaché in the U.S. Embassy in France, conduit for U.S. messages to the North Vietnamese in Paris, and also handled logistical arrangements for Kissinger and his party during negotiating trips to Paris

Habib, Philip C., U.S. Ambassador to South Korea

Haig, Alexander M., Major General, USA, Deputy Assistant to the President for National Security Affairs; after January 4, 1973, Vice Chief of Staff of the Army

Haldeman, H.R., Assistant to the President and White House Chief of Staff

Harriman, W. Averell, Ambassador at Large; Chief, U.S. Delegation to the Paris Peace Talks until January 17, 1969

Hebert, Felix E., Democratic Representative from Louisiana; Chairman, Armed Services Committee

Helms, Richard M., Director of Central Intelligence

Ho Chi Minh, leader of the Vietnamese Communist Party and President of the Democratic Republic of Vietnam until his death in 1969

Hoang Duc Nha, President Thieu's private and press secretary, nephew, and confidant

Holdridge, John, H., member, National Security Council staff

Holloway, James L., Vice Admiral, USN, Commander, Seventh Fleet

Howe, Jonathan T., Lieutenant Commander, USN, member, National Security Council staff

Hubbard, Henry, White House correspondent for *Newsweek*

Humphrey, Hubert H., Democratic Senator from Minnesota

Huong, Tran Van, *see* Tran Van Huong

Isham, Heyward, Deputy Chief, U.S. Delegation to the Paris Peace Talks

Javits, Jacob K., Republican Senator from New York

Johnson, Gerald W., Lieutenant General, USAF, Commander, 8th Air Force

Johnson, U. Alexis, Under Secretary of State for Political Affairs

Kennedy, Edward M., Democratic Senator from Massachusetts

Kennedy, Richard T., Colonel, USA, member, National Security Council planning staff

Khamphan Panya, former Minister of Foreign Affairs, Royal Lao Government

Khiem, Tran Thien, *see* Tran Thien Khiem

Kissinger, Henry A., Assistant to the President for National Security Affairs

Kraft, Joseph, columnist for the Field Newspapers Syndicate

Ky, Nguyen Cao, *see* Nguyen Cao Ky

Laird, Melvin R., Secretary of Defense until January 29, 1973

Lam, Pham Dang, *see* Pham Dang Lam

Lam, Tran Van, *see* Tran Van Lam

Le Duc Tho, member of the Politburo of the Democratic Republic of Vietnam and Special Advisor to, and de facto head of, the DRV Delegation to the Paris Peace Talks on Vietnam

Lehman, John F., member, National Security Council staff

Loc, Vinh, *see* Vinh Loc

Lon Nol, Prime Minister of the Khmer Republic (Cambodia) and Minister of National Defense

Lord, Winston, member, National Security Council staff

Mai Van Bo, Democratic Republic of Vietnam's Delegate General in Paris

Mansfield, Michael J., Democratic Senator from Montana; Senate Majority Leader

McCain, John S., Jr., Admiral, USN, Commander in Chief, Pacific, until September 1, 1972

McGovern, George S., Democratic Senator from South Dakota

McNamara, Robert S., President of the International Bank for Reconstruction and Development (World Bank)

McNickle, Marvin L., Lieutenant General, USAF, Acting Commander, 7th Air Force, Military Assistance Command, Vietnam

Meyer, John C., General, USAF, Commander, Strategic Air Command

Minh, Duong Van, *see* Duong Van Minh

Minh, Nguyen Van, *see* Nguyen Van Minh

Miles, Paul L., Major, USA, Military Assistance Command, Vietnam, staff officer and adviser to General Woodward

Moorer, Thomas H., Admiral, USN, Chairman, Joint Chiefs of Staff

Murphy, Daniel J., Rear Admiral, USN, Military Assistant to the Secretary of Defense

Negroponte, John D., member, National Security Council staff

Ngo Dinh Diem, former President of South Vietnam; assassinated in 1963

Ngo Quang Truong, Lieutenant General, ARVN, Commander (MR-4) until May 3, 1972; Commander (MR-1) thereafter

Nguyen Cao Ky, Major General, VNAF, Vice President, Republic of Vietnam

Nguyen Co Thach, North Vietnamese Deputy Foreign Minister

Nguyen Duy Trinh, North Vietnamese Foreign Minister

Nguyen Phu Duc, Special Assistant to South Vietnamese President Thieu

Nguyen Thi Binh, (also known as Madame Binh) Foreign Minister, PRG, and the PRG's representative to the Avenue Kléber talks

Nguyen Van Minh, Lieutenant General, ARVN, Commander (MR-3)

Nguyen Van Thieu, President of the Republic of Vietnam (South Vietnam)

Nguyen Van Toan, Lieutenant General, ARVN, Commander (MR-2)

Nguyen Xuan Phong, Minister, Deputy Chief, GVN Delegation to the Paris Peace Talks

Nha, Hoang Duc, *see* Hoang Duc Nha

Nixon, Richard M., President of the United States

Nutter, G. Warren, Assistant Secretary of Defense for International Security Affairs

Park Chung Hee, President, Republic of Korea

Percy, Charles H., Republican Senator from Illinois

Pham Dang Lam, Ambassador, Head of Republic of Vietnam Delegation to Paris Peace Talks

Pham Van Dong, North Vietnamese Prime Minister

Phong, Nguyen Xuan, *see* Nguyen Xuan Phong

Phuong, Tran Kim, *see* Tran Kim Phuong

Polgar, Thomas, Special Assistant to the Ambassador in Saigon; Central Intelligence Agency Chief of Station in Saigon

Pompidou, Georges, President of France

Porter, William J., Chief, U.S. Delegation to the Paris Peace Talks; Under Secretary of State for Political Affairs from February 2, 1973

Pursley, Robert E., Major General, USAF, Vice Commander, 5th Air Force in Japan; from November 1973, Lieutenant General and Commander, U.S. Forces, Japan

Quang, Dang Van, *see* Dang Van Quang

Randal, Jonathan, journalist for *The Washington Post*

Reston, James "Scotty," journalist and syndicated columnist

Richardson, Elliot L., Secretary of Health, Education and Welfare until January 29, 1973; Secretary of Defense from January 30 until May 24, 1973

Rockefeller, Nelson A., Governor of New York

Rogers, William P., Secretary of State

Rosson, William B., General, USA, Commander, United States Army, Pacific Command

Rush, Kenneth, Deputy Secretary of Defense

Ryan, John D., General, USAF, Air Force Chief of Staff

Sanchez, Manuel "Manolo," Nixon's valet

Saxbe, William B., Republican Senator from Ohio

Sayre, Francis R., Dean of National Cathedral in Washington

Scali, John, Special Consultant to the President (for public affairs)

Scowcroft, Brent, Brigadier General, USAF, Military Assistant to the President from February 12, 1973

Seignious, George M., Lieutenant General, USA, Director, Joint Staff, Joint Chiefs of Staff

Shillito, Barry J., Assistant Secretary of Defense for Installations and Logistics

Sisouk na Champassak, Minister of Defense, Royal Lao Government

Souvanna Phouma, Prince, Premier of Laos

Stearman, William L., member, Operations Staff, East Asia, National Security Council

Stennis, John C., Democratic Senator from Mississippi, Chairman, Committee on Armed Services

Sullivan, William H., Deputy Assistant Secretary of State for East Asian and Pacific Affairs

Swank, Emory C., U.S. Ambassador to Cambodia

Symington, W. Stuart, Democratic Senator from Missouri

Taft, Robert, Jr., Republican Senator from Ohio

Thach, Nguyen Co, *see* Nguyen Co Thach

Thanom Kittikachorn, Prime Minister of Thailand

Thieu, Nguyen Van, *see* Nguyen Van Thieu

Tho, Le Duc, *see* Le Duc Tho

Thompson, Richard S., Department of State official attached to the U.S. Delegation to the Paris Peace Talks

Thuy, Xuan, *see* Xuan Thuy

Timmons, William, Deputy Assistant to the President for Legislative Affairs; from January 21, 1973, Assistant to the President for Legislative Affairs

Toan, Nguyen Van, *see* Nguyen Van Toan

Tran Kim Phuong, South Vietnamese Ambassador to the United States

Tran Thien Khiem, Prime Minister, Republic of Vietnam

Tran Van Huong, Vice President, Republic of Vietnam

Tran Van Do, former Foreign Minister, Republic of Vietnam

Tran Van Don, prominent South Vietnamese political and military figure

Tran Van Lam, Foreign Minister, Republic of Vietnam

Trinh, Nguyen Duy, *see* Nguyen Duy Trinh

Van Fleet, James A., General, USA, from April 1951 commanded the U.S. Eighth Army in Korea

Vang Pao, General, Royal Lao Armed Forces, Commander of Military Region Two and head of the Meo (Hmong) guerrilla forces

Vien, Cao Van, *see* Cao Van Vien

Vinh Loc, Lieutenant General, ARVN, Commandant, National War College of South Vietnam

Vogt, John W., General, USAF, Commander, 7th Air Force, and Deputy Commander for Air, Military Assistance Command, Vietnam

Vo Nguyen Giap, General, People's Army of Vietnam, North Vietnamese Defense Minister

Vuong Van Bac, South Vietnamese Ambassador to the United Kingdom

Warnke, Paul, foreign policy adviser to Senator George McGovern

Warren, Gerald L., Deputy White House Press Secretary

Weinel, John P. "Blackie," Vice Admiral, USN, Assistant to the Chairman of the Joint Chiefs of Staff

Weiss, Cora, anti-war activist

Weyand, Frederick C., General, USA, Commander, Military Assistance Command, Vietnam

Whitehouse, Charles W., Deputy U.S. Ambassador to South Vietnam

Wickham, John, Brigadier General, USA, Deputy Chief, U.S. Delegation to the Four Party Joint Commission in Vietnam from January 27, 1973

Woodward, Gilbert H., Major General, USA, Chief of Staff, Military Assistance Command, Vietnam, until January 27, 1973; Chief, U.S. Delegation to the Four Party Joint Military Commission in Vietnam from January 27, 1973

Xuan Thuy, Chief of the Delegation of the Democratic Republic of Vietnam to the Paris Peace Talks, usually referred to as Minister

Ziegler, Ronald L., Assistant to the President and White House Press Secretary

Zumwalt, Elmo R., Jr., "Bud," Admiral, USN, Chief of Naval Operations

Note on U.S. Covert Actions

In compliance with the *Foreign Relations of the United States* statute that requires inclusion in the *Foreign Relations* series of comprehensive documentation on major foreign policy decisions and actions, the editors have identified key documents regarding major covert actions and intelligence activities. The following note will provide readers with some organizational context on how covert actions and special intelligence operations in support of U.S. foreign policy were planned and approved within the U.S. Government. It describes, on the basis of declassified documents, the changing and developing procedures during the Truman, Eisenhower, Kennedy, Johnson, Nixon, and Ford Presidencies.

Management of Covert Actions in the Truman Presidency

The Truman administration's concern over Soviet "psychological warfare" prompted the new National Security Council to authorize, in NSC 4-A of December 1947, the launching of peacetime covert action operations. NSC 4-A made the Director of Central Intelligence responsible for psychological warfare, establishing at the same time the principle that covert action was an exclusively Executive Branch function. The Central Intelligence Agency (CIA) certainly was a natural choice but it was assigned this function at least in part because the Agency controlled unvouchered funds, by which operations could be funded with minimal risk of exposure in Washington.¹

The CIA's early use of its new covert action mandate dissatisfied officials at the Departments of State and Defense. The Department of State, believing this role too important to be left to the CIA alone and concerned that the military might create a new rival covert action office in the Pentagon, pressed to reopen the issue of where responsibility for covert action activities should reside. Consequently, on June 18, 1948, a new NSC directive, NSC 10/2, superseded NSC 4-A.

NSC 10/2 directed the CIA to conduct "covert" rather than merely "psychological" operations, defining them as all activities "which are conducted or sponsored by this Government against hostile foreign states or groups or in support of friendly foreign states or groups but which are so planned and executed that any US Government responsibility for them is not evident to unauthorized persons and that if un-

¹ NSC 4-A, December 17, 1947, is printed in *Foreign Relations*, 1945-1950, Emergence of the Intelligence Establishment, Document 257.

covered the US Government can plausibly disclaim any responsibility for them.”

The type of clandestine activities enumerated under the new directive included: “propaganda; economic warfare; preventive direct action, including sabotage, anti-sabotage, demolition and evacuation measures; subversion against hostile states, including assistance to underground resistance movements, guerrillas and refugee liberation groups, and support of indigenous anti-communist elements in threatened countries of the free world. Such operations shall not include armed conflict by recognized military forces, espionage, counter-espionage, and cover and deception for military operations.”²

The Office of Policy Coordination (OPC), newly established in the CIA on September 1, 1948, in accordance with NSC 10/2, assumed responsibility for organizing and managing covert actions. The OPC, which was to take its guidance from the Department of State in peacetime and from the military in wartime, initially had direct access to the Department of State and to the military without having to proceed through the CIA’s administrative hierarchy, provided the Director of Central Intelligence (DCI) was informed of all important projects and decisions.³ In 1950 this arrangement was modified to ensure that policy guidance came to the OPC through the DCI.

During the Korean conflict the OPC grew quickly. Wartime commitments and other missions soon made covert action the most expensive and bureaucratically prominent of the CIA’s activities. Concerned about this situation, DCI Walter Bedell Smith in early 1951 asked the NSC for enhanced policy guidance and a ruling on the proper “scope and magnitude” of CIA operations. The White House responded with two initiatives. In April 1951 President Truman created the Psychological Strategy Board (PSB) under the NSC to coordinate government-wide psychological warfare strategy. NSC 10/5, issued in October 1951, reaffirmed the covert action mandate given in NSC 10/2 and expanded the CIA’s authority over guerrilla warfare.⁴ The PSB was soon abolished by the incoming Eisenhower administration, but the expansion of the CIA’s covert action writ in NSC 10/5 helped ensure that covert action would remain a major function of the Agency.

As the Truman administration ended, the CIA was near the peak of its independence and authority in the field of covert action. Although the CIA continued to seek and receive advice on specific

² NSC 10/2, June 18, 1948, is printed *ibid.*, Document 292.

³ Memorandum of conversation by Frank G. Wisner, “Implementation of NSC-10/2,” August 6, 1948, is printed *ibid.*, Document 298.

⁴ NSC 10/5, “Scope and Pace of Covert Operations,” October 23, 1951, is printed in *Foreign Relations, 1950–1955, The Intelligence Community*, Document 90.

projects from the NSC, the PSB, and the departmental representatives originally delegated to advise the OPC, no group or officer outside of the DCI and the President himself had authority to order, approve, manage, or curtail operations.

NSC 5412 Special Group; 5412/2 Special Group; 303 Committee

The Eisenhower administration began narrowing the CIA's latitude in 1954. In accordance with a series of National Security Council directives, the responsibility of the Director of Central Intelligence for the conduct of covert operations was further clarified. President Eisenhower approved NSC 5412 on March 15, 1954, reaffirming the Central Intelligence Agency's responsibility for conducting covert actions abroad. A definition of covert actions was set forth; the DCI was made responsible for coordinating with designated representatives of the Secretary of State and the Secretary of Defense to ensure that covert operations were planned and conducted in a manner consistent with U.S. foreign and military policies; and the Operations Coordinating Board was designated the normal channel for coordinating support for covert operations among State, Defense, and the CIA. Representatives of the Secretary of State, the Secretary of Defense, and the President were to be advised in advance of major covert action programs initiated by the CIA under this policy and were to give policy approval for such programs and secure coordination of support among the Departments of State and Defense and the CIA.⁵

A year later, on March 12, 1955, NSC 5412/1 was issued, identical to NSC 5412 except for designating the Planning Coordination Group as the body responsible for coordinating covert operations. NSC 5412/2 of December 28, 1955, assigned to representatives (of the rank of assistant secretary) of the Secretary of State, the Secretary of Defense, and the President responsibility for coordinating covert actions. By the end of the Eisenhower administration, this group, which became known as the "NSC 5412/2 Special Group" or simply "Special Group," emerged as the executive body to review and approve covert action programs initiated by the CIA.⁶ The membership of the Special Group varied depending upon the situation faced. Meetings were infrequent until 1959 when weekly meetings began to be held. Neither the CIA nor the Special Group adopted fixed criteria for bringing projects before the

⁵ William M. Leary, editor, *The Central Intelligence Agency: History and Documents* (University of Alabama Press, 1984), p. 63; for text of NSC 5412, see *Foreign Relations, 1950–1955*, The Intelligence Community, Document 171.

⁶ Leary, *The Central Intelligence Agency: History and Documents*, pp. 63, 147–148; *Final Report of the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, United States Senate*, Book I, *Foreign and Military Intelligence* (1976), pp. 50–51. For texts of NSC 5412/1 and NSC 5412/2, see *Foreign Relations, 1950–1955*, The Intelligence Community, Documents 212 and 250.

group; initiative remained with the CIA, as members representing other agencies frequently were unable to judge the feasibility of particular projects.⁷

After the Bay of Pigs failure in April 1961, General Maxwell Taylor reviewed U.S. paramilitary capabilities at President Kennedy's request and submitted a report in June that recommended strengthening high-level direction of covert operations. As a result of the Taylor Report, the Special Group, chaired by the President's Special Assistant for National Security Affairs McGeorge Bundy, and including Deputy Under Secretary of State U. Alexis Johnson, Deputy Secretary of Defense Roswell Gilpatric, Director of Central Intelligence Allen Dulles, and Chairman of the Joint Chiefs of Staff General Lyman Lemnitzer, assumed greater responsibility for planning and reviewing covert operations. Until 1963 the DCI determined whether a CIA-originated project was submitted to the Special Group. In 1963 the Special Group developed general but informal criteria, including risk, possibility of success, potential for exposure, political sensitivity, and cost (a threshold of \$25,000 was adopted by the CIA), for determining whether covert action projects were submitted to the Special Group.⁸

From November 1961 to October 1962 a Special Group (Augmented), whose membership was the same as the Special Group plus Attorney General Robert Kennedy and General Taylor (as Chairman), exercised responsibility for Operation Mongoose, a major covert action program aimed at overthrowing the Castro regime in Cuba. When President Kennedy authorized the program in November, he designated Brigadier General Edward G. Lansdale, Assistant for Special Operations to the Secretary of Defense, to act as chief of operations, and Lansdale coordinated the Mongoose activities among the CIA and the Departments of State and Defense. The CIA units in Washington and Miami had primary responsibility for implementing Mongoose operations, which included military, sabotage, and political propaganda programs.⁹

President Kennedy also established a Special Group (Counter-Insurgency) on January 18, 1962, when he signed NSAM No. 124. The Special Group (CI), set up to coordinate counter-insurgency activities separate from the mechanism for implementing NSC 5412/2, was to confine itself to establishing broad policies aimed at preventing and resisting subversive insurgency and other forms of indirect aggression in friendly countries. In early 1966, in NSAM No. 341, President Johnson

⁷ Leary, *The Central Intelligence Agency: History and Documents*, p. 63.

⁸ *Ibid.*, p. 82.

⁹ See *Foreign Relations*, 1961–1963, volume X, Cuba, 1961–1962, Documents 270 and 278.

assigned responsibility for the direction and coordination of counter-insurgency activities overseas to the Secretary of State, who established a Senior Interdepartmental Group to assist in discharging these responsibilities.¹⁰

NSAM No. 303, June 2, 1964, from Bundy to the Secretaries of State and Defense and the DCI, changed the name of "Special Group 5412" to "303 Committee" but did not alter its composition, functions, or responsibility. Bundy was the chairman of the 303 Committee.¹¹

The Special Group and the 303 Committee approved 163 covert actions during the Kennedy administration and 142 during the Johnson administration through February 1967. The 1976 Final Report of the Church Committee, however, estimated that of the several thousand projects undertaken by the CIA since 1961, only 14 percent were considered on a case-by-case basis by the 303 Committee and its predecessors (and successors). Those not reviewed by the 303 Committee were low-risk and low-cost operations. The Final Report also cited a February 1967 CIA memorandum that included a description of the mode of policy arbitration of decisions on covert actions within the 303 Committee system. The CIA presentations were questioned, amended, and even on occasion denied, despite protests from the DCI. Department of State objections modified or nullified proposed operations, and the 303 Committee sometimes decided that some agency other than the CIA should undertake an operation or that CIA actions requested by Ambassadors on the scene should be rejected.¹²

The effectiveness of covert action has always been difficult for any administration to gauge, given concerns about security and the difficulty of judging the impact of U.S. initiatives on events. In October 1969 the new Nixon administration required annual 303 Committee reviews for all covert actions that the Committee had approved and automatic termination of any operation not reviewed after 12 months. On February 17, 1970, President Nixon signed National Security Decision Memorandum 40,¹³ which superseded NSC 5412/2 and changed the name of the covert action approval group to the 40 Committee, in part because the 303 Committee had been named in the media. The Attorney General was also added to the membership of the Committee.

¹⁰ For text of NSAM No. 124, see *ibid.*, volume VIII, National Security Policy, Document 68. NSAM No. 341, March 2, 1966, is printed *ibid.*, 1964–1968, volume XXXIII, Organization and Management of U.S. Foreign Policy; United Nations, Document 56.

¹¹ For text of NSAM No. 303, see *ibid.*, Document 204.

¹² *Final Report of the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, United States Senate, Book I, Foreign and Military Intelligence*, pp. 56–57.

¹³ For text of NSDM 40, see *Foreign Relations, 1969–1976*, volume II, Organization and Management of U.S. Foreign Policy, 1969–1972, Document 203.

NSDM 40 reaffirmed the DCI's responsibility for the coordination, control, and conduct of covert operations and directed him to obtain policy approval from the 40 Committee for all major and "politically sensitive" covert operations. He was also made responsible for ensuring an annual review by the 40 Committee of all approved covert operations.

The 40 Committee met regularly early in the Nixon administration, but over time the number of formal meetings declined and business came to be conducted via couriers and telephone votes. The Committee actually met only for major new proposals. As required, the DCI submitted annual status reports to the 40 Committee for each approved operation. According to the 1976 Church Committee Final Report, the 40 Committee considered only about 25 percent of the CIA's individual covert action projects, concentrating on major projects that provided broad policy guidelines for all covert actions. Congress received briefings on only a few proposed projects. Not all major operations, moreover, were brought before the 40 Committee: President Nixon in 1970 instructed the DCI to promote a coup d'état against Chilean President Salvador Allende without Committee coordination or approval.¹⁴

Presidential Findings Since 1974 and the Operations Advisory Group

The Hughes-Ryan amendment to the Foreign Assistance Act of 1974 brought about a major change in the way the U.S. Government approved covert actions, requiring explicit approval by the President for each action and expanding Congressional oversight and control of the CIA. The CIA was authorized to spend appropriated funds on covert actions only after the President had signed a "finding" and informed Congress that the proposed operation was important to national security.¹⁵

Executive Order 11905, issued by President Ford on February 18, 1976, in the wake of major Congressional investigations of CIA activities by the Church and Pike Committees, replaced the 40 Committee with the Operations Advisory Group, composed of the President's Assistant for National Security Affairs, the Secretaries of State and Defense, the Chairman of the Joint Chiefs of Staff, and the DCI, who retained responsibility for the planning and implementation of covert operations. The OAG was required to hold formal meetings to develop recommendations for the President regarding a covert action and to conduct periodic reviews of previously-approved operations. EO 11905 also banned all U.S. Government employees from involvement in polit-

¹⁴ *Final Report of the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, United States Senate, Book I, Foreign and Military Intelligence*, pp. 54-55, 57.

¹⁵ Public Law 93-559.

ical assassinations, a prohibition that was retained in succeeding executive orders, and prohibited involvement in domestic intelligence activities.¹⁶

¹⁶ Executive Order 11905, "United States Foreign Intelligence Activities," *Weekly Compilation of Presidential Documents*, Vol. 12, No. 8, February 23, 1976.

Vietnam, October 1972– January 1973

Breakthrough in Paris Blocked in Saigon, October 8–23, 1972

1. Memorandum of Conversation¹

Paris, October 8, 1972, 10:30 a.m.–7:38 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to the DRV Delegation to the Paris Peace Talks
Xuan Thuy, Minister, Chief DRV Delegate to the Paris Peace Talks
Phan Hien, Adviser to the DRV Delegation
Nguyen Dinh Phuong, Interpreter
Mr. Thai, Notetaker
Second Notetaker

Henry A. Kissinger, Assistant to the President for National Security Affairs
Major General Alexander M. Haig, Jr., Deputy Assistant to the President for
National Security Affairs
Winston Lord, NSC Staff
John D. Negroponte, NSC Staff

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [1 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. Brackets are in the original, with the exception of those brackets indicating omitted material and those referenced in footnote 7 below. The meeting took place at 108 Avenue du General Leclerc in Gif sur Yvette, a Paris suburb. The residence, owned by the artist Fernand Leger, became a property of the French Communist Party on Leger's death in 1955. The Party made it available to the North Vietnamese as one of the locations for the October round of negotiations. Tabs A–G (attached but not printed) are documents Kissinger gave to Le Duc Tho during the first part of the meeting. Tab A contained the U.S. "Proposal," which Kissinger described in his memoirs as offering "only a slight cosmetic change" from the U.S. proposal made at the September 26–27 meetings (see footnote 2 below). Otherwise, according to Kissinger, the United States intended to stand fast on the proposal, and remain committed to maintaining the Saigon government and making no more significant political concessions to Hanoi. (*White House Years*, p. 1342) Tab B is the "United States Unilateral Statement on Reconstruction," Tab C is the "United States Unilateral Statement on Replacement of Armaments," Tab D is the "United States Unilateral Statement on Withdrawal of DRV Forces from Laos and Cambodia," Tab E is the "DRV Unilateral Statement on Withdrawal from Laos Cambodia," Tab F is the "DRV Unilateral Statement on Prisoners," and Tab G is a paper on "International Control and Supervision."

David A. Engel, NSC Staff—Interpreter
Peter W. Rodman, NSC Staff
Julie Pineau, Notetaker

[Omitted here are social pleasantries between Kissinger and the North Vietnamese, and Kissinger's presentation of the American proposal.]

Le Duc Tho: This morning we have carefully listened to your presentation. Regarding the political questions we remarked that you have raised a number of points which are nearer to our views, but for a certain number of other points there are still differences. But regarding the military questions you have raised a number of new points, regarding the military questions, regarding the international control and supervision and regarding the problems concerning Indochinese countries, that before you did not raise; therefore the stands, the positions, of the two parties still contain many points far apart.

During our last few private meetings, particularly on the meetings of September 26 and September 27² we have put forward a number of proposals, very important proposals; we have also raised our standing on questions of principles on which we can no longer make concessions. Therefore we have shown our good will and desire of rapidly ending the war and restoring peace in Vietnam.

During the last few meetings you have also said that you really want a rapid settlement of the Vietnam problem. We have also agreed on a working schedule so as to put an end to the war in this month of October, or the sooner the better. But through the questions you raised today I am afraid that it would be difficult for us to progress rapidly and to realize the schedule we have agreed to. Therefore, in order to realize the schedule we have agreed upon and rapidly put an end to the war, I think we cannot negotiate in the way we are doing now.

If we adopt the way we are doing now, first we have to agree on the questions of principle, on the way to implement these questions, on the language to formulate these questions, and afterward we have to refer them to the two-party forum and the four-party forum at Kleber Street,³ and those forums have to agree on the questions and on the way to implement them. If we adopt this method, I don't know how long it will take to come to agreement and to end the war, to restore peace. Mr. Special Advisor, you yourself said that if now we discuss the technical questions of the military problems, the question of ceasefire, at the forum of Avenue Kleber, it would take many weeks to come to agree-

² See *Foreign Relations, 1969–1976*, volume VIII, Vietnam, January–October 1972, Document 267.

³ Kléber Street was a shorthand term for the public plenary talks held at the International Conference Center on Avenue Kléber in Paris.

ment. And if the two South Vietnamese parties will engage the discussions on the formation of a three-segment Government of National Concord, and discussion on the third segment of this government as we propose or of the Committee for National Reconciliation as you propose, it will take a long time for these discussions, many weeks.

Dr. Kissinger: That's what I have been trying to tell the Special Advisor for two months.

Le Duc Tho: And I have not mentioned that our points of view regarding the settlement of the internal political problems of South Vietnam are still greatly different. So this way of doing is very complicated, and certainly we can't realize the working schedule we have agreed upon.

In order to show our good will and to insure a rapid end to the war, rapid restoration of peace in Vietnam, as all of us wish for, today we put forward a new proposal regarding the content as well as the way to conduct negotiations, a very realistic and very simple proposal, as follows.

First, on the basis of our 10 Points and on the basis of your 10 Points,⁴ the Democratic Republic of Vietnam and the United States will agree on and sign an agreement on ending the war and restoring peace in Vietnam as you have once proposed. This agreement is aimed at the settling of the military questions, such as the question of U.S. troop withdrawal, the question of handing over captured people of the parties during the war, the question of the ceasefire under international control and supervision in Vietnam, including the question of U.S. responsibility to heal the war wounds and to rehabilitate the economy of Vietnam. As to the political and military questions of South Vietnam, we shall only agree on the main principles. After the signing of this agreement a ceasefire will immediately take place.

Beside this agreement we shall sign another document recording the agreements regarding the exercise of the South Vietnamese people's right to self-determination, including the principles of the details of the political problems of South Vietnam and the principles of the settlement on the question of Vietnamese armed forces in South Vietnam that we have agreed in this forum. This document will be referred to the two South Vietnamese parties for discussion and for implementation after the ceasefire. This document will be referred to the two South Vietnamese parties for discussion and implementation after the ceasefire.

Third, after the ceasefire the forum between the PRG and the Republic . . . the Saigon Administration will be opened for discussion of

⁴ See *Foreign Relations*, 1969–1976, volume VIII, Vietnam, January–October 1972, Document 267 and footnotes 2 and 3 thereto.

the internal military and political problems of South Vietnam on the basis of the document we have agreed upon here and we have referred to the two parties, for a rapidly reached agreement between the two parties three months after the ceasefire at the latest.

Beside the forum of the two South Vietnamese parties, after the ceasefire the three-party forum and the four-party forum will also develop their activities for the continuation of the remaining work. Of course, after we have agreed upon, the Democratic Republic of Vietnam and the United States will continue to meet each other to settle the remaining questions, the outstanding questions between the two parties and to remove the difficulties and the hindrances arising in the other forums.

If we negotiate in the way I have described then a settlement can be rapidly and expeditiously reached. Therefore, the present negotiations between us with a view to signing an agreement between the DRV and the US is decisive for the early ending of the war and early restoration of peace in Vietnam and to create the conditions for rapidly ending the war in Laos and in Cambodia.

On the basis of our 10 Points and on the basis of your 10 Points, we have drafted an agreement to be used for the basis for discussion of the two parties and to achieve agreement in the three or four forthcoming days. We should complete our work so that we may sign this agreement and have a ceasefire to end the war by mid-October, 1972, at the latest.

When we put forward this new proposal we do not let the political problem of South Vietnam, that is the most thorny, the most difficult problem, to drag out, to prolong our negotiations; and we should aim at rapidly ending the war responding to the aspiration for peace of our two peoples. At the same time we have taken into account the questions on which you have shown the greatest concern. Last time Mr. Special Advisor said that there was a danger, the greatest danger for you in the U.S. election, this danger comes from the part of your supporters who would denounce you to have betrayed your ally.

Dr. Kissinger: May I ask a question? Will we be given a document? Eventually? I don't need it now, but then I don't have to write everything down.

Le Duc Tho: Afterward.

Dr. Kissinger: That's fine; then I don't have to write everything down; then I can listen.

Le Duc Tho: The draft agreement, we will hand you the draft agreement.

Dr. Kissinger: At the end.

Le Duc Tho: In this new proposal we do not demand the formation of a Government of National Concord before the ceasefire, but we will let the two South Vietnamese do this work, three months after the ceasefire at the latest. And this is what you yourself have proposed, the same proposal. We are prepared to open the forum of the two South Vietnamese parties immediately after the ceasefire without placing any condition, and therefore the timing of the resignation of Nguyen Van Thieu is now different from what it was before.

Dr. Kissinger: I understand.

Le Duc Tho: We have responded to what you have considered to be most difficult for you to reach an agreement acceptable to you, aimed at rapidly ending the U.S. involvement in Vietnam and the prompt return of American servicemen including those people captured during the Vietnam war and their early repatriation. This is one of our great efforts aimed at rapidly ending the war and restoring peace in Vietnam beneficial to both parties.

Last time you said that President Nixon proposed that you would go to Hanoi to meet our leadership. We don't know whether you still maintain this intention.

Dr. Kissinger: Are you asking me?

Le Duc Tho: I am asking.

Dr. Kissinger: If we can be certain that on this occasion we reach a final agreement, which is also what the Special Advisor said, then I am prepared to go to Hanoi. I agree with what the Special Advisor said last time, if the outcome is uncertain then it would not be an advantage to either side for me to go. Therefore if we are very close to an agreement I would be prepared to go. That's precisely what the Special Advisor said to me last time.

Le Duc Tho: Today I would like to let you know that on the basis of the agreement that we might reach in the two or three coming days, if we can reach agreement in the two or three coming days, then we are prepared to receive you in Hanoi a few days after these meetings so that we can together complete the peaceful settlement of the Vietnam problem. And we shall discuss the future relations between our two countries and on questions of mutual concern. And on that occasion the two parties will sign in Hanoi an agreement on ending the war and restoring peace in Vietnam. This is a very significant event. And we are of the view that the complete cessation of bombing and the mining of Vietnam is propitious circumstances for Mr. Kissinger to visit Hanoi. And I think that if in two or three coming days we can reach agreement here, then it will be time for the U.S. to stop the bombing and mining of North Vietnam, and the whole of Vietnam, and not north of the 20th parallel as you said this morning. And if you visit to Hanoi and the signing of such an agreement will mark a very important change in the

relationship between the DRV and the U.S., and it is a matter of fact that if we can't agree then the question of your visit to Hanoi will not arise.

Dr. Kissinger: If I can't agree to what?

Le Duc Tho: If we cannot agree here.

Dr. Kissinger: That's true. I agree with you.

Le Duc Tho: Our present meetings are of the utmost importance. It will mark the turning point of the whole of our negotiation on the Vietnam problem. This is our last effort in the negotiations that have lasted four years now in order to bring about peace in Vietnam. And I think also it is the best opportunity for you to seek a correct solution to the Vietnam problem. If in the two or three days we can reach basic agreement, then this is a very important historical event for our two peoples. If in the two or three coming days it is impossible for us to come to an agreement, then our negotiations will fall into a deadlock and the war will continue, and you will bear the entire responsibility for such a situation.

The situation in the Pacific is changing considerably. The position of the U.S. in this area is not as it was before. It is because of the Vietnam war, which until now the U.S. is still unwilling to settle. In our view if the U.S. prolongs the Vietnam war, it will be more difficult for you. The Vietnam problem cannot be settled through military means. The experience we have had over the past 10 years has testified to my assertion. As far as we are concerned, we have been fighting for the past 25 years. If President Nixon will be reelected and if he continues the war, then we will resolutely fight on for four more years until we achieve our objectives. Our people cannot be subdued and we will never surrender. Throughout our history the word surrender does not appear in our language.

But I think we should not let this circumstance happen, such condition happen. We shall do our best to reach a settlement and I think you should do the same. Then in such a way, only in such a way, can our negotiation come to good results. The war will be ended, peace will be restored, and such a day will be a day of festivity for our two peoples.

Now, please let me present the content of the draft of the agreement on ending the war and restoring peace in Vietnam. This draft agreement has taken as a basis our 10 Points and your 10 Points to be worked out. We have taken into account the position of both parties, in an effort to come nearer to each other and to reach a settlement. Today I will speak about the points, the content, in our draft agreement and about the questions you have raised this morning and on which there are still differences between our stands.

Our remarks here are still preliminary; we shall continue to give comment on the forthcoming days.

First, Point 1, regarding the Vietnamese people's fundamental national rights. So our proposal and your proposal have come to agreement on that point. But in your draft this morning there is a sentence, you said that "Once overall agreement is fulfilled the U.S. has no intention to continue its military involvement or to intervene in the internal affairs of Vietnam." I think after the signing of an agreement the U.S. should completely end its involvement, and not "have no intention."

Second, regarding the internal political problem of South Vietnam. First, I will speak about the general elections. You propose Presidential election; we propose election to a constituent assembly. Now we propose to mention one sentence to be agreeable to both sides: "The people of South Vietnam shall decide themselves their political system through genuinely free and democratic general elections under international supervision." And afterward the two South Vietnamese parties will discuss with each other.

Dr. Kissinger: I understand that point. But the Special Advisor skipped Points 2 and 3. Will he return to this?

Le Duc Tho: I shall come to that later.

Dr. Kissinger: You will come to that later. Thank you, excuse me.

Le Duc Tho: I shall speak about the point in our draft agreement in the order we have worked out, but it is the same content as our 10 Points.

Dr. Kissinger: That's fine.

Le Duc Tho: Now, regarding the principle of the formation of a three-segment administration in South Vietnam. We have proposed the formation of a Government of National Concord; you have proposed the formation of a Committee for National Reconciliation. I think if we can agree on the authority, the task, the prerogative of this body then we can agree on finding a name for this body. So in this spirit we propose to call this general body, this body of power, we shall call it the "Administration of National Concord," and we shall no longer call it the Government of National Concord. At the central level it will be called Central Administration of National Concord. At the various levels we shall call it Administration of National Concord—provincial level, district level, city level, village level. So it is a compromise between your views and our views regarding the call of this body.

Now regarding the authority of this body . . .

Dr. Kissinger: When does this body begin functioning?

Le Duc Tho: So this body will be formed after agreement is reached by the two South Vietnamese parties, and after the agreement this body will begin functioning within three months after the ceasefire.

Dr. Kissinger: I understand.

Le Duc Tho: But the sooner the better.

Dr. Kissinger: Of course.

Le Duc Tho: Two months is better.

Dr. Kissinger: Of course. I just wanted to understand.

Le Duc Tho: As I told you the other day, in reality at present there are in South Vietnam two administrations, two armies, three political forces. To avoid conflict between the two parties and to strictly implement the military and political provisions of the agreement of ending the war, there should be a body, an organ of power in between to see to it, direct, to supervise the implementation of the signed agreement between the two parties and to settle conflict arising between the parties. Moreover, this body will operate in accordance with the principle of consultation and unanimity. Neither side will coerce the other side. But in your proposal you only speak about the facilitation, to “facilitate” the implementation of the signed agreement, to “contribute” to the realization of national reconciliation. But it is not clear how to contribute, how to facilitate the realization of national reconciliation. Here we propose that the body should see to, to direct, to supervise, the implementation of the agreements. So the tasks here have been set more concretely, more clearly; the responsibilities, the authority of the body is more clearly defined.

As to the task of the Administration, you propose to review the laws so as to make them suitable to the conditions of peace. We, we propose that the task of the Administration should insure that the laws, the measures should be suitable to the new conditions of peace and should not contradict the people’s democratic liberties and in keeping with the spirit of national concord. If you say that the task of the body is to review the policy, the constitution and to make it suitable to the conditions of peace, then it is in too vague terms.

I would like to further elaborate on the task of the Administration of National Concord, to point out the differences between we and you. About the structure, in your proposal you say nothing about the organizational structure. You only mention about the composition, about 12 men in the central level. Last time you mentioned that the body will be organized down to the provincial level and the district level. Now you retract your proposal. As far as we are concerned, we want it down to the village level, because in our view the organizational structure should come down to the district and village level, because of the real situation in South Vietnam. Because a district in Vietnam is composed of many villages. Many villages come under the control of the PRG; many other villages comes under the control of the Republic of . . . the Saigon Administration. Even in a village there are many hamlets belonging to the PRG and other hamlets belonging to the Saigon Administration; let alone the contended areas. The situation is very complicated. Without an administration at the lowest level as I mentioned, it

would be impossible to settle the contention between the two parties. It would be impossible too, to see to it that the agreement be implemented. And without that, conflicts may resume between the two parties.

Dr. Kissinger: I understand the Special Advisor's point. I just, for the record, want to say that the Special Advisor sometimes gets carried away by his optimism. I don't recall that I agreed to the functions of these committees, much less to their operation in the villages. Up to now we have spoken of these committees in the context of elections; this is a new dimension. But I will answer the Special Advisor in substance. It is simply when he refers to my statements I am afraid he might construe silence as agreement and use it again. I understand your point, Mr. Special Advisor, I am not debating your point.

Le Duc Tho: I expound our point of view on the organization of the structure that is different from your point of view.

Dr. Kissinger: That is fine, as long as we understand each other.

Le Duc Tho: When I am negotiating with you I am not optimist, but I have our principles and I expound these principles. Probably you are not too optimistic in your conversation with me. I wonder whether this is true. Both sides should make an effort then. Now let me speak about the military questions.

Regarding the military questions, Mr. Special Advisor proposed a period for troop withdrawal of 75 days. I think that we should come now to an agreement on the period for troop withdrawal. We propose now 60 days. So there are still 15 days difference. To come to an agreement, why don't we share these 15 days and prolong it to 67 days?

Dr. Kissinger: You see, the Special Advisor thinks like me. I was going to propose 67 and a half days. We won't let the Minister comment; he'll get it all confused again. Is this your proposal, 67 days?

Le Duc Tho: 60 days. So at the utmost if we can come to agreement you will propose 67 days.

Dr. Kissinger: You will accept that?

Le Duc Tho: A few days for us have no importance.

Dr. Kissinger: Well, this issue will now get settled, Mr. Special Advisor. We shouldn't spend time on it.

Le Duc Tho: Seven days sooner or later make no difference for us. You have been remaining there for nearly 10 years now and we are still strong enough to cope with you. So seven days mean nothing. So the period for the withdrawal of U.S. forces from South Vietnam, so in your proposal regarding the withdrawal of U.S. forces from South Vietnam, you said that exception should be made for the Americans with the normal function of military attaché. What do you mean by that function? I think that if they are military they should be withdrawn, all of them. In the draft agreement we have mentioned in detail about the

withdrawal of advisors for pacification work, advisors for the police service of the Republic of Vietnam, and all civilian personnel serving the Vietnam war. You call it civilian personnel but in fact they are military. So all these military personnel should be withdrawn.

The second question is the military aid to South Vietnam, to the two South Vietnamese parties. We have expressed our point of view many times already. In our view we think that you affirm that you no longer want military involvement in Vietnam, but you insist on continuing to give military aid to South Vietnam, so your involvement essentially cannot be ended, and practically the war will go on. But in your Point 9 you said that the parties should not introduce war matériels, arms, military personnel, ammunitions into South Vietnam. If you say so, why do you insist on giving military aid to South Vietnam? Therefore, we propose now that neither party should give military aid to the South Vietnamese parties, should not introduce war materials, ammunition, personnel into South Vietnam, neither the PRG nor the Saigon Administration. I think this is a fair proposal and I don't know why Mr. Special Advisor stuck to your proposal.

Dr. Kissinger: Which proposal is he talking about?

Le Duc Tho: Your proposal on military aid to South Vietnam.

Dr. Kissinger: In Point 2. I understand.

Le Duc Tho: Now regarding the replacement of armaments. We propose a replacement of armaments on the principle of equality. It is fair. In proposing this we have taken into account your views on this question; that means that armaments may be replaced on the principle of equality. But we propose to let the South Vietnamese parties to agree on that question of replacement. Therefore we propose that the two South Vietnamese parties will discuss and agree on the periodic replacement of armaments and munitions, in an intention to avoid the sentence, the language, we have not agreed with each other. This shows our good will.

Now regarding the question of handing over captured and detained people of the parties. In your proposal you still maintain the denomination of "innocent civilians." We, we propose "captured people, both military men and civilians." So the denomination we propose is more specific, more accurate.

Regarding the controlling and supervision of the release of prisoners, in our view there is a four-party joint commission for this purpose. Moreover, there is the supervision and control of the international commission. Therefore in our view the participation of the International Red Cross in this task is not necessary.

Now regarding the question of cessation of hostilities. Among other things there is the question of ceasefire in South Vietnam. In our

draft agreement we propose that as soon as the ceasefire becomes effective the U.S. forces and those of other foreign countries allied to the United States and the Republic of Vietnam shall remain in place pending implementation of the plan for troop withdrawal. Second, the armed forces of the two South Vietnamese parties shall remain in place in the regions respectively controlled by them. For the supervision of the ceasefire, I think that besides the International Commission for Control and Supervision, the parties concerned should set up a four-party joint commission and a two-party joint commission for the task of supervising and controlling the ceasefire.

Now for the beginning of the ceasefire. In our new proposal we proposed ceasefire, release of prisoners, withdrawal of troops, all of this.

Dr. Kissinger: No guarantee?

Le Duc Tho: There will be guarantee. And we shall decide on a number of principles. There will be international supervision and control. And there is also control and supervision of the four-party joint commission and the two-party joint commission. But we both, we should come to agreement so that the ceasefire may be observed immediately. Afterward we shall go into the discussion of the concrete regulations. We have done the same way of the Geneva Conference of 1954 and the Geneva Conference of 1962,⁵ because there are many complicated questions. If we engage in discussions on these questions, as you said it will take months to come to agreement. But after the ceasefire, these questions may be promptly settled. Because we shall base on reality at this point to decide the modalities. If you, as you say, want to rapidly end the war and to realize the working schedule we have agreed to, how can we go immediately into the details of these questions? We shall go immediately into the ceasefire and discuss these modalities. Probably you have done the same way in Egypt and other places.

Dr. Kissinger: We have, unfortunately, not fought the Egyptians. They would settle much more quickly than you. Their endurance is six days, not 25 years. [laughter]

Le Duc Tho: So our proposal has shown our good will, our real desire to rapidly end the war. And it is the same proposal made by President Nixon himself—ceasefire, release of prisoners, and troop with-

⁵ The 1954 Geneva Conference divided Vietnam into northern and southern zones, essentially ratifying the Communists' defeat of the French. The Communists established a government in the north in Hanoi under Ho Chi Minh, and the non-Communists, supported by the United States, established a government in the south in Saigon. The 1962 Geneva Accords intended to establish a neutral government in Laos. However, since the North Vietnamese troops did not withdraw as promised, the Accords effectively ceded eastern Laos to the Communists.

drawal. So in our new proposal we have responded to your proposal, in part.

Now regarding the question of Vietnamese armed forces in South Vietnam. Regarding the so-called withdrawal of North Vietnamese troops, we have repeatedly expounded our point of view to you. We have expressed our views on that question over the four years of our negotiations. It is not the first time that we have said this. If this question is posed, as I told you last time, this question cannot be settled. So your proposal on the withdrawal of North Vietnamese troops is utterly unacceptable. We propose the following provisions. We propose the following formulation: "the question of Vietnamese armed forces in South Vietnam will be settled by the South Vietnamese parties themselves in a spirit of equality and mutual respect, in keeping with the post-war situation and with a view to lessening the people's contributions." We have proposed such a formulation; you have proposed the same too. If an agreement should be reached between us, we propose to record this principle: "The South Vietnamese parties will discuss and settle this question."

Now regarding the question of healing the war wounds and rehabilitating the economy in Vietnam, we agree to recording one sentence in the agreement. We propose the following sentence: "The U.S. Government assumes the responsibility to contribute to the healing of the war wounds and the rehabilitation of the damaged, devastated economy of North and South Vietnam, without condition attached and without repayment." The parties concerned will discuss the implementation of this provision. Besides, we may sign a protocol on this question. As to the details, we shall discuss this question. But until today, last time, you promised to have a concrete proposal on that question and to propose a specific sum. But so far you have made no mention about that. Probably you have it in your papers but you are unwilling to reveal it!

Regarding the international commission of control and the international guarantee, there are still many differences between our views and yours on the tasks of the international commission. Let me speak on the composition of the international commission. We proposed five members: India, Poland, Canada and two other countries, each party would propose one. You disagreed to that. We proposed each party would propose two countries. You considered that possibility as a positive one. Now you propose the representative of the United Nations. So from a proposal that was positive you propose a negative proposal.

Dr. Kissinger: I consider it positive; you consider it negative.

Le Duc Tho: So there is a difference in our view. In our view each side will propose two countries. We propose two countries; you propose two countries. It is fair. If now we have another member it will be

difficult for discussion. And I think that the activities of the international commission should also be based on the principles of unanimity and consultation. We have done the same way in the 1954 and 1962 Geneva Conference. And the members of the international commission will in turn act as chairman of the commission.

As to the tasks of the international commission, we maintain our views as previously. The task of the international commission is to control part of Point 4 in our previous 10 Point proposal. That is, it will supervise the general elections and materialization of democratic liberties in South Vietnam.

As to Point 5, regarding the control of armed forces of the two parties in South Vietnam, I think in this connection the international commission will carry out its task when requested to by the two South Vietnamese parties. Because the control of the international commission in these questions is tantamount to interference in the internal affairs of South Vietnam.

Dr. Kissinger: You are talking about Point 5 now?

Le Duc Tho: Point 5. Regarding the composition of the international commission, we propose each party will propose two members. The norms to choose the members should be the countries who have not participated in the Indochina war, who have not sent troops to this war, who have not let their territory to be used as military bases or logistical bases in this war. Therefore, we think Australia and Indonesia do not meet the norms.

Dr. Kissinger: What did Indonesia do?

Le Duc Tho: [pause] It has not directly participated in the Vietnam war but everyone knows the attitude of Indonesia toward this war. So to replace India it is not adequate.

Dr. Kissinger: You are talking now about the commission, not the conference.

Le Duc Tho: I am speaking now about the international commission of control. The international commission has nothing to do with the international guarantee. Because the international commission will be set up in agreement by the parties to the Paris conference. It is not set up by the international conference for international guarantee which set the guarantee.

Dr. Kissinger: That's your proposal; that has not been settled.

Le Duc Tho: It is our proposal. As to the period of activity of the international commission, we have clearly defined in the draft agreement.

Dr. Kissinger: Until there is a definitive government.

Le Duc Tho: Yes, it is our intention. In regard to the international guarantee: As I told you repeatedly, the conference on international

guarantee will not guarantee the ceasefire because the ceasefire comes under the competence of the Vietnamese parties.

Dr. Kissinger: [Speaking of the cook after having been offered a cup of tea.] He is the most agreeable Vietnamese of the whole group. I have never given him any difficulty. I do everything he wants me to do. Please.

Le Duc Tho: As to the guaranteeing powers, we do not agree to your proposal on the guarantee by Japan, South Korea, and Thailand. But I think that the question of international guarantee should be discussed after the ceasefire. What we have to discuss now would be the question of ceasefire, and release of prisoners under international control and supervision, the question of reparations. As to the internal political and military questions of South Vietnam we agree on principles and the South Vietnamese parties will discuss. So the international guarantee we should leave it until later. It is not a pressing question. Maybe after the ceasefire we can talk about this question once or twice and we can come to agreement. We do this with a view to reducing the thorny questions. So our aim is to do what you proposed previously: ceasefire and cessation of hostilities, troop withdrawal, release of prisoners. But the question of your responsibility to heal the wounds of war because once the hostilities have stopped, you are to assume the responsibility.

Finally let me speak about the question of Laos and Cambodia. I have expounded our views on that question many times already throughout our meetings. You in your proposal mentioned many things throughout Indochina: the question of international control and supervision throughout Indochina, the question of international guarantee throughout Indochina, the question of troop withdrawal and ceasefire throughout Indochina. We have expressed very many times our negotiations here deal with Vietnam. We can't discuss the sovereignties of the people of Laos and Cambodia. I have told you that once we settle the Vietnam problem, undoubtedly, certainly, the question of Laos and Cambodia will be settled and end the war. There is no reason that once the war in Vietnam has ceased the war in Laos and Cambodia will continue. I can tell you that the end of the Vietnamese war will create a very great impact that will immediately, promptly, end the war in Laos and Cambodia. Maybe it is immediately after the end of the Vietnam war. But now you propose that we should record this provision in the agreement. It is contradictory to the principle of non-interference in these countries.

Dr. Kissinger: But so is the presence of your troops.

Le Duc Tho: Let me speak. But to take into account your view I am prepared to acknowledge what I have told you previously. The question of American prisoners, we do not agree to record it in the agree-

ment but I am prepared to acknowledge what I said. We can assure you that this question will be settled because the number of American prisoners in these two countries are not too great. We can discuss this question with our friends over there.

We can assure you that when the war is ended the American prisoners will return to the States in the same tempo as the withdrawal of the U.S. forces. We have no interest in keeping them behind. Because the end of the war is important for our two peoples not for the immediate period, but for relations between our countries for a long term, long period to come. Only when we have such a desire to have in view not only our relation to the present period but a long time to come, this explains our intentions and our proposals. Because we will not deal with only two or three questions. Because in my view after we can sign the agreement and end the war we shall meet many times more, because we have many questions to discuss together. Therefore, in our agreement there is one paragraph dealing with the relations between the DRV and the U.S. You will see in the draft agreement.

I have completed the presentation of our new proposal. I have also pointed out points on which we still differ. I hope you will give careful study to our new proposal. We think that we both should make an effort so that in the two or three days to come we can come to an agreement. And a few days later after the agreement you will visit Hanoi and we shall discuss more important questions. And it is your proposal, and we met it with great good will, in order to end the war in accordance with the schedule we have agreed upon.

And I think once peace is restored the relationship between our two countries will turn a new page. Resolutely we shall follow this orientation. It depends on you now. What I have been telling you is with an open heart, frankly speaking. I think that both we and you should make an effort to come to an agreement, to sign an agreement, and to end the war that has lasted rather long. But in a few days to come whether the war can be ended or not, whether peace can be restored or not, American prisoners captured in the war can return to their country soon, depends on you. As far as we are concerned, we are ready. I have finished.

Now I hand to you the draft agreement. [He hands over paper "Agreement on Ending the War and Restoring Peace in Vietnam," at Tab H.]⁶ As to the text of the agreements reached between us that should be referred to the South Vietnamese parties, we will hand to you tomorrow. So they can read it, discuss it, and implement it the sooner the better but no later than three months.

⁶ Tab H is attached but not printed.

So I propose that we should reach basic agreement on all questions in two or three days to come. So I propose this working procedure. I propose this. I have given you the draft agreement. Tomorrow you will express your general views on that and we shall discuss point by point to see which we agree to, on which we differ, and we shall concentrate our efforts on these questions. We have two or three days of work. We should finish the settlement. And if we cannot do that, as I told you, then the negotiation will fall in a deadlock. Because this new proposal is exactly what President Nixon has himself proposed: ceasefire, end of the war, release of the prisoners, and troop withdrawal. And we propose U.S. responsibility in healing the war wounds for both North and South Vietnam, and we propose a number of principles on political problems. You have also proposed this. And we shall leave to the South Vietnamese parties the settlement of these questions within three months.

So we have responded to your proposal. We have been discussing these questions for many months now. We should settle these questions within a few days. Otherwise the question is unsolvable, because finally we have responded to your proposal.

Dr. Kissinger: Mr. Special Advisor, Mr. Minister, I first of all want to say I share completely the sentiments you expressed at the end of your presentation. Our two countries must make peace and they must start a new relationship and they must pursue that relationship with the same energy and the same dedication with which we have been adversaries before. This is our solemn intention.

I of course have not had an opportunity to study your paper. From your presentation I believe that you have opened an important new chapter in our negotiations and one that could bring us to a rapid conclusion.

May I now propose the following. Can we take a brief break, maybe 15 minutes? I would then like to ask some clarifying questions—without expressing a comment. Then I suggest we meet tomorrow, perhaps a little later in the day, say at 1:00 or 1:30, so that we have the morning to work this paper over, because it is without question a very important document.

During our present break I will think about procedures for a bit and make some proposals to you about how we can bring it to a conclusion. But I believe you have at least shown us a way by which we might conclude an agreement this month, which is realistic, which was not clear before. And I am prepared to extend my stay here if necessary beyond Tuesday if this helps our progress. So with your agreement now if we could take a 15-minute break, then perhaps you could answer a few questions and then we meet again tomorrow.

Le Duc Tho: We resolutely will come to a settlement.

Dr. Kissinger: I agree with you. That is our intention.

[The meeting broke at 5:57 and resumed at 6:34 p.m.]

Dr. Kissinger: Now, I have often remarked that even in our most difficult encounters you have always maintained your dignity and your courtesy.

Now let me say a few words first about procedure and then about substance.

With regard to procedure. You have submitted here a very important and a very fundamental document. Since it is in the framework of our own proposals, it is of course one that I believe opens possibilities for a rapid settlement. These are preliminary comments; when we study it we may find aspects that are more complex. But if . . . I would like to make a realistic schedule with the Special Advisor. Ending the Vietnam war is an event of historical significance. And it cannot be done by one man who travels by Paris to Hanoi, who first settles something in Paris and then travels to Hanoi to sign the document. So I propose that we work the next two or three days, whatever time it requires, to develop a document which is satisfactory to the parties in this room. I must then take it back to Washington to discuss it with the President, and we now will have to expand the circle of people who have discussed it somewhat, at least to get legal opinions. Up to this point no one in Washington, not one senior official except the President, has seen any of the documents we have exchanged. But in the past—I have negotiated with many countries—when I agree with you it is very probable that this will be approved by the President, with perhaps minor points here and there. And I will stay here until we have a document that I know I can recommend—or until we know we cannot get such a document.

After we review this document in Washington I must then go to Saigon. This document says that the agreement is made with the approval of both our allies. And it is therefore essential that we have this approved. And it is all the more essential because there are here provisions about ceasefire and other matters that can only be implemented with the agreement of our allies.

Now, from Saigon I am prepared to come to Hanoi. I could go to Guam and then come back to Hanoi. I am told for technical reasons that it would be best if I did this by flying over China, and I am sure you can help us to obtain the right to overfly China. It depends whether we make it an open or a secret trip. If we make it an open trip, the way our planes usually go, it will be picked up by our radar. If we make it a secret trip I should fly over China. But we can work this out; we don't have to spend time on it now.

In Hanoi we can complete the agreement and settle the understandings that go with the agreement. I think the formal signature

ought to be some more neutral place, such as Paris. But we could initial it and settle it, so when I return from Hanoi to the U.S. we could simultaneously announce in Washington and Hanoi that an agreement has been reached and that it will be signed immediately, within a day, in Paris—if we can get the Minister and our Ambassador into the same room without an argument—or at any other level. I would be prepared to come back here; this is not a major matter. And we would have no objection to announcing that the final negotiations were completed in Hanoi. Now this process will take, in my view—where are we now, the 8th?—we should be able to complete it during the week of October 22. Assuming we come to an agreement here.

Le Duc Tho: 22nd of October?

Dr. Kissinger: During that week.

Le Duc Tho: To sign the agreement in Paris?

Dr. Kissinger: Everything, this document with all the changes I give you tomorrow—which you will accept!

Le Duc Tho: And after the signing, the ceasefire in that week.

Dr. Kissinger: The ceasefire goes into effect when the agreement is signed. Well, 24 hours later, we have to set a time. But it's your basic concept.

Le Duc Tho: But in the week of the 22nd of October.

Dr. Kissinger: If we reach agreement here. I may discover—I usually do—aspects that are too complex. But if we reach agreement here I would go back to Washington, then go to Saigon early next week, go to Saigon then to Guam, then to Hanoi the weekend after. I would be prepared, maybe October 25th, to sign—not this document, but whatever we agree on. And then the ceasefire goes into effect, if not immediately then almost immediately.

And if we are that close to an agreement then the issue of the bombing of North Vietnam will take on a different aspect.

Now let me come to a few general observations.

Le Duc Tho: If we come to an agreement and when you visit Hanoi, then the bombing should be stopped.

Dr. Kissinger: Well, we will certainly not bomb Hanoi while I am there!

Le Duc Tho: All over North Vietnam, because we have come to a basic agreement.

Dr. Kissinger: If we have almost come to a basic agreement it is certainly a proposition we will examine most carefully. It is not an unreasonable proposition. We would be within a week of a final agreement, and it is certainly something then that takes on a completely different aspect. Although we would not take the formal commitment until the

agreement is signed. This would have to be an understanding between us.

I would expect that when I am in Hanoi that we would finish every detail, that when I leave Hanoi the agreement would be completed. Otherwise there's no point in going.

Le Duc Tho: Right.

Dr. Kissinger: So that is the schedule that I now foresee. Now I would like to raise a number of realistic problems that you would perhaps like to consider overnight and we will discuss tomorrow.

First, with respect to Saigon. You can make any theoretical comment you wish about the degree of our influence in Saigon, but if we want to meet the schedule we have to cooperate in removing the real obstacles. You remember the experience of 1968. I can assure you that it is not possible for us to do everything that we want. And secondly, we must be able to recommend to the government in Saigon with a good conscience the measures we are urging.

Now the concerns which will, of course, exist in Saigon will be that the agreement permits you to build up in your base areas, that it has no restrictions on your traditional infiltration routes and permits you to continue military activities in neighboring countries, especially in Cambodia and Southern Laos. And therefore it would be essential for us to be able to find some assurances with regard to those problems.

Now the Special Advisor has already pointed out that there are negotiations going on in Laos at this moment. I think if you and I reach some understanding with respect to these, we can give them a very rapid impetus. I also thought I heard the Special Advisor say that upon the completion of a ceasefire between us, military operations would cease almost immediately in Cambodia.

Le Duc Tho: Immediately after the ending of hostilities in Vietnam, this event can push forward the settlement of the Laos question very rapidly.

Dr. Kissinger: I am talking about Cambodia now.

Le Duc Tho: After a settlement in Vietnam we believe—we are convinced—that the ending of the war in Vietnam will push forward the settlement in Cambodia and Laos very rapidly.

Dr. Kissinger: But there are two questions: One is the settlement, the other is the ending of the military operations. I am therefore urging the Special Advisor to consider some formula we can adopt, either in the settlement or in a protocol, which puts a time limit on the presence of foreign forces in these countries and some assurances with respect to their military operations while they are there. It would facilitate matters very much on my trip to Saigon. I, incidentally, am planning to take General Haig with me, at least to Saigon. So this is one set of ques-

tions which I can tell you now we will have to raise with you tomorrow, and which you might want to think about.

On some other issues: It is impossible for us to write into a document an obligation that will be read in the United States like reparations. We have to find some formula to deal with this.

On your definition of what forces have to be withdrawn, your statement is too inclusive with respect to civilian personnel. But we will have an alternative proposal for you.

With respect to the replacement provisions of the agreement, it is to be predicted that the two South Vietnamese parties will never agree among each other as to the need for replacements, since they have a maximum incentive not to permit the strengthening of their opponent. Secondly, of course, we have the concern of what happens if there is a massive infusion of arms into parts of Indochina not covered by Article 9. Specifically, the Democratic Republic of Vietnam. We have a two-fold problem: One is if there's an unlimited introduction of arms into North Vietnam—and since we have not yet agreed on the monitoring of the movement of supplies into South Vietnam, this is bound to be an inequality. So you should consider the formula we have given you, which we believe is realistic and without which, or something like it, I can assure you that Saigon will never accept these proposals.

Now, with respect to your forces. We have not asked for the withdrawal of all your forces. We have said that on the day of ceasefire there be an exchange of [lists of]⁷ the units that are in place in each area, which is required in any event. We would hope that such a listing on your side would show that some of the units that have entered South Vietnam after March 25 had returned to North Vietnam. Of course it would also mean that some of your units remain in South Vietnam. We simply would like the *de facto* situation on the day of the ceasefire to reflect some movement.

We don't want to write it into the agreement. It is a very important element in presenting the case, and I think you gentlemen recognize its practical implications are not all that total. If we can't find every tank we are not likely to find every soldier. [laughter]

Le Duc Tho: You can't find them because all of them are Vietnamese. [laughter]

Xuan Thuy: And if you introduce the materials through seaport and airport we can't know it.

Dr. Kissinger: We will agree to let you have inspectors at these places. These are the major things I would appreciate your considering overnight, and we will come back to them.

⁷ Bracketed insertion by the editor.

May I ask one question? What happens after three months if the South Vietnamese parties don't agree on a political framework? What happens after three months if there's no agreement?

Le Duc Tho: You want me to answer you at this time?

Dr. Kissinger: I would appreciate it, yes.

Le Duc Tho: I think that the two parties should achieve settlement within three months.

Dr. Kissinger: But what if they don't?

Le Duc Tho: You have responsibility to step up the settlement within three months; we have the same responsibility. Because regarding the political questions, the points you have raised and those we have raised, there are many we can agree up already. Because if now the South Vietnamese parties do not come to agreement, then we should push them to materialize the schedule because the schedule has been agreed upon. We shall do our best. On the political questions there are many points on which we have agreed. There are two major points, the question of the three-segment Government of National Concord and the question of the resignation of Nguyen Van Thieu. These are two most thorny questions.

Dr. Kissinger: But they have to settle that among each other.

Le Duc Tho: Because we both have come to agreement, and these two questions we have come to agreement, as the proposal of our side has reflected it. So it is a great effort on our part. But as to the form of the body or power in South Vietnam, you propose the Commission for National Reconciliation; we propose an Administration of National Concord.

Dr. Kissinger: No, we proposed the resignation of President Thieu in the context of a Presidential election, and therefore this matter will now be discussed among the South Vietnamese parties. It will not be part of our agreement. That is correct?

Le Duc Tho: Right. Therefore, there is one sentence in the draft agreement I mentioned.

Dr. Kissinger: I understand.

Le Duc Tho: It is a sentence saying that South Vietnam should settle their political system through genuinely free and democratic elections.

Dr. Kissinger: I understand. Now, the ceasefire, however, is of unlimited duration in South Vietnam.

Le Duc Tho: When we sign agreement between you and us, then the ceasefire begins and lasts forever.

Dr. Kissinger: Also among the South Vietnamese parties.

Le Duc Tho: Definitely.

Dr. Kissinger: Now I have only one other issue that is of some concern. In the United States the issue of the prisoners of war is of great emotional significance.

Le Duc Tho: We know that.

Dr. Kissinger: And therefore the obligation with respect to prisoners held in Laos and Cambodia must be very precisely stated.

Le Duc Tho: It is difficult to record it in the document because it will involve Indochina. It will involve Laos and Cambodia. I told you that in Laos and Cambodia American servicemen are very few in number.

Dr. Kissinger: But there are civilians in Cambodia.

Le Duc Tho: There are none. There is no civilians, not in Cambodia. We know definitely. In Laos there are a few. When we come to an agreement then we should give you the list.

Dr. Kissinger: Well, we must have lists. We must have some accounting for the missing in action. We must have some possibility of dealing with the facilities. And there must be some assurances we receive from you in some form which we can show to the families of those concerned. I believe you. I see no reason why you should want to hold a few prisoners in Laos.

Le Duc Tho: I told you.

Dr. Kissinger: Yes, but we must agree on some form of getting that assurance. I don't believe that is a decisive point.

Le Duc Tho: We can acknowledge the understanding.

Dr. Kissinger: All right. I can perhaps do best by meeting with my colleagues tonight on the document, and shall we meet again tomorrow when we can go through it more carefully? Unless of course the Special Advisor has any comments on what I have just said.

Le Duc Tho: Let me add a few sentences. Now we have a schedule proposed by Mr. Special Advisor. Therefore I think that we should make an effort to put in practice the schedule you have proposed, that is in the week of October 22, but the sooner the better. And these three days of meetings are very important. We should do in such a way that in these three days we will have reached a basic agreement. And if we reached basic agreement in these three days then we should set a very accurate schedule of work, from which we should make an effort to put in practice.

Dr. Kissinger: I agree. With the one proviso that your compatriots in Saigon are no easier to deal with than you! It's a national characteristic. But we will make a big effort.

Le Duc Tho: That question should be understood by General Haig who has just come back from there. You will have the necessary means to influence. You should command Saigon, and not Saigon is com-

manding you. Naturally, you understand from time to time there are some divergences of views, but objectively speaking I think in the main you decide everything.

Dr. Kissinger: No, we have influence, but we don't have unlimited influence.

Le Duc Tho: But decisive influence.

Dr. Kissinger: We don't have quick influence and we're dealing with a rapid schedule. So it is important, as I said, for you to study what I have said very carefully. We will make a genuine maximum effort to meet the schedule.

Le Duc Tho: In these three days we shall really do also maximum effort. But if after these three days we can't come to an agreement, we should say it is impossible to reach agreement.

Dr. Kissinger: Well, let us not be so pessimistic. We have come so far. So let's not even admit that there may not be an agreement.

Le Duc Tho: We should make an effort, but as you said we should not be too optimistic.

Xuan Thuy: You recalled the experience in 1968. I remember this experience very well. The experience is that the Saigon people availed themselves by the election of President Nixon to refuse to come to the conference table very rapidly. So it appears that the Saigon people are not so obstinate but you have created conditions for them to be obstinate. Now the situation is different now; you are very influential with regard to Saigon people. On that score I am optimistic.

Dr. Kissinger: If we can get an agreement here that I can enthusiastically support in Saigon, I believe we can do it.

Le Duc Tho: I think that if you and we come to an agreement here, you will force Saigon to abide.

Dr. Kissinger: No, that will not be done. It cannot be done rapidly enough but if we have an agreement here that we can genuinely believe in, then we can use all our influence in Saigon and we shall.

Le Duc Tho: So in three days time if we don't come to an agreement it means we cannot.

Dr. Kissinger: But it means that we must have an agreement that lends itself to an easy presentation, and that requires some satisfaction on many of the points I have mentioned to you.

Le Duc Tho: You only speak of our satisfying your demands, but you have not mentioned your satisfaction of our demands.

Dr. Kissinger: We have to meet. We have made a great effort also and so we meet. You are quite right; we must do it in a spirit of mutual comprehension.

Le Duc Tho: So I propose tomorrow we shall meet again at 2:00.

Dr. Kissinger: Good.

Le Duc Tho: We can work until 6:00 or 7:00.

Dr. Kissinger: Good.

Le Duc Tho: And tomorrow morning we shall study the documents.

Dr. Kissinger: Good. Thank you for your courtesy.

[The group gets up from the table.]

If we agree on a trip to Hanoi, we must agree beforehand on what will be said and what coverage it will have. I cannot be made subject of a television show. Let us come to an agreement first and then we'll discuss the trip to Hanoi.

Le Duc Tho: Yes, the date and the time.

Dr. Kissinger: In two weeks. No, faster. About 10 days after I leave here. Around the 20th.

Le Duc Tho: Around the 20th.

Dr. Kissinger: Around the 20th to Hanoi, and to Saigon.

Le Duc Tho: How many days? Two days?

Dr. Kissinger: What do you propose?

Le Duc Tho: It is up to you. You make your proposal about where it is to be signed.

Dr. Kissinger: We could agree to it in Hanoi. What I visualize is, when I return from Hanoi there can be a simultaneous announcement that it was agreed in Hanoi and will be signed in Paris.

Le Duc Tho: When would it be signed? On what day?

Dr. Kissinger: On the 25th or 26th. Probably here. I mean for the formal signing. We would initial it in Hanoi; we would agree upon it in Hanoi. The negotiation would be completed in Hanoi.

Le Duc Tho: So only the formal signing here.

Dr. Kissinger: We'll have the Minister and the Ambassador in separate rooms and ring a bell and say, "Now sign!" So no one has to sign first.

Le Duc Tho: So, we will consider what dates would be convenient for the work program of our leaders.

Dr. Kissinger: Good. It would be helpful if I knew before I left here. Or this week.

Le Duc Tho: What is important is on the basis of what we've agreed here. And I can answer you.

Dr. Kissinger: We may decide we can skip the stop in Hanoi. I may go to Saigon, and then return to Washington and then finish it here. From our point of view it is not essential to go to Hanoi. Whatever creates the best atmosphere and best helps a settlement.

Le Duc Tho: Tomorrow we shall give you an answer.

Dr. Kissinger: One other question. I'm assuming the document you've given us is not known to others.

Le Duc Tho: No one.

Dr. Kissinger: So there will be no public discussion of it.⁸

Le Duc Tho: We have not handed it to anyone.

[The meeting then ended.]

⁸ After meeting Le Duc Tho, Kissinger directed Haig to send the following message to Kennedy for Haldeman: "Tell the President that there has been some definite progress at today's first session and that he can harbor some confidence the outcome will be positive. However current state of play here confirms that it is essential that we make absolutely no public statements on the status of negotiations." (Message from Haig to Kennedy, October 8, 2132Z; National Archives, Nixon Presidential Materials, NSC Files, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XIX) Kissinger later wrote that Le Duc Tho's proposal represented a breakthrough moment: "For nearly four years we had longed for this day, yet when it arrived it was less dramatic than we had ever imagined. Peace came in the guise of the droning voice of an elderly revolutionary wrapping the end of a decade of bloodshed into legalistic ambiguity." (*White House Years*, p. 1345)

2. Message From the President's Deputy Assistant for National Security Affairs (Haig) to Richard Kennedy of the National Security Council Staff¹

Paris, October 8, 1972, 2133Z.

Please Flash the following from Kissinger to Bunker.

Quote: You should tell Thieu as soon as possible that at today's meeting the other side pressed very softly on political issues and major concentration was on military and security arrangements. This means that the other side may surface a ceasefire proposal during these meetings. While we certainly will not agree without further consultation, it is essential that Thieu instruct his commanders to move promptly and seize the maximum amount of critical territory. I am especially concerned about the environs of Saigon and III Corps and the areas currently occupied by the enemy's 5th Division in northern IV

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XIX. Top Secret; Sensitive; Exclusively Eyes Only. Sent via Guay.

Corps. Please reassure Thieu that we will keep him posted as talks continue. Unquote.

Warm personal regards.²

End of message.

² Bunker responded the following day: “Concerning your reference to fact that it is essential for Thieu to instruct his commanders to move promptly to seize the maximum amount of critical territory, Thieu informed me at my meeting with him on October 6 that he had given these instructions to his Corps commanders whom he had called in for a lengthy review of the military situation the same day.” (Backchannel message 183 from Saigon, October 9; *ibid.*)

3. Memorandum of Conversation¹

Paris, October 9, 1972, 3:58–6:08 p.m.

PARTICIPANTS

Le Duc Tho, Special Advisor to the DRV Delegation to the Paris Peace Talks
Xuan Thuy, Minister, Chief DRV Delegate to the Paris Peace Talks
Phan Hien, Advisor to the DRV Delegation
Nguyen Dinh Phuong, Interpreter
Mr. Thai, Notetaker
Second Notetaker

Henry A. Kissinger, Assistant to the President for National Security Affairs
Major General Alexander M. Haig, Jr., Deputy Assistant to the President for
National Security Affairs
Winston Lord, NSC Staff
John D. Negroponte, NSC Staff
David A. Engel, NSC Staff—Interpreter
Peter W. Rodman, NSC Staff
Irene G. Derus, Notetaker

[When being greeted by Xuan Thuy, Dr. Kissinger gave the Minister a regimental necktie, as he had promised the day before. The Minister thanked him.]

Dr. Kissinger: I apologize for the delay. But you gave us a great deal to think about. First of all, Mr. Special Advisor and Mr. Minister, I

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [1 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du General Leclerc in Gif sur Yvette. All brackets, except those that contain italicized corrections, are in the original. Tabs A–D are attached but not printed.

would like to apologize for having kept you waiting, but we have been working a good part of the night and today to analyze your proposal.

First let me say, Mr. Special Advisor and Mr. Minister, you have given us a very important document, which I believe will bring us to an agreement. We still differ on some points, but if we work the next days in the spirit of mutual comprehension we should be able to complete our work here. In fact I would say that my most important work now is in Washington and in Saigon, and therefore, I should try to return as quickly as I can and we should work as rapidly as we can.

I also want to say that if we come to a satisfactory agreement here we will do our utmost, our maximum, to influence Saigon to accept it. Especially if you show understanding with respect to some of the necessities we described to you yesterday.

Now let me tell you the tentative schedule on which we propose to operate.

We should finish our work here hopefully tomorrow, certainly early Wednesday.

Le Duc Tho: In the morning?

Dr. Kissinger: I would then return to Washington and I could let you know within 48 hours whether there are any technical objections in Washington and what they are. They will not be of a major character, I believe. I would then propose to leave for Saigon on Saturday the 14th arriving in Saigon the evening of the 15th. I would work in Saigon the 16th, 17th and 18th. On the evening of the 18th we would stop the bombing of the North. On the morning of the 19th, if your proposal is still in force, I would go to Hanoi. On the morning of the 21st I would leave Hanoi to return to Washington. I would arrive in Washington the evening of the 21st. We would announce the agreement jointly on the evening of the 22nd or the evening of the 23rd, Washington time. You would announce it in Hanoi and we would announce it in Washington at the same time. We would sign the agreement on the 25th or 26th. We would be prepared to have the Secretary of State sign the agreement. A ceasefire would go into effect within 24 hours of the signature of the agreement.

We believe that we can meet this schedule. Does the Special Advisor have any comment on this proposal?

Le Duc Tho: I feel that the schedule you have proposed is reasonable and if we can do our work here, the sooner the better. We still maintain our intention on your visit to Hanoi. So the conditions we have proposed—First, we agree here, second you stop the bombing, and then your visit to Hanoi. So the circumstances are propitious. And now we, both you and us, should make an effort to reach an agreement expeditiously, rapidly and with good results. Therefore if each of us

have some issue to raise for settlement we should do that with an open heart, frankly and to come to a quick settlement. What we can record in the agreement we shall do that. What we can't record in the agreement, we shall make an understanding with each other.

Dr. Kissinger: That is agreeable to us. And I would like to say that while the United States and the DRV have made agreements in the past, we have always remained adversaries afterwards. But we are making an agreement with you with the intention of moving from an adversary to normalcy, and from normalcy to friendship, and therefore we must seek the guarantees not only in the provisions of the agreement but also in our mutual desire of preserving a long-term relationship.

Le Duc Tho: I share Mr. Special Advisor's view that we have been keeping a hostile relationship for a long time. It is high time now to put an end to this era and to shift to a new era of new relationships between our two peoples, and to shift it from adversary relationship to normalcy and to a long-term friendly relationship. As you know, we have been in very harsh hostile relationship so far, but we are prepared to accept a visit by you in Hanoi. This shows our firm intention to put an end to this era of hostility and to open up a new era of relationship, of peace.

Dr. Kissinger: We will meet you also with an open heart. And with the intention of looking to the future and to draw a line under the past.

Now, Mr. Special Advisor and Mr. Minister, we have worked on your plan. We accept its basic approach and we accept many of its provisions, and many of those which we have reformulated are not so far from yours that we cannot come to an agreement. We have rearranged the order of some of the paragraphs and I will explain to you the reasons for that. We must now gain very rapidly the widest possible support in the United States, because if we shall make a real peace we want to start it with the broadest possible basis. And our opposition will come from the right, not from the left. Therefore, we have moved some paragraphs which seem to single us out for special criticism, and which you have had a tendency to put at the beginning of each section, into the middle of each section while accepting the paragraph. Your cooperation in this would be very helpful.

And also if we could cooperate with respect to some of the points I raised with the Special Advisor yesterday to speed up the deliberations in Saigon, this would be very helpful. We have not put it in the agreement yet because we have not found a way of expressing it but, for example, I want to speak specifically to the Special Advisor. I have spoken to him yesterday, sometimes jokingly, sometimes seriously, about inspection on the infiltration trails. Now I know, speaking frankly, and the Special Advisor knows, that if you are determined to

move supplies through Laos you will find a way of doing so. You always have. Or am I wrong? [Le Duc Tho laughs.] On the other hand, we rely on the fact that you will consider this inconsistent with our long-term relationship and that therefore you will look at problems henceforth in a different way.

Yet to increase the acceptability of the agreement in the United States and to speed up the deliberations in Saigon, if we in the next day or two could find some formula to make this possible, it would be very important.

Now I will give you our redraft of your proposal and you will, of course, want to study it. I suggest that after I review it for you, perhaps we might adjourn and meet early in the morning and then work intensively all day tomorrow—unless you have some proposal. But I would like to review it first.

Le Duc Tho: It is possible. I propose that you give us the text now, because I can translate it.

Dr. Kissinger: We would like to reserve the right to review it again tonight because we had to work very rapidly and we may want to make a few more minor changes. [Hands over U.S. draft agreement, Tab A.] We have one more unilateral statement, which is the same one we gave you yesterday, about replacements. [Hands over U.S. “Unilateral Statement of Replacement of Armaments”, Tab B.] And here is another you saw. [Hands over “DRV Unilateral Statement on Prisoners”, Tab C.]

Now may I review your document point by point? May I? Should I begin, Mr. Special Advisor?

Le Duc Tho: Please.

Dr. Kissinger: The preamble. We fully accept the language of your preamble. We recommend, however, that in our document we list the United States first and in your document you list yourself first. It is the normal practice.

In connection with the preamble I wanted to ask the Special Advisor the following: This document is drafted for signature for the United States and the Democratic Republic. Is it conceivable that all four parties sign it?

Le Duc Tho: We may think about it. Tomorrow we shall answer you on that.

Dr. Kissinger: I don’t know which is better, frankly. We should do whatever way is easier to get the approval of Saigon. If we could have this flexibility for my trip to Saigon, it would be useful to know. You think about it.

Minister Xuan Thuy: You mean that the question of the agreement being signed by the DRV and the United States, there is no question about it. The question arises that it be signed by the four parties.

Dr. Kissinger: No question that the United States and the DRV will sign it.

Le Duc Tho: But if the agreement were to be signed by the four parties, the contents would be the same?

Dr. Kissinger: Oh yes, it doesn't affect the content.

Le Duc Tho: We shall answer you tomorrow.

Dr. Kissinger: Probably we should maintain this. It is easier. I just wanted to . . .

Le Duc Tho: Primarily we shall sign by both parties.

Dr. Kissinger: No question.

Le Duc Tho: We shall answer you the question on the agreement being signed by the four parties.

Dr. Kissinger: But it is not a principle, because it may be easier to do it this way.

Le Duc Tho: The question of the agreement being signed by the two parties.

Dr. Kissinger: That is settled.

Le Duc Tho: But the question to be settled now is to know whether the agreement could be signed by the four parties. Tomorrow we shall answer that.

Dr. Kissinger: Yes, I want to be frank with the Special Advisor. The easier would be if the Special Advisor would leave it to our discretion, because then we could do it in Saigon whichever solves the problem the most easily. And then we will tell you when I come to Hanoi. General Haig and I will both go.

Le Duc Tho: Tomorrow we shall have time to talk about this.

Dr. Kissinger: Article 1. We accept Article 1 with a few changes, but they are not major changes. You are making it a directive, "the United States shall respect." We are making it a statement of fact, "the United States respects."

Le Duc Tho: All right.

Dr. Kissinger: And you say "consecrate" which is a rather complicated word in English. We would like to say "established by the 1954 Geneva Agreements." There is no big difference. We also would like to move one of the paragraphs, but I will discuss what we would like to move later, but without changing the wording in Article 2. [Dr. Kissinger looks for the document.] My staff thinks that if I don't have a document I can't do any damage.

Article 2, your Article 2. We accept it with minor changes in language. We are saying "upon completion of its withdrawal" first. "The United States will not continue its military involvement or intervene in the internal affairs of Vietnam." "South Vietnam" it actually should be.

That is taken from your text with minor changes. You don't have to comment now, I just want to give you . . . but if you have any criticisms let me know.

On our copy we left out "South," but it is in your text. It is accepting your own text. The copy we gave you maybe we can show that. It is from your text. All right.

Articles 3 and 4. Your Article 2 is another we are moving—just two articles further down. It is in the same section, but I will explain that to you in a minute.

Your Articles 3 and 4 we have put together, but we have essentially accepted them. When the language is changed it is not intended to change the substance. You will look it over.

Article 5. We have essentially accepted that, except I see there is another typing mistake. We say "the Vietnamese parties." We should say "the South Vietnamese parties." This is your language. I am correcting our document, not yours.

We have made a few suggestions in it, such as when we say "they should remain in-place," that will be physically impossible. They must have some freedom of movement. Let us say 1 kilometer, 2 kilometers, etc. And we say that the Joint Commission should work out the modalities of what should be determined as staying in place.

Article 6. We agree that United States and allied withdrawal should be completed within 60 days.

Le Duc Tho: You don't have to divide the period!

Dr. Kissinger: No, we don't have to divide the period. We ask your understanding if at the end there is some problem, if there are some technical difficulties, but it will not extend 7 days. But we don't think it will be necessary. It won't be necessary, but . . .

Le Duc Tho: Six days more.

Dr. Kissinger: In 60 days.

Le Duc Tho: Six days more—66.

Dr. Kissinger: It won't be necessary. It is a question of understanding. Maybe conceivably one or two days. But we are not making this agreement to break it.

We have not accepted the phrase that the air and naval forces should be withdrawn first. I think in such a short period we should move on the basis of logistic considerations and not on the basis of unit.

We have not completely accepted your language about the withdrawal of all advisers because some of them have solely economic functions and the Special Advisor and I agreed once that those could stay—some economic advisers, some civilian advisers, I should say. You remember?

Le Duc Tho: [Nods his head “yes.”]

Dr. Kissinger: But we have added a phrase, to show our good will, that advisers to paramilitary organizations such as the police shall be withdrawn. Or any other paramilitary organization. We have also left in the phrase that normal military attaché functions will be maintained. But we are willing to have an understanding with you or make a commitment to you that the number will in no circumstances exceed 50, and if you want to, they can be located only in Saigon.

Le Duc Tho: But this military attaché belongs to the United States Embassy.

Dr. Kissinger: The Embassy. There is no military command that will be maintained.

Le Duc Tho: So the military attaché to the United States Embassy?

Dr. Kissinger: The Embassy. There is no military command that will be maintained.

Le Duc Tho: So the military attaché to the United States Embassy?

Dr. Kissinger: To the United States Embassy. Well, he is technically accredited to the Government but he belongs to the United States Embassy. Fifty is the average number for a country of the size of South Vietnam. We have checked in Washington. It is not an unusual number.

Article 7 we accept without change.

Article 8. We cannot accept this as a formal obligation but we will give you a verbal assurance that on the day that withdrawals are completed American carriers will be moved a distance of 300 miles from the shores of Vietnam.

Article 9. We have accepted most of the features of this Article. We do not agree with the fact that the two South Vietnamese parties shall agree with each other on the replacement, because they will never agree. But we can assure you that it is not our intention to modernize the South Vietnamese forces or to abuse this provision unless there should be a massive change in the military situation. But you want to study this Article because I think on this one we are not yet agreed. And I suggest we discuss it. I think that the Special Advisor will probably have some comments to make on our draft with respect to this tomorrow, though I don't want to discourage him from accepting!

With Article 10, we have accepted this substantially, but we have retained our language with respect to innocent civilians. If we ask for the release of all civilians in South Vietnam, then it will be an unmanageable problem next week. We think this should be left to discussion among the South Vietnamese parties, and we will use our influence in a positive sense.

Le Duc Tho: You go on.

Dr. Kissinger: Article 11. We accept the preamble. Then we have reorganized it a little bit. We accept 11 (a), but you will see we have broken it into two parts. But it doesn't change the wording, except we have taken out again, as in the preamble, as in Article 1, we have taken out the directive and made it a statement of fact. We are trying to curb the Special Advisor's pedagogical tendencies.

11 (b), we accept your language.

11 (c), we accept your language.

The rest we have slightly reorganized, so that Point 11 (g) precedes the other points. We have put in Commission of National Reconciliation rather than Administration of National Concord.

11 (e) we accept verbatim, except we have substituted "reconciliation" for "concord."

11 (f) we have accepted verbatim, except we define what we mean by neutrality, namely the military provisions of the 1954 Geneva Agreements.

11 (g): We have inserted your own idea that this central institution operate by the principle of unanimity and consultation, and we have put in four months, simply to give the South Vietnamese more time and a more realistic period. As I told you we have moved our 11 (g) to precede yours. It now is (d) on ours but it is otherwise unchanged.

Le Duc Tho: Precede paragraph (d)?

Dr. Kissinger: It precedes paragraph (d).

Article 12. We accept the concept of your first paragraph but have put it into our language. It is less poetic but has the same meaning.

Paragraph 2, I mean the second paragraph, we accept. We have added the phrase which we had agreed on previously, that "the time for reunification will be agreed upon by North and South Vietnam."

In the third paragraph of Article 12 we have added the phrase which we have given you previously, "shall promptly start negotiations toward reestablishing normal relations in various fields."

In the fourth paragraph we have tightened the first sentence somewhat and we have deleted the sentence, "shall not recognize the protection of any countries." Because we think it's already covered by the clause with respect to neutrality.

Article 13. We cannot accept this in a signed document but we can give you a unilateral assurance. We will consider tonight whether we can make a reference to it in Article 19 when we speak of future relationships, but in any event we will give you a unilateral statement.

Article 14. We accept this almost completely. We accept your description of Article 4 (a) and we think it is better than what we have put into our document. Your description of what this Joint Commission will do with respect to Article 4 (a) is better than ours.

Let me point out—needless to say, Mr. Special Advisor, in this section about commissions and so forth, this is where we will probably get most of our comments in Washington from our legal people, and this is where you will have to be prepared to receive some comments from me within 48 hours of my departure here. In Washington we have many fanatics of international commissions. But it is not an insoluble problem, in my view.

Article 15. We accept this almost verbatim except we believe that the Joint Commission of the two South Vietnamese parties should deal with the problem of Vietnamese armed forces in the South.

Article 16. We have tried to avoid the dispute to whom this International Commission of Control and Supervision should be responsible by putting in the phrase “until the international guarantee conference makes definitive arrangements it should be responsible to the four parties.” And we have added that this Commission can supervise the free and democratic elections and also the disposition of the forces mentioned in Article 15.

As for the membership, we maintain our view that the fifth member should be nominated by the Secretary General² and approved by the other four members. But we are prepared to make clear that he is not a representative of the Secretary General. He is simply another member of the Commission, and we therefore do not say there is a United Nations role in the Commission. But we are willing to listen to a counter-proposal on this. We believe that if the Joint Commissions work by unanimity and the Control Commission also works by unanimity, nothing will ever be done, and therefore we maintain our view of majority vote. We believe that each side should be free to nominate two members without veto by the other, but we accept that they cannot be countries who have participated in the Vietnam war with their forces. We will be prepared to give you our nominations.

Article 17. We accept this verbatim, except that we also put in a guarantee with respect to the ceasefire, or at least we would like a formulation that makes this possible.

Article 18 we accept verbatim except that we use the word “establish” rather than “consecrated.” And we have added—it is the poetic language that we are trying to limit, but it means the same thing. We are adding a unilateral statement which recalls, as the Special Advisor pointed out to me, that for purposes of this clause every country . . . I recalled the Special Advisor’s statement to me that the troops of any Indochinese countries would be considered foreign with relation to any other countries, and that the provisions of Article 15 apply to the rela-

² Of the United Nations.

tions of the Indochinese countries among each other. You have said this to me. We have slightly edited your article, and I think that with our editing—it's minor—together with our unilateral statement, it meets most of our concerns about Laos and Cambodia. Except this one problem of inspection, which the Special Advisor and I are going to think over tonight, of the trails. [Hands over U.S. Unilateral Statement on Withdrawal of Foreign Troops from the Indochinese Countries, Tab D.]

Article 19 we accept completely.

Article 20 we accept completely.

If I could just indicate to you, so that you don't look for these articles in vain: Your Article 1 is Article 9 of our document. Your Article 2 is Article 3 of our document. Your Article 4 is Article 1 of our document. You understand why I do this? It is just to help you.

Le Duc Tho: Yes.

Dr. Kissinger: Your Article 5 is Article 2 of our document. Your Article 6 is our Article 4. Your Article 7 is our Article 5. Your Article 9 is our Article 6. And after that we have moved . . . Your Article 1 is our Article 9. I told you that. And I think I have given you, your Article 12 is our Article 10. I think the rest follows fairly clearly and we have transposed—you will find the other paragraphs.

So I think there are maybe two or three points of principle; the rest is mostly drafting that is still to be discussed.

[Dr. Kissinger hands over second copy of US draft agreement.]

Would you make your translation from this document? It is the same except there are a few handwritten changes. The handwritten changes are your language, not our language. We will stick to your language in order to speed things up.

In addition I have a number of concrete questions having to do with the trip to Hanoi, on which we should have an answer fairly soon, but perhaps we can discuss this after the Special Advisor makes whatever comments he wishes to make.

One point about the bombing. We would, of course, not resume the bombing between the time of my visit and the signature of the agreement, even after I have left Hanoi. It is not just for the period of my visit. It is from the evening of the 18th onward. Until the ceasefire goes into effect, and then of course it is automatic. Our formal obligation will not begin until the ceasefire begins, but we will not resume it after.

Le Duc Tho: Have you any other questions?

Dr. Kissinger: Well, I have some practical questions about the trip to Hanoi, if the Special Advisor wants to discuss that.

Le Duc Tho: Please go ahead with your questions.

Dr. Kissinger: They are, some of them, very boring but since we will have difficulty communicating with each other. We will fly a Boeing Presidential aircraft and you will have to tell us which airfield to use and how to communicate with it. And you have to tell your anti-aircraft crews to observe the ceasefire or our plane would be spotted.

We find it very difficult to come secretly. I think we should announce on the day that I am going there that I am going. We should work out a simple joint announcement and the time that it will be made. Our plan would be to fly up along the coast and to enter the airspace from the southeast over the Gulf of Tonkin or any other direction you tell us. When we were in China we used our aircraft to communicate with Washington and it would be our only means of communication. But that means that you will have to supply the power for the aircraft at the Air Force [*airport*]. I just give you all these technical questions. In that case . . . also I am using the example of our visits both to the Soviet Union and to Peking. There was a car which was stationed at the airport, and a driver, so that the crew could bring messages to us where we were staying. It would be useful for us to know about how long it would take for a message to reach us from the airplane.

Le Duc Tho: They will have to cross a pontoon bridge so it will take a longer time. [Laughter] I tell you this, but it will take a short time.

Dr. Kissinger: Oh yes, I just give you the questions. These are not questions of principle. Also our aircraft crew has to stay with the aircraft. We don't want you to learn our codes. [Laughter] We will give you a list of the crew which is . . . [To Haig]: About how many?

General Haig: About 30.

Dr. Kissinger: It can't be 30. It is about 19 and there will be probably this group—certainly this group—plus two security people who are there to guard documents, not to guard me. Also I am assuming—these are questions that came up on previous trips—that you have a ramp for the right size of a Boeing plane. [Laughter] Are there many Boeing planes visiting you?

Le Duc Tho: Probably your planes are too high and we have no stairs, so you will have to parachute. [Laughter] But frankly speaking, probably our ramp is not so high as your plane, so I advise you to bring some stairs of your own, because all we have is for Ilyushin-18.

Dr. Kissinger: [Aside to Haig]: We can't bring stairs, can we? We will have to check.

Le Duc Tho: Could you please give us the document with the technical questions and we will cable Hanoi to get the exact answers?

Dr. Kissinger: Can I give you them tomorrow? Because then I can give you the exact height of the door. Or do you want this now? I will give it to you. You want it now?

You know how I deal with secret documents? I take off the word “secret,” then it no longer is secret. [Aside to Lord]: Here, write them out before the end of the meeting and give them to them. [To Le Duc Tho:] He will write them out and before the end of the meeting he will give them to you.

Now I am assuming that when we are in Hanoi we will not be exposed to any public spectacle. I mean that there will be no propaganda made of our visit. We don’t object to a picture but we would object to films that would be shown that we could not mutually agree upon.

Le Duc Tho: So you don’t want it to be filmed?

[Dr. Kissinger and General Haig confer.]

Dr. Kissinger: Well, if we can have a mutual agreement that you will release only those things we can mutually agree on, I have no objections. So that it is not a unilateral thing. If we can do that, then you can film it. [Tho nods yes.]

And we would like to have some ideas of the schedule you propose—whom I should see, and so on.

Le Duc Tho: We shall discuss the program of work with you. We propose also that you give us your intention on the subjects you want to discuss when you are there.

Dr. Kissinger: I think we should discuss first any issues that we have not settled here, though I hope we settle everything here. But we should not leave too much for Hanoi, because quite frankly if we take such an important step as a visit to Hanoi, which is difficult for both of us, it must succeed; it cannot fail. So what I might discuss in Hanoi would be those issues that come up in Saigon and then perhaps how we envision our future long-term relationship between the DRV and the U.S. Then we will complete the agreement in Hanoi, and the text with which I will leave Hanoi will not be changed any more or be subject to any negotiations. That is the text that will be signed the following week Thursday or Friday here.

Now when the Special Advisor leaves here for Hanoi, this will be quite a sensation for the press. And he is so skillful at handling the press that I do not wish to make any suggestions to him. But I would like to suggest . . .

Le Duc Tho: When I return to Hanoi the press will ask?

Dr. Kissinger: They will ask whether this means our negotiations have broken off, so if I may suggest . . .

Le Duc Tho: Of course I will not speak about that. I think when we reach basic agreement here I will never say this to the press.

Dr. Kissinger: And similarly you should not show any indication that I am coming to Hanoi, because this will make my task in Saigon much harder. I will tell Saigon, but only after I have their agreement to

our document. Also it would be very useful if we could avoid any indications of progress—which is the opposite of what I said before—any indication of progress before I leave from Saigon. So we will endure one more week of the Minister's assaults.

Xuan Thuy: At the next session I will not be present at Kleber Avenue, then I will not attack you.

Dr. Kissinger: But there should be no hints of this new approach, because we will not send it to Saigon until General Haig and I arrive there. [Dr. Kissinger hands over the technical questions regarding going to Hanoi.]

Le Duc Tho: Yes, we will not do that.

Dr. Kissinger: This is all I have for today. What we would like to do is to settle the rest of it as rapidly as possible so that I can return to Washington, where we will have to enforce some discipline. We are prepared to meet tomorrow morning and we are prepared to stay through Wednesday, but the earlier the better for the schedule.

Le Duc Tho: Have you finished, Mr. Special Advisor?

Dr. Kissinger: Yes.

Le Duc Tho: We have held many private meetings, but only today we, our side, can say that we have realized that we might reach agreement in two or three days more. This is the result of our efforts and your efforts too. So it is clear that once we wanted a settlement both sides make an effort and we come to results. We shall endeavor to realize the schedule we have agreed to. As to your trip to Hanoi, on the technical points, we shall give you the answer on your questions. If not during your stay here, we shall answer you through the liaison officer of the United States Embassy.

Dr. Kissinger: The Colonel?

Le Duc Tho: Colonel Guay. As to whether your trip will be an open trip or a secret trip, we shall answer through Colonel Guay too.

Dr. Kissinger: We examined the question yesterday. It is almost impossible for me to disappear for two days now. When I leave Saigon the press will expect me in Washington. So our proposal is to just announce it just as I am leaving Saigon, or just after I have left Saigon and I am on the way to Hanoi. But we should agree on the text of the announcement, which should be very simple, and the time, so that we can make it jointly here.

Le Duc Tho: But you intend to stop the bombing in the evening of the 18th, but you will reach Hanoi at what time?

Dr. Kissinger: The morning. We can agree on this—what is the time difference between Hanoi and Saigon?

Le Duc Tho: One hour.

Dr. Kissinger: You are further ahead one hour?

Mr. Phuong: One hour later.

Dr. Kissinger: So when it is 8 o'clock in Saigon it is 9 o'clock in Hanoi.

Mr. Phuong: 7 hours in Hanoi; 8 in Saigon.

Dr. Kissinger: And 7 in Hanoi. You tell us—so I would think we would leave—it takes two hours from Saigon?

Xuan Thuy: It depends on the speed of the plane.

Dr. Kissinger: That is a point.

Mr. Negroponte: Two and a half hours. That's a guess.

Mr. Phuong: That is roughly.

Dr. Kissinger: So if we leave at 8 o'clock, we can be in Hanoi by 9:30 or 10? You tell us.

Le Duc Tho: On the 19th.

Dr. Kissinger: On the 19th.

Le Duc Tho: So in my view if you reach Hanoi on the 19th in the morning, then the announcement should be made on the 19th in the morning.

Dr. Kissinger: I agree.

Le Duc Tho: The cessation of the bombing I think you should stop in the morning of the 18th. Because if so, when we announce your trip then public opinion will be more favorable. And the difference between the morning and the evening . . .

Dr. Kissinger: To us it is a public relations problem. As soon as the bombing stops there will be unbelievable speculation in America, and we would like to avoid this for as long as possible. We can stop from the 20th parallel in the morning, reduce it in the rest of the country, and stop it completely in the evening. Our concern is our press, and we do not want to create a general atmosphere of hysteria in Washington and Saigon before we have completed our work there. So we will stop north of the 20th parallel in the morning of the 18th.

Le Duc Tho: And reduce south of the 20th during?

Dr. Kissinger: And reduce south of the 20th parallel late in the day, and stop completely late in the evening.

Le Duc Tho: What time would you stop?

Dr. Kissinger: About 5.

Le Duc Tho: And in the morning?

Dr. Kissinger: There will be no bombing in the morning. We will stop north of the 20th the preceding evening. Or let us say 7 in the morning north of the 20th.

Le Duc Tho: As to the announcements on the trip, I suggest that when you arrive in Hanoi then we announce as soon as you arrive.

Dr. Kissinger: Well, it has to be simultaneously in Washington. It may be better just after I leave Saigon, because they will know in Saigon and they will leak it. But at any rate it will be exactly the same hour that we announce it.

Le Duc Tho: It will be more convenient for us if you arrive in Hanoi and we announce, and when you leave Hanoi we announce again.

Dr. Kissinger: That is all right with us. [Aside to General Haig:] Is there any reason why we can't?

General Haig: No.

Le Duc Tho: Only a few hours later as you intended.

Dr. Kissinger: It will not hold because it will also be known in Saigon.

Le Duc Tho: I think that there would be no problem for you because the announcement is made only two hours later.

Dr. Kissinger: We will agree on the time as you proposed, the arrival. We will agree on the time. It is all right with you. We can control what we must in Washington. We will not announce in Washington until the time you and we agree on.

Le Duc Tho: Because if the announcement is made before you arrive, then there may be some movement in the public opinion.

Dr. Kissinger: I am very popular in Hanoi, I understand. [Laughter] But we will propose a text to you tomorrow. It will be very simple.

Le Duc Tho: As to our resumption of our work I propose, because we shall need some time to study your proposal, therefore I propose that we shall meet again at 3 o'clock in the afternoon. We shall then complete the work tomorrow afternoon, otherwise we shall meet again on Wednesday. We should endeavor to complete our work, to settle everything, before you go to Hanoi.

Dr. Kissinger: I agree.

Le Duc Tho: Because if so, we shall have more time in Hanoi to discuss more important problems.

Dr. Kissinger: I agree.

Le Duc Tho: But if there is something left then we shall continue to discuss it in Hanoi.

Dr. Kissinger: Except it should not be an issue of principle, because we should not have the risk of failure.

Le Duc Tho: Certainly.

Dr. Kissinger: Also you will let us have some idea of which of your leaders we will meet, because our press will watch very carefully and ascribe particular significance to that.

Le Duc Tho: I think that when you arrive we shall discuss our working program and whom you will meet. I think there will be no problem. Who you wish to meet, we shall arrange and we shall exchange views with you.

Dr. Kissinger: I would like to find out from General Giap how he got his tanks to An Loc, so that I know where to put the inspection teams on the Trail. [Laughter]

Xuan Thuy: Probably General Giap himself doesn't know how to infiltrate the Trail with tanks.

Le Duc Tho: But it is also military secrecy.

Dr. Kissinger: Oh, yes.

Le Duc Tho: Now I would like to hand to you the Agreement on the Exercise of the South Vietnam People's Fundamental National Right to Self-Determination. This is regarding the political questions, so that we can have acknowledgment of the agreement we have reached and we may sign this document too. This document will be referred to the two South Vietnamese for their discussion, and the completion of their discussion within three months. It is the document which will be put into the two-party forum to quickly get results. The contents of this document is what has appeared in the agreement but in more details. [Tho hands over DRV draft agreement (Tab E).]³ So we shall meet again tomorrow.

Dr. Kissinger: But this is not an integral part of the agreement. It is a record of discussion.

Le Duc Tho: It is not an integrated part of the agreement. It may be a document that you and I will sign and refer to the two parties. If we can agree, we can do this. We can give it to the two South Vietnamese parties and we can agree further that they will use it as a basis for discussion on implementation.

Dr. Kissinger: We shall study it carefully tonight. On our fundamental document I propose . . . well, I will have our plane come back tomorrow. If we finish and reach agreement then I shall leave tomorrow night. If we do not finish I will stay Wednesday. I must leave Wednesday because the President is leaving Washington on Thursday and I must see him to go over this. It would be better if I could, in fact, leave tomorrow night so that I can spend Wednesday with him before he leaves. There will be directives that have to be issued. If we agree on the basic document, then perhaps I will keep on one or two of my associates here on Wednesday so that when the text is retyped they can

³ Tab E, "Agreements on the Exercise of the South Viet Nam People's Right to Self-Determination," undated, is attached but not printed.

compare it with your version, so that we can be sure we have exactly the same version. That is agreeable?

Le Duc Tho: Agreed. We shall endeavor to finish up tomorrow, but if there is something left we should foresee another day, Wednesday.

Dr. Kissinger: I will be prepared to stay Wednesday.

Le Duc Tho: So you will leave behind one or two of your experts and we shall have one or two of our experts.

Dr. Kissinger: If it is not finished I will stay behind. If it is finished then I will leave one or two of my associates behind, simply to compare the texts to make sure there is no misunderstanding. But if we meet the schedule, we have an urgent requirement in Washington to make the preparations that are necessary and to issue the directives. And to be frank, I don't want to lose the day that the President will be in Washington. If I don't see the President on Wednesday night, I cannot see him until Friday morning and then the whole schedule will slip behind. This is a practical problem.

Le Duc Tho: We shall make the utmost to complete our work tomorrow, but if not, we will complete it on Wednesday.

Dr. Kissinger: And when the Special Advisor goes to bed tonight and he is thinking about Ho Chi Minh Trail, maybe some ideas will come to him. [Laughter]

Le Duc Tho: After the restoration of peace I will show you the Ho Chi Minh Trail. But I don't know if you are strong enough to climb mountains!

[The meeting adjourned at 6:08 p.m.]

4. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, October 9, 1972.

SUBJECT

Paris Negotiations

Meetings thus far have been tense and volatile. I have pressed during both Sunday's and today's meetings to obtain concessions on

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XIX. Top Secret; Sensitive; Exclusively Eyes Only. A note on the memorandum indicates that the President saw it.

the military issues while the other side has persisted in trying to obtain concessions on the political.² During Sunday's meeting, which lasted over six hours, some give was manifested which suggested Hanoi's anxiety to get a settlement as soon as possible, but at the same time to achieve maximum pressure on GVN in the political area.

During today's meeting, which lasted only two hours, I took a strong position, insisting that no further progress could be made in the political area until we had absolute security and military guarantees. This resulted in anxiety and concern on the other side and firm promise to deal positively with security issues at tomorrow's session.

At this juncture I believe we have chance to obtain significant progress by maintaining firm position and anticipate progress at tomorrow's session. The essential aspect of issue is to be sure now that no public statements are made which would suggest either anxiety or concern for the current rounds of talks. It is even more important to be silent as to substance. We are at a crucial point.

We will have firm prognostication at the end of tomorrow's session. I will return tomorrow evening unless major progress is probable as a result of further extension of our talks.

² See Documents 1 and 3.

5. Memorandum of Conversation¹

Paris, October 10, 1972, 4–9:55 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to the DRV Delegation to the Paris Peace Talks
Xuan Thuy, Minister, Chief DRV Delegate to the Paris Peace Talks
Phan Hien, Adviser to the DRV Delegation
Nguyen Dinh Phuong, Interpreter
Mr. Thai, Notetaker
Second Notetaker

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [1 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du General Leclerc in Gif sur Yvette. The tabs are attached but not printed. Brackets, with the exception of those indicating omitted material and italicized corrections to the text, are in the original.

Henry A. Kissinger, Assistant to the President for National Security Affairs
Major General Alexander M. Haig, Jr., Deputy Assistant to the President for
National Security Affairs
Winston Lord, NSC Staff
John D. Negroponte, NSC Staff
David A. Engel, NSC Staff—Interpreter
Peter W. Rodman, NSC Staff
Julienne L. Pineau, Notetaker

Dr. Kissinger: Well, we have all been working hard.

Le Duc Tho: Let us begin now. I shall express our views on the draft agreement you have handed to us yesterday. We have carefully studied the draft you give us. We realize that you have made efforts so that we may come to agreement. However, after a careful study of your draft we see that a number of complicated problems are still left.

On many occasions President Nixon and you yourself stated that if we show a comprehensible position with regard to the three-segment government and to the resignation of Nguyen Van Thieu, then all other questions will be negotiable. We have made a great effort on these questions. We have put forward new, correct, reasonable and logical proposals aimed at rapidly settling the Vietnam war. But we realize now that in your draft you have raised many new questions regarding the military problems. These problems you raised make the settlement of the Vietnam problem more difficult.

Yesterday night you sent us a message. [U.S. message at Tab A]² In this message you raised questions which make more complicated the settlement on the Vietnam problem. Moreover in your draft there are problems on which we had come to agreement but now you have changed your stand. So through your draft we realize that you have made constructive proposals so that we might come to an agreement, but there are still left many questions, particularly in the military field, in which you appear to be very tight towards us but very loose towards you. We take into account your major concerns, but on the contrary you have not taken into account our major concerns. It is not fair, indeed, and not reasonable.

² Tab A is an October 9 message from Nixon to Kissinger, which included four points Nixon wished to be transmitted to Le Duc Tho. First, at the end of the first sentence to the draft agreement Nixon would add: "The ceasefire shall be of indefinite duration and independent of any other provisions of the agreement." Second, Nixon indicated that "the United States 'attaches importance to the surveillance of infiltration routes through Laos.'" Third, he added that the list of forces in South Vietnam to be exchanged when the cease-fire agreement was signed "should reflect the absence of those [North Vietnamese] forces which entered South Vietnam after March 25, 1972." Fourth, since the United States, as a gesture of good will, was prepared to stop bombing North Vietnam a week before signing the cease-fire agreement, it would consider "as a comparable gesture of good will if the Democratic Republic of Vietnam would release a significant number of prisoners of war to United States authorities within one week of the signing of an agreement."

So we wonder whether because we have put forward a reasonable solution aimed at rapidly settling the war, we wonder whether because of this attitude of ours that you make more pressures on us. This is my impression. I frankly tell you this. Therefore, we think that such a stand is not correct. We should settle the problem on a basis of reciprocity, reasonableness and logic. Therefore, I think that you should better understand us. There are only today and tomorrow left for us. If we don't come to an agreement then, how should we continue the negotiations? If no settlement is reached, then we fall into a deadlock.

Therefore I think we should make an effort to come to a basic agreement on all questions. I think that if we come to a basic agreement on basic questions, then there should be no change in the agreement. You should give assurance to us on this. It wouldn't do if, as you said yesterday, changes may be brought afterward, after you return to Washington or after your trip to Saigon. If so we certainly will fall into a deadlock. Naturally, as we said previously, we might bring about some changes about the language, about technical questions. Objectively speaking, we may change a few words, a few sentences. But normally a change in the language may lead to a change in the substance, in the intentions.

We have reached now the final limit of our proposals. We can't go beyond this limit. We have agreed to a schedule; we should endeavor to meet this schedule. Because our working program has been set too; we can't upset this program. These few points I would like to bring to your attention so that we can come to an agreement and meet the schedule we have set up.

Now let me express my views on the content of your draft.

Dr. Kissinger: May I make a general observation before we go into detail? [Le Duc Tho nods.]

First, I recognize that you have made a major effort, Mr. Special Advisor. And so have we. We face a problem that both of us have to convince many audiences if we want to move very rapidly. We have no intention of bringing additional pressure on you. Because I believe when we have made the big decision to make peace, most of the issues which we will face are not decisive. What is decisive is the attitude with which we will carry out the agreement, and that means we must both be satisfied.

Now with respect to your last point, I agree with you that after we finish here there should be no changes to change the meaning or the principle. We should consider the negotiation concluded when we finish here. From the point of view of bureaucratic management—I will be very honest with you—it might help us if you would show understanding, if you would permit some of our people to suggest one or two

changes in wording that have primarily legal and no substantive significance, so that they have interest in defending this document.

As for Saigon, we will take care of that problem. And we will not raise new issues of principle. We do not want to be in Hanoi unless there is a full understanding that the agreement is concluded. We do not want to have the negotiation reopened in Hanoi. So we must conclude here.

Le Duc Tho: Let me answer.

First, regarding the implementation of the signed agreement. I can tell you, Mr. Special Advisor, that we are the most serious in implementing the signed agreement. The experience of the past 25 years has shown this. But the implementation, the strict implementation of the signed agreement does not depend only on one side; it requires the serious implementation of both sides. If one side does not respect the agreement then naturally the other side will not do the same. Therefore, all the parties should insure the strict implementation of the agreements.

As far as you are concerned, as I told you the other day, when we are fighting we are resolute, but when we have decided to make peace we are resolute too. And when a settlement is reached we shall abide by what we have undertaken to do. Because the relation between our two countries does not lie only in this negotiation; it will stretch a long period to come. This is our desire. But it also depends on you too.

As to a change in some sentence or some wordings of the agreement, we understand that once the agreement has not yet become a signed agreement, then some changes may be brought to some sentences or words. It is the same, objective regulation, but what we wanted to stress on is that the change of the language or wording should not bring about a change in the substance of the problem.

Dr. Kissinger: We agree.

[Omitted here are Le Duc Tho's detailed discussion of the United States proposal and Kissinger's reaction to Le's comments.]

Le Duc Tho: There is one more great major question I have not mentioned. That is what is called your responsibility in healing the wounds of war. I have raised this question on many occasions since we met. Then you promised to give a specific answer, but until now you have not. We have responded to many questions of your concern, but our questions of concern—and this is one of these questions—have been ignored. We should like to have a sentence in this document. We would have preferred to have a separate chapter, but taking into account your views you said that there would be an article in the chapter on relationship between the DRV and the U.S. So I propose the following article. We propose "The Government of the United States of Amer-

ica accepts to contribute to a program of post-war reconstruction and of economic development and of healing the war wounds in North Vietnam." We have drafted a protocol, bilateral, between Vietnam and the U.S. I shall hand it to you. I think that this way of doing it is suitable. This is the last major question I raise to you.

In sum now the great questions. Regarding what you call the withdrawal of North Vietnamese troops, I have expressed my views to you. It is a big question of principle. If we don't resolve it, it would be very difficult.

What you have said in your message, we should pay attention to the infiltration through Laos. So in this agreement, we have dealt with this question in two paragraphs.

Dr. Kissinger: Where?

Le Duc Tho: Let me tell you. First, regarding South Vietnam, we have mentioned that the two parties shall refrain from introducing armaments, munitions, war matériels, and troops into South Vietnam. Regarding Laos and Cambodia we shall do as I have just told you. So this insures, this guarantees, that we desire an end to the war. And it responds to your concern about the possible "infiltration" into Laos and Cambodia, and you should do the same way too. We have paid attention to what you said in your message.

Regarding the content of the message you sent to us, what you said about the ceasefire of indefinite duration, we responded to. We have a proposed sentence to add to it, and this sentence is stronger than you have mentioned here.

Your second concern is about the supervision of the infiltration route, so we have responded to add a sentence to it that "Foreign powers should put an end to all military activities in Laos and Cambodia, totally withdraw from and refrain from reintroducing troops, military advisers . . ."

Dr. Kissinger: Yes, but that's conditional on a settlement in Laos. If it were not conditional on a settlement in Laos we would have no trouble with it. If paragraph 15 (b)³ becomes an obligation under the agreement, then the Special Advisor is quite right, then all my necessities are taken care of.

Le Duc Tho: You demand that we should take into account your concern, but you never had thought for our concern.

³ Reference is to the text in Tab G, an unofficial translation of North Vietnam's draft "Agreement on Ending the War and Restoring Peace in Viet Nam." Article 15(b) (Chapter VII) reads: "Foreign countries shall put an end to all military activities in Laos and Cambodia, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war matériel."

Dr. Kissinger: No, we do too, but it is a problem for us.

Le Duc Tho: There is another question in your message, that is, what you call the North Vietnamese troops leaving. It is one very big question and I have been telling you for the past four years we will never accept it.

Dr. Kissinger: I understand.

Le Duc Tho: Now another point, about your proposal to release a number of American prisoners within one week of the signing of the agreement. This question had been met by the provision of the agreement. After the signing of the agreement there has been stipulated a period for the troop withdrawal, for the release of the prisoners. And we shall carry out all these provisions. But this question may be further discussed during your visit to Hanoi.

Dr. Kissinger: But after the agreement they are released to us, not to Cora Weiss. [Laughter]

Le Duc Tho: It is certain.

Dr. Kissinger: I mean not to us personally, but to the U.S. Government.

Le Duc Tho: So in sum we have made real efforts with a view to ending the war. And on many questions we have proposed a reasonable and logical solution taking into account your concerns. But once again, I would like to repeat that you should also take into account our concerns. It would be fair then and reasonable. I have finished my comment on the draft of the agreement you handed to us.

Let me now deal with other questions now. Now about the document on the "Agreement on the Exercise of South Vietnam People's Right to Self-Determination,"⁴ we are awaiting your comments. And what you acknowledge on that, you will make a unilateral statement and to give that statement to us.

The document you have given us, there are some we think it all right; there are others we don't think it all right. But we don't give answer on that.

As to the recording of an understanding between us, there are some you have correctly recorded as we understand; there are others that are not quite. But the acknowledgements which constitute an understanding between us should not be published.

Now, regarding your trip to Hanoi. I may officially inform you that if today or tomorrow morning we come to an agreement here on the text of the agreement, then we are prepared to receive you on October the 19th, as you proposed. But if it could be sooner it would be

⁴ Article 9 (Chapter IV) of Tab G.

more convenient to us for our programs of work, for instance, on October the 17th or 18th. As to your stay in Hanoi, it may be two days or three days. It will depend on the discussion and exchange of views we have over there.

Dr. Kissinger: But I have a voice in the length of my stay? [Laughter]

Le Duc Tho: Right. You propose two days, but if we can finish our talks sooner and you want to return to the States sooner it is up to you. If you want to stay longer and visit our country, it is up to you. The length of the stay is up to you.

Dr. Kissinger: Thank you.

Le Duc Tho: And if you visit Hanoi sooner and finish the work sooner, then the signing will be sooner, but if you finish later and visit later then the signing will be later.

Now as to your working program. The other day you raised the question who you will meet of our leaders. I would propose that you will meet our Prime Minister, Mr. Pham Van Dong, and our Foreign Minister, and if you wanted to meet others of our leaders then we shall see to that. But when you arrive in Hanoi we will exchange views on that because I will be there to receive you. We shall exchange views.

Dr. Kissinger: I look forward to that.

Xuan Thuy: And I shall be here to see you off. [Laughter]

Le Duc Tho: As to the subject to be discussed over there. Tentatively, I think there is the following items. First, regarding the agreement, we shall complete an agreement and discuss the signing of the agreement. We shall discuss also the long-term relationships between our two countries and all other problems of mutual concern. You may raise and we shall exchange views on that. If we have anything to convey to you concerning your trip we shall convey that through Colonel Guay. As to the announcement of your trip, we think that as soon as you arrive in Hanoi we will announce it simultaneously in Washington and Hanoi. But when you will leave, maybe two or three days after you have left, then we will announce. If you leave today, tomorrow we shall announce for instance.

Dr. Kissinger: That will be impossible because I shall arrive in Washington and they will know I am back. Oh, announce the agreement. We can announce the agreement two days after I am back, yes, but we announce the departure immediately.

Le Duc Tho: Yes. When you leave we announce immediately the departure.

Dr. Kissinger: That I have left. And two or three days later, the agreement.

Le Duc Tho: I would like to ask you for clarification. You mean that the agreement will be announced two days after you have left Hanoi? Does that mean that the publication of the agreement, the content of the agreement that we have signed?

Dr. Kissinger: My recommendation . . . I have to discuss all of this with the President. But my recommendation is that if we keep to this schedule then I would leave Hanoi on the morning of October 21st, your time. And we would announce the agreement on the evening of October 23rd, or the morning of October 24th your time. We would announce the fact of an agreement and we would publish it, and we would sign it a few days later in Paris. Announce my departure on the 21st, just two sentences. We announce the agreement 72 hours later. We make a brief announcement that there is an agreement and then we publish the agreement.

Xuan Thuy: So the full text of the agreement will be published?

Dr. Kissinger: Yes.

Le Duc Tho: So when 72 hours after you leave Hanoi, then we shall publish the agreement that we have.

Dr. Kissinger: That we have agreed to. But I must repeat, Mr. Special Advisor, there must be an agreement before I go there. We cannot negotiate the agreement there. It is too dangerous for both of us to go there without an agreement. We may have a detail of a technical nature . . .

Le Duc Tho: So it is very basic to make an effort to come to an agreement here.

Dr. Kissinger: We must come to an agreement here, if we're going to have an agreement.

Le Duc Tho: As to the announcement of your arrival and your departure, it is a simple information. We shall exchange views with you when you come.

Dr. Kissinger: Yes, we have a text of what we propose. [Hands over Tab B]⁵

Le Duc Tho: As to the signing of the agreement, it will be signed in Paris by the Foreign Ministers. Yesterday you asked the question on the agreement being signed by the four Foreign Ministers. I ask you this question: Do you mean that when the two, DRV and U.S., Foreign Ministers come to sign the agreement the other two come also at the same time to sign it?

Dr. Kissinger: We can draft the agreement either for four or for two.

⁵ "Proposed US-DRV Joint Statement on Dr. Kissinger's Visit to Hanoi."

Le Duc Tho: But it is the same and one document.

Dr. Kissinger: Oh yes, the document will be the same.

Le Duc Tho: The same agreement?

Dr. Kissinger: Yes.

Le Duc Tho: But the four will come and sign on the same day.

Dr. Kissinger: Presumably. But I am not sure that I don't prefer your proposal. This question I wanted to leave open for Saigon.

Le Duc Tho: All right. The main thing is that the two, DRV and U.S., Foreign Ministers?

Dr. Kissinger: Oh yes, this is agreed.

Le Duc Tho: But my view is that if the four Foreign Ministers shall sign then they should sign the same document and on the same day for convenience.

Dr. Kissinger: Well, it may be better to leave it at two, but we'll have to see.

Le Duc Tho: Now regarding the technical questions on your trip, I shall give you answer later.

Dr. Kissinger: I have some of the details here. [Hands over Tab C]⁶

Le Duc Tho: Let me add a few more questions. After the agreement is reached and your trip to Hanoi, maybe we both will exchange views on one more question, that is the question of after the signing of the agreement how the forums here should continue their work—the two-party, three-party, four-party forums—and settle the remaining questions.

Dr. Kissinger: I agree.

Le Duc Tho: I raise this question for you to prepare your program.

Dr. Kissinger: Well, we have to agree. If there is an agreement, then as soon as we announce it, the Avenue Kleber group should begin to meet immediately to work out technical arrangements for the ceasefire. Because unless they are satisfactorily resolved we won't be able to sign the agreement. Just technical arrangements, who stays where and who belongs to what.

Le Duc Tho: I have not clearly understood your view.

Dr. Kissinger: My view is that after we announce the agreement a number of things have to take place. First, there has to be an exchange of lists of prisoners. Second, there has to be—we say the forces should stand in place, but somebody has to define where that place is they are standing. And what standing-in-place means. Can they move one kilometer, two kilometers? I mean they cannot just not move at all.

⁶ "Technical Data Associated with Dr. Kissinger's Visit to Hanoi."

Le Duc Tho: Let me stop you for a moment. Now I think that we should concentrate on this work. I raised this question to exchange views with you on the forums when we meet in Hanoi because we will have more time there. So let us concentrate.

Dr. Kissinger: But you should understand what will be necessary. We don't have to settle it now.

Le Duc Tho: The reason why I raise this question for you to think over it. But what you have just said is not clearly understood by me because you said after the signing of the agreement then the four parties . . .

Dr. Kissinger: No, after the announcement of the agreement but before the signing.

Le Duc Tho: So if you say this, then the agreement will never be signed.

Dr. Kissinger: Why not?

Le Duc Tho: Because if we go into the details then the views differ. Because a discussion may not be completed in one day.

Dr. Kissinger: That may be true, but it can be completed in one week. It can make some preliminary arrangements on the first day, but this document does not tell the military commanders what they can and cannot do.

Le Duc Tho: I disagree with you. I think that if the agreement is signed today then tomorrow the four-party forum should begin. It is not right the way you are doing it. It would not be signed. If you say so then the agreement would not be signed. The agreement should be signed before the work of the four-party conference.

Dr. Kissinger: Well, how can you have a ceasefire that has no technical provisions?

Le Duc Tho: So what has been done at the Geneva Conference in 1954 and 1962—the ceasefire, they observed it and the discussions began afterward. The way we propose the problem conforms to the principle. Without the official agreement then no discussion is possible. Therefore, there should be an official agreement signed and then we discuss.

Dr. Kissinger: No, the ceasefire went into effect afterwards in 1954, July 20 here.

Le Duc Tho: Only a few hours after the signing the ceasefire became effective.

Dr. Kissinger: Yes, but this had very precise provisions.

Le Duc Tho: At the Geneva Conference on Laos in 1962 and the Geneva Conference in 1954, then only the main provisions were decided, and afterward then discussions began to set up the joint military commission, how it worked and so on.

Dr. Kissinger: Yes, but it's to be foreseen that if your forces claim they are in a certain town and the Saigon forces claim they are in a certain town then the fighting will continue.

Le Duc Tho: You see in Geneva in 1962 and 1954, when the order of ceasefire was promulgated, then in all places the troops stopped shooting.

Dr. Kissinger: Except when I look at the map your areas seem to grow during these discussions considerably.

Le Duc Tho: You should remember that the war is now going on. There is not yet a ceasefire. You are still bombing North Vietnam in violation of your engagement of 1968. And I should point out that for the last few days the bombing has been very atrocious. The number of sorties have never reached this, over 400 sorties a day, and B-52 bombing was carried out up to the province, the city of Vinh. It is the first time for B-52 bombing in Vinh. And while we are discussing all these things, this bombing is carried on. I think this is something incorrect. The air raids were directed against the schools, villages, and so on. I would like to draw your attention on that fact. I would like to say that if we come to an agreement, then only a few days left before we end the war. It is unsatisfactory if you are doing this against North Vietnam. Then the wounds caused by these deeds to the relationship, long-term relationship, will take a long time to heal.

Dr. Kissinger: Well, if we come to an agreement this will be reflected in the intensity of the actions, to the day on which we have agreed on which they would stop completely.

Le Duc Tho: I have finished now.

Dr. Kissinger: All right. Maybe I can make a general comment and then let us have a break, because then perhaps the Special Advisor can think about it during the break.

First, I would like to point out a number of massive practical problems which are now presented to us. If we are going to meet the schedule that we have agreed to yesterday, it is absolutely imperative that I return to Washington tomorrow. Indeed I should return to Washington tonight but that is now impossible. There will be no possibility whatsoever to meet this schedule if we do not settle the text tomorrow.

Secondly, as you realize, we are very far from having anything like an agreed text, even on the points where we agree.

Thirdly, you have raised a number of issues of principle which will be extremely difficult for us, and some on which it is almost impossible for me to settle without a conversation with the President, and one or two of his senior advisors. Now, for example, I can tell you now that the President will never sign an agreement in which Cuba is one of the guaranteeing parties. I can't even go back with such a document for his

approval. Not unless you want me to be unemployed the day I bring it back. [Laughter]

Xuan Thuy: You are a professor!

Dr. Kissinger: Oh yes. One of my associates has said that the one point on which both North and South Vietnam might agree after my next visit to Saigon is that I should withdraw after the agreement is signed. [Laughter] So we have this problem.

Now, we have a number of massive difficulties, some of which are psychological and some of which are real. We will have to defend this agreement against a public opinion which is three to one in favor of continuing the war, and against people who will accuse us of having betrayed the basic objective. I am giving you an objective analysis of the situation—I'm not arguing your points now. And without any question our critics will receive encouragement from Saigon.

On our schedule we have three days, less than three days, two and a half days, to gain the support of Washington and then three days to gain the support of Saigon. The more complexities this agreement has, therefore, even if they are of a primarily psychological nature, the more difficult it is for us. Moreover, we will be accused of having done this only because of the election, so from our point of view it is actually better to wait until after the election. I am trying to give you the reality of the situation, and I am not arguing now, because we haven't got the time to make long speeches.

Le Duc Tho: I will not debate.

Dr. Kissinger: Yes, but I am trying to give you a cold analysis of what we have.

Le Duc Tho: I will not analyze the situation.

Dr. Kissinger: Now let me tell you how I see your forces in the South. I recognize it is a question of principle for you. I recognize it is a question of principle for you. I recognize also that if you observe this agreement in my judgment some of these forces will have to be withdrawn. For your own reasons, not because you're obliged to do it. Because if you cannot introduce any equipment, supplies, you cannot keep all these forces there. So as a practical matter that is actually not a matter whose outcome will be very different whatever we decide at all. Yet in the American mind the first question that I shall be asked at a press conference, where I will be the chief advocate of this agreement in America, will be about your forces. And you will see that when we make an agreement I will be the person who will put it over with public opinion. Just as I did our agreements with the Soviet Union in Moscow on strategic arms. So the first question I will be asked is about your forces.

As far as I'm concerned, speaking realistically, I believe that the guarantee for peace in South Vietnam will depend on the relationship

you and we will develop and the relationship that I hope to start when I come to Hanoi. If the agreement breaks down, because you feel you have been cheated, you have demonstrated amply your ability to bring your forces back into South Vietnam. So our long-term objective in dealing with you would be to create such a relationship between the Democratic Republic of Vietnam and the United States that you will not want to start the war again.

Now I have no particular need, there's no particular need to put any specific provision into the agreement as such. But if there were some unilateral movement of your forces, of the nature that Governor Harriman claims he observed in 1968, not required by the agreement but observable and of a nature which—we recognize that you will not give up your basic military position in the South, and we're not asking that.

Now on Laos and Cambodia, I recognize the subtle statements of the Special Advisor and I think you have a very serious problem. But we have a very serious problem too. Now I recognize also that you probably could not, even if you wanted to, be certain when the war in Cambodia will end. But I think between you and us we could bring about a ceasefire in Laos and therefore put into operation the provisions of Article 15(b) with respect to Laos.⁷ We're not doing this to press you, because, as I said to the Special Advisor yesterday, no one can survey, no group can have an absolute surveillance of the Ho Chi Minh Trail.

There are a number of other problems which we can discuss as we go through the document, for example—but these are not so massive—such as the deployment of our forces and similar matters. But I will reserve these comments until we go through the document.

But realistically, we now have an enormous job ahead of us. We must settle several issues of principle and we must get an agreed draft of an agreement—in which your language in almost every paragraph, even when we agree, is so different from ours. Now some of your comments we can accept. Some of the changes you want to make we will be able to work out—I'm not raising that.

But I want to make these observations so that you can reflect about them before we take a break, because maybe what we should consider during the break is putting the whole schedule back for a week. So that we can study it in Washington, you can study it in Hanoi, or whether we interrupt for three days, and I come back here on Sunday.⁸ There are any number of possibilities. These are all possibilities; I'm not pro-

⁷ See footnote 3 above.

⁸ October 15.

posing it. But you are asking me to finish this today, take it back to Washington, impose it on our government in three days, take it to Saigon, impose it on their government in three days, all of this in a document in which there are a number of clauses which are enormously ambiguous.

I want to say only one final thing, Mr. Special Advisor. You will find that when this agreement is signed that I will be the strongest defender of this agreement in the United States. And indeed I will have to carry the principal burden of its defense. So I am speaking from that point of view as a collaborator with you. So if we can perhaps take a break now.

Le Duc Tho: Let me speak a few sentences. In your analysis you have referred to your difficulties, psychological difficulties, and other difficulties. You should understand that we too, we have difficulties. We have also our requirements. You are responsible to your people but we, we are also responsible to our fatherland, to our people. We have expressed lengthily our views, and we have made great effort. If we can't come to an agreement, a settlement, today and tomorrow, then we have no other way to settle the problem.

You said you don't want to settle now and to wait until after the election. It is up to you. The previous meetings and yesterday we have agreed to a schedule in order that we should concentrate our effort to come to a settlement. But now you propose another schedule. So you change one thing on which we have just come to agreement. It is not a serious attitude. It is not a serious attitude to settle the problem. You have your program of work; we have ours too. So if both sides are willing to settle the problem, then we are prepared on settling, but if you don't then no such plan is possible because there is no other way. It is what I have frankly told you, frankly and straightforwardly told you. So if you want a settlement then there is not many ways to come to a settlement. We are in the same position. But if you don't want a settlement, then we too. If you want to stop the negotiations then we are prepared to do that. It is something real. So let us now have a break.

Dr. Kissinger: Let us now have a break, and then go through the document section by section and do it concretely and not theoretically. We should change the schedule only if we have no other alternative. And my experience with the Special Advisor is that he never gives up.

Le Duc Tho: Because you speak of your own difficulties and you don't take into account ours.

Dr. Kissinger: No, I recognize that. We both have our difficulties. We have fought for ten years. There is an enormous chasm. We have to find a way now. We have enormous distrust, and we probably both have associates who have their own requirements, so we both have a very complicated assignment. I realize this and we should go through

this document now article by article with the spirit of finding a solution. I do not think it would be good now if we go off and redraft one and give you a new document. We would never reach an agreement. So, let us just go through it. Then perhaps while we cannot settle tonight we will put it aside tonight, go over it again tomorrow and then perhaps see whether we can finish it.

Le Duc Tho: I agree to this way of working.

[The meeting broke at 6:48. During the informal conversation Dr. Kissinger commented that Xuan Thuy was not wearing the tie Dr. Kissinger had given him. Le Duc Tho replied that Thuy would not wear it until an agreement was reached. The meeting reconvened at 8:04 p.m.]

Dr. Kissinger: Mr. Special Advisor and Mr. Minister, I obviously have not had an opportunity for a detailed study of this, and I have not been able to find a solution on our most difficult problems, which I mentioned to you previously. And it is, I repeat again, an extremely difficult problem for us to be able to explain how we could accept restrictions on our supply of assistance while your side is totally unrestricted in Cambodia and Laos where your base areas are.

But let us leave that aside for the time being, unless the Special Advisor has in the meantime found a solution for it.

Le Duc Tho: [Shakes head] I have told you the last minute we have a provision in the agreement not to introduce armaments and war material into Laos and South Vietnam.

Dr. Kissinger: Yes, but maybe it is a lack of understanding on my part. That is provision 15(b) in your agreement?

Le Duc Tho: 15(b).

Dr. Kissinger: Right. If that provision is in effect when the agreement is signed, then I will no longer bother the Special Advisor.

Le Duc Tho: But I myself would not bother you only on that question. I have many other questions to bother you, the question of healing the war wounds for instance. You wanted to worry me but you do not want me to worry you.

Dr. Kissinger: I was just going to make a concession to the Special Advisor on something else. Now I have to reconsider it.

Le Duc Tho: Please go on.

Dr. Kissinger: All right. Let's go through the agreement and then let's put aside the very difficult issues until tomorrow. Incidentally, I must leave tomorrow; there is no possibility of my leaving later than tomorrow.

And as I see it there are three possible outcomes. One, that we agree and I can give you assurance of its almost certainly being accepted in Washington; two, that we agree in a way that leaves uncertain whether Washington will in fact accept it, in which case I would

have to tell you that we need 48 hours to examine it; and three, that we don't agree at all.

Le Duc Tho: For me I can think that there are two alternatives, two possibilities. First, we can agree; second, we can't agree. As to the alternative of 48 hours needed to have in Washington, I don't visualize this alternative. Because you can speak directly with the President through telephone but we, we can't do that. Moreover, you represent the President; you have full authority to settle here as I am representing here and have full authority to settle here.

Dr. Kissinger: I have authority up to a certain point. But let's see where we are. We can decide tomorrow.

[Omitted here is discussion of restrictions on the United States supplying war material to South Vietnam after the cease-fire, and on the question of healing the war wounds in Indochina. Also omitted are references to Tab D ("Chapter VII: With Regard to Cambodia and Laos") and Tab E ("Mutual Understanding Between the United States and the Democratic Republic of Vietnam"), each handed to the North Vietnamese delegation by the United States.]

Le Duc Tho: You want us to give you an understanding on many questions but you yourself never give first an understanding on this question.

Dr. Kissinger: No, I want to talk on this question seriously.⁹ First of all, you have to understand that this is not a decision which the President can make. It is a decision which the Congress makes. Secondly, we are having new Congressional elections on November 7th and we have no precise idea what that new Congress will bring. And I'm speaking with you openly, and you can check with your friends in America. Thirdly, the Congress has been cutting every year the budget for foreign economic assistance. Our budget for this year, the entire budget, is, what, \$2 billion for all the countries in the world. To give you some idea, South Vietnam is getting approximately \$700 million and it is considered an ally. On the other hand, we are prepared to undertake a program in North Vietnam. I can assure you that to write it into a formal peace agreement between us would be a disaster for both of us. We are prepared to make a public declaration to the effect that I have given you.

Secondly, we should move after a ceasefire very rapidly to improve our political relationships.

Thirdly, in this context we could then send an economic mission to North Vietnam very quickly.

⁹ Kissinger was referring to Article 17 of Tab G in which the United States would contribute to the postwar reconstruction and economic development of North Vietnam.

Fourthly, we could encourage the World Bank to make a very rapid survey. Mr. McNamara is somebody we know very well. We were subjected to violent disagreement, to violent criticism, last year when it was said that we had mentioned the figure of \$7.5 billion a year during our negotiations in the summer. That was for all of Indochina.

And finally, it is essential when I defend this agreement before the press and before the Congress that I can say we are not paying any reparations and we did not agree on any sum. But I can assure you that within six months of the agreement we will find a way to make several hundred million dollars available and that during that time we will mobilize a long-term program. This is the unilateral statement [hands over U.S. statement at Tab F].¹⁰ You already have our statement. It's what you already have.

Le Duc Tho: You have expressed your views on one of the major questions but you have not satisfied us. Last year you said there would be \$1.5 million [*billion*] for all Indochinese countries a year.

Dr. Kissinger: Yes.

Le Duc Tho: And the recent bombing during the recent period has caused tremendous damages, and now you are reducing the sum you will allot. And your statement is not clear yet.

Dr. Kissinger: I am not reducing the sum. I am giving you a realistic picture. It is very difficult for us to give you a realistic figure while we are conducting secret negotiations, and while we are at war. Once peace is restored—I still believe the sum of \$1.5 billion is possible. It was based at that time on the best judgment of our experts of what we could obtain. It is in fact probable that if genuine peace occurs in Indochina this sum can be met or even exceeded, especially if we take international consortiums into account, under our leadership.

Le Duc Tho: Have you finished?

Dr. Kissinger: Yes Mr. Special Advisor.

Le Duc Tho: Please let me speak a few sentences and I would propose that we shall resume tomorrow morning. In the morning. Does 10:00 suit you?

Dr. Kissinger: Yes. But I am getting somewhat concerned now about how we are going to finish this. Just technically. We will redo our document tonight to incorporate our best judgment of what we have offered you. We will not put in anything new. It will just contain what we have discussed here.

Le Duc Tho: May we decide that we shall begin at 9:30?

Dr. Kissinger: Yes, if that's agreeable to you, I would prefer it.

¹⁰ "United States Unilateral Statement on Reconstruction."

Le Duc Tho: Now I would like to draw your attention to a few questions. First, I would like to speak about the healing of the war wounds. I still remember that Mr. Special Advisor has told me once or twice that you can write one sentence in the agreement. And we have taken into account your views. And we have put this sentence in the chapter on the relationship between the DRV and the U.S. It is a very reasonable and logical sentence, and if it is not accepted then I feel it very difficult to accept by us. The wording of this sentence is very flexible. I believe that this sentence will be welcome by the American people and the world people. They can have no other reaction. I am firmly convinced of that. And this sentence you are unwilling to accept and put there, and a question I have raised to you so many times. Because if you satisfy our concern on that subject then we shall show our good will toward your concern on other issues. And what we have raised here is something very legitimate. You should remember that you have been destroying North Vietnam for decades now. And President Nixon himself has said that he has the responsibility to shoulder this work. President Nixon has made an explicit statement but the sentence we put here is . . .

Dr. Kissinger: What we have to do, Mr. Special Advisor and Mr. Minister, is to find something that does not so irritate the people that have to give the money that it will have the opposite result of what you want. What I propose is the following, Mr. Special Advisor: Not as a separate Article but as part of Article 16. Let me draft a sentence overnight which will have the right moral attitude for Americans and which will satisfy your point in a spirit of good will. And I will bring it in here for your consideration tomorrow morning. But I accept to add one sentence to Article 16.¹¹

Le Duc Tho: I recall to you here President Nixon's statement, and if you accept to rewrite President Nixon's statement it is all right.

Dr. Kissinger: What did he say? It is the first time I have heard any Vietnamese official refer to President Nixon approvingly.

Le Duc Tho: "Once the war is ended we will assume our responsibility in helping the belligerent countries that have participated in the war in healing the wounds of war." Excerpt from President Nixon's statement published in *U.S. News and World Report*, published in June 26, 1972.

Dr. Kissinger: Can we put it in here as a quote? [Laughter] I was thinking of finding a statement along these lines to add to paragraph

¹¹ Article 16 stated that peace in Vietnam would "create conditions for establishing a new, equal and mutually beneficial relationship between the Democratic Republic of Viet Nam and the United States on the basis of respect for each other's independence and sovereignty, and non-interference in each others internal affairs." In turn, that relationship would "ensure stable peace" in Vietnam, Indochina, and Southeast Asia.

16. I expect that we will add a sentence to Article 16 which embodies this thought. And we will bring it in tomorrow.

Le Duc Tho: But we still think it more logical to keep it into separate articles. Article 16 deals with the relationship of the DRV toward the U.S. Article 17 deals with the U.S. attitude toward the DRV. Not only from the logical point of view but the point of view of style, of literary wording.

Dr. Kissinger: I know you want it partly for symbolic reasons. But if you press it too hard you will get the statement and not the support.

Le Duc Tho: In my view if you make this statement now it is to your benefit. There is no harm to you. Our people, as you know, have experienced war for so many years. There is a big gap between our people and your people. Such a statement put in the agreement would help rapidly healing the wounds that have impaired the relationship between the two countries.

Dr. Kissinger: But may I ask the Special Advisor the following question? Why would it not be morally more significant if we make this agreement and at the same time make a public statement which can go much further separate from the agreement? It would be much easier for us to make a public declaration when the agreement is signed, or even when the agreement is announced.

Le Duc Tho: This sentence put in the agreement not only has an economic meaning to us but also it has a significance of the responsibility you assume. But it has also a political significance to our people too. And our people after the war, when they read the agreement and they see this article, then their feelings, their attitude toward the United States Government would be better than if not. So this sentence is not only for us but also for you, beneficial to both sides. What I have just told you is something very practical, very real. I have read this question to you every time we meet. This is our last requirement in the agreement. It would be very difficult for us if we can't have such a sentence recorded. Please think over and I hope you will settle the problem.

Dr. Kissinger: As I said to you, Mr. Special Advisor, if we can find a satisfactory solution to all other problems, I will bring with me tomorrow a sentence or two which is also more meaningful to Americans, to take account of your problem.

Le Duc Tho: We can tell you that if you offer a satisfactory solution you will see that we are also reasonable people. Therefore I have told you several times that you should understand us. We will not yield to any pressure, but when we settle the problem we are reasonable people. So please tomorrow, please take into account our view in a satisfactory way and to have a concrete statement. And we shall have something to respond to that.

Dr. Kissinger: That is fair enough.

Le Duc Tho: And to have a satisfactory response to that, we can build up this agreement.

Dr. Kissinger: I understand. Now may I say the questions to which I will need a response, because I will be asked them: What happens to your base areas outside of Vietnam? In other words, a restriction on importation of military equipment that does not affect the base areas will come under violent attack. Secondly, what happens to the infiltration? And thirdly, the troops? But I will give you an answer to this and I will bring you some sentences.

Le Duc Tho: But you should give us a concrete statement.

Dr. Kissinger: Yes, I understand. I will take what you have given us and try to put it into a language our people understand.

Le Duc Tho: Let me draw your attention to a few other points. Particularly the question of captured military men and civilians. It appears that this is a question in a chapter which seems to have no importance at all. But it has its own importance. Because over the years innumerable cadres and civilian personnel of the PRG have been jailed by the Saigon Administration. It is tremendous suffering for the prisoners. If now the war is ending and these people are still in jail, please imagine what we are feeling in this situation. Therefore it is our view that after the ceasefire all these people should be released. I think it has been done in the same way at the Geneva Conference of 1954. Please give great attention to that.

Now I have raised another question. Regarding the International Commission there are still a few points left on which you should pay attention to our views.

So tomorrow we shall meet again. As far as we are concerned, we shall make an active effort to finish the building up of the agreement.

Dr. Kissinger: So shall we, and if both of us are making an effort I am convinced that we shall get results.

Le Duc Tho: Only there is tomorrow left, so if we have something we should speak it out.

Dr. Kissinger: But we may have to do the following, and decide at the end of the day tomorrow. We may have to delay our schedule by one day, in other words, that I would come to Hanoi on the 20th instead of the 19th. I must have three days in Washington and, Mr. Special Advisor, when you get to know America better you will think that this will be a superhuman effort to get this accepted in Washington by everybody who will have to defend it. Because if we don't make a peace that has genuine support it will not last.

So I need three days in Washington and I must have three days in Saigon. Maybe I can do it faster in Saigon, but I do not want to put my-

self in a schedule where I can be blackmailed. So at the end of the day tomorrow we decide what the schedule shall be. We'll look at the agreement and we'll decide.

Le Duc Tho: And tomorrow after the agreement is achieved we shall discuss the concrete schedule. If there is no agreement tomorrow then the schedule is quite different. But we shall do an effort.

Dr. Kissinger: We will make a big effort, both of us. When I gave the Special Advisor three possibilities he rejected one of them; he gave me two. Let's reject the possibility that there will not be an agreement.

Le Duc Tho: I agree with you that we should make an effort.

Dr. Kissinger: We will both make a big effort. We have come so far over four years.

Le Duc Tho: But it is possible, and there have been many cases like that, that we have covered nine-tenths of the distance and only one-tenth is left and if we don't make an effort we don't reach our destination. But we will not leave the one-tenth uncovered.

Dr. Kissinger: No, we shall make a big effort tomorrow. And if we should then fail we can discuss what to do.

Le Duc Tho: If both sides make an effort we shall achieve our objective unless one of the two fail to make an effort.

Dr. Kissinger: Well, it will have to be the Special Advisor then—he will have the full responsibility.

Le Duc Tho: [Laughs] You, not me. If we fail then we do not need discussions of what we should do.

Dr. Kissinger: The tragedy if we fail is that then there are about a thousand adjectives the Minister has not used yet. They will be lost to literary history. [laughter]

[The group then got up from the table.]

Le Duc Tho: So we have a very strenuous day. But you have given me too much pressure.

Dr. Kissinger: No, I will be your strongest defender when we make the agreement. We will see what will happen when we announce.

Le Duc Tho: What will happen?

Dr. Kissinger: Great commotion.

Le Duc Tho: Great commotion but a good one.

Dr. Kissinger: It will start developments in a good direction. What we should discuss in Hanoi, or perhaps tomorrow, is the first few weeks after the announcement, there will be great confusion. So that we then must manage the affairs so that we keep going in the direction that we have started. That will require wisdom and trust on both sides. Because the most important event of this agreement will not be to end the war but to start the road toward friendship which lasts. We have

always made armistices; we have never made peace, and that's what we must do now.

Le Duc Tho: We shall make an effort and we shall reach our goal.

Dr. Kissinger: I believe that also.

[The meeting ended at 9:55 p.m.]¹²

¹² After the session Kissinger sent messages to Nixon and Haldeman. To the President, he wrote: "The negotiations during this round have been so complex and sensitive that we have been unable to report their content in detail due to the danger of compromise. We know exactly what we are doing, and just as we have not let you down in the past, we will not do so now. Pending our return and my direct report to you it is imperative that nothing be said in reply to McGovern or in any other context bearing on the current talks." Senator George S. McGovern, Nixon's Democratic Party opponent in the upcoming election, was to announce his Vietnam program that evening. To Haldeman, he urged: "Please hold everything steady. I recognize the uncertainties there but excessive nervousness can only jeopardize the outcome here." The two messages, retyped as memoranda, are in the National Archives, Nixon Presidential Materials, NSC Files, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XIX.

6. Memorandum of Conversation¹

Paris, October 11–12, 1972, 9:50 a.m.–2 a.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to the DRV Delegation to the Paris Peace Talks
 Xuan Thuy, Minister, Chief DRV Delegate to the Paris Peace Talks
 Phan Hien, Adviser to the DRV Delegation
 Nguyen Xuan
 Nguyen Dinh Phuong, Interpreter
 Mr. Thai, Notetaker
 Second Notetaker

Henry A. Kissinger, Assistant to the President for National Security Affairs
 Major General Alexander M. Haig, Jr., Deputy Assistant to the President for
 National Security Affairs
 Winston Lord, NSC Staff
 John D. Negroponte, NSC Staff
 David A. Engel, NSC Staff—Interpreter
 Peter W. Rodman, NSC Staff
 Irene G. Derus, Notetaker

Dr. Kissinger: I know the document by heart now.

Mr. Special Adviser, we have redrafted the document, I think incorporating everything we discussed yesterday. We added only one clause, which I will explain to you when we get to it. But in order to save time, I will give it to you now. [Hands over U.S. Draft Agreement at Tab A]² I will give you two copies.

Le Duc Tho: Let me speak a few words.

Dr. Kissinger: Please.

Le Duc Tho: From your comments on our draft of our agreement we handed to you yesterday, through your comments yesterday and our comparison with our own draft, we realize that we have come to agreement on many major problems. This is the result of our common effort, yours and ours. But there are still two very great problems left, outstanding problems between us. One of our big concerns is the question of United States assuming the responsibility of healing the war wounds in Vietnam. This is one of the most important items in our agreement. But at the same time we know that one of your questions of

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [2 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du General Leclerc in Gif sur Yvette. Brackets, with the exception of those indicating omitted material, are in the original. Tabs A–C are attached but not printed. Tab C contains the agreed understanding between the parties on "Cease-Fire in Laos."

² "Agreement on Ending the War and Restoring Peace in Vietnam."

concern is the question of Laos. So today I would like to point out these two outstanding questions.

Therefore, if today Mr. Special Adviser brings about satisfactory and correct solution to the question of the United States assuming the reconstruction of North Vietnam and healing the war wounds in North Vietnam, then we shall show our understanding towards the question of Laos. We know that you are considerably concerned about the question of Laos. Because your concern is that when the ceasefire becomes effective in Vietnam, the war continues in Laos and Cambodia. Then you are concerned about the fact that we shall continue to infiltrate through the Ho Chi Minh Trail through Laos and Cambodia to bring our supplies to forces in these countries, through what you call our bases in Laos and Cambodia, to the forces in Vietnam.

Dr. Kissinger: Exactly.

Le Duc Tho: But you have also understood very clearly our problem of concern, too. Because North Vietnam has been subjected twice to United States air war of destruction. The damages are very great; the loss is very great. Therefore the healing of these war wounds in North Vietnam is not only a question of United States responsibility but it is also an action which will open up a new era in our relationship between our two countries. This action will be beneficial to you and to us too.

That is our two major problems. I have pointed them out but I would like also to reiterate here that Mr. Special Adviser should not pay constant attention to what you call the question of North Vietnamese troops in South Vietnam because we have put forward reasonable and logical solution saying that the two South Vietnamese parties will agree on the question of reduction of military strength, the question of reduction of military effective troops, and the question of demobilization of troops.

Besides that, in your comments on our draft yesterday, there remain a number of points that are important but not so too much important. That is the question of replacement of armaments; the question of the return of the people of the parties captured during the war.

Regarding the political questions we still have the question of the name of the administration of South Vietnam, the question of local elections.

Regarding the question of the International Commission of Control and Supervision there still remains a number of points where we still differ.

So all of these specific questions on which we still differ. So I propose that today we shall settle all of these major questions and specific questions. After agreement on these there is still another document on

an acknowledgment by the two parties of the exercise of the South Vietnamese people's right of self-determination. That we shall further discuss.

Now let me address the contents of the agreement regarding the amendments you propose and we propose, and how they should be amended.

Dr. Kissinger: We have a mechanical problem now, because we have a new document which is in our language and we would rather work from our document, not because it differs so much but because the English is so much better than in yours. Then I will go through what we did and then—why don't you go ahead. If I am a little slow in following you, understand that I have a slightly different document. Please go ahead, Mr. Special Adviser.

Le Duc Tho: The basis of my comments now is on our document, on your previous documents, and on the comments you made yesterday.

Dr. Kissinger: Please. I know what is going to happen: When we come to the final signing, you will sign the version of Monday, we will sign the version of Wednesday, and the Minister and Ambassador Porter can then argue for two more years. [Laughter] All right, let us go ahead.

Le Duc Tho: Article 2, page 2, regarding the cessation of hostilities and withdrawal of troops.

Dr. Kissinger: Can I assume then that when you pass an article it is accepted. You didn't operate like that yesterday.

Le Duc Tho: Exactly.

Dr. Kissinger: Fine.

Le Duc Tho: In Article 2 you propose mention of a ceasefire of indefinite duration. So we will put this sentence at the end of Article 2. The sentence we propose is "The cessation of hostilities mentioned in this Article is lasting and stable."

Dr. Kissinger: May I make a suggestion. This sentence should be at the end of the first sentence. The first sentence says "A ceasefire shall be observed . . ." Because if you put it at the end of the Article it applies only to the United States, while if you put it at the end of the first sentence it applies to everybody, which I am sure is the intention of the Special Adviser.

Le Duc Tho: No, my intention is that the whole Article 2 refers to both South and North Vietnam. Therefore we mention "the cessation of hostilities mentioned in this Article is lasting and stable." It applies for both South and North Vietnam, so it will be a guarantee for both zones.

Dr. Kissinger: All right. We make a new paragraph at the end of Article 2.

Le Duc Tho: Another line.

Dr. Kissinger: Another line. I agree, but will you indulge us and let us use our English, and can we say “the ceasefire will be without limit of time?” It is the same as “lasting” but it means something more concrete in English.

Le Duc Tho: So you would say “the cessation of hostilities mentioned in this Article is not limited in time and stable?”

Dr. Kissinger: In English “and stable” doesn’t add anything. What are you trying to say?

Mr. Phuong: Firm. Firm.

Dr. Kissinger: In English it would sound better if we say it is unconditional.

Le Duc Tho: Firm or stable. So our idea is that the cessation should be better if we use the word “firm” or “stable.”

Dr. Kissinger: I have no disagreement with the ideas. I agree with you, Mr. Special Adviser. He [Mr. Engel] has explained to me what it means in Vietnamese and it makes a lot of sense in Vietnamese. It is hard to find an English word for it. In Vietnamese it makes absolutely good sense but we can’t find an English word that is acceptable. We have no trouble with the ideas. We accept it. We are just looking for an English word.

Le Duc Tho: “The complete cessation of hostilities mentioned in this Article is lasting and stable.”

Dr. Kissinger: “Lasting” is “without limit.” It is better for us.

Le Duc Tho: But if we retranslate it in Vietnamese and we hold it “without a limit of time.”

Dr. Kissinger: You can call it “lasting.” You can use the Vietnamese word for “lasting” and we will use the word “limit in time.” That is no problem to us.

Xuan Thuy: “The complete cessation of hostilities mentioned in this Article is lasting and stable.”

Dr. Kissinger: We are in agreement. It is just that we have to find words that mean the same in Vietnamese and English. “The cessation of hostilities in this paragraph should be strict, complete, and without limit of time.” You say “lasting.”

Le Duc Tho: It is strict already.

Dr. Kissinger: Well, we can take “strict” out. How about “permanent?”

Le Duc Tho: “Lasting” means “permanent.”

Dr. Kissinger: Then what does “stable” mean?

Le Duc Tho: Not fragile.

Dr. Kissinger: The trouble is—I was just paying you a compliment. It is a beautiful expression. If we had a word in English that we could use.

Mr. Rodman [To General Haig]: Durable.

General Haig [To Dr. Kissinger]: Durable.

Dr. Kissinger: “Durable” is our word. Let me read: “The complete cessation of hostilities mentioned in this Article shall be durable and without limit of time.” And you will say “shall be stable and lasting.”

Le Duc Tho: All right.

Dr. Kissinger: In English “durable” means something not fragile. It is as close as we can come. You can use your phrase in your document.

Le Duc Tho: Durable and long-lasting.

Dr. Kissinger: We can’t say long-lasting. No, we have to say “without limit of time.”

Le Duc Tho: What we propose, this is not that it will cover our desire to make war again but it is conforming with our Vietnamese language only.

Dr. Kissinger: I understand. So why don’t we agree in English that we say “shall be durable and without limit of time.” We both understand that what we are saying is that it is indefinite duration.

Le Duc Tho: Both sides understand it this way.

Dr. Kissinger: We both understand. Just to make sure because we don’t want to have a misunderstanding: The word “durable” to us means it is strong in character and quality, and the word “lasting,” the way we use it, means there is no time limit.

Le Duc Tho: So in Vietnamese we write “lasting.”

Dr. Kissinger: Yes, with the understanding I have just expressed to you. Do we understand each other, so there is no dispute later?

Le Duc Tho: Yes.

Dr. Kissinger: All right. You can write it that way and we write it this way.

Le Duc Tho: This part of the sentence we can use this way, but for other parts, if we can avoid this one-side-use-one-word-and-the-other-side-use-another-word.

Dr. Kissinger: I agree.

[Omitted here is a discussion of the removal, deactivation, and/or destruction of mines in North Vietnam’s coastal waters.]

Le Duc Tho: I propose now a half hour or a little more so that we can see into your new document.

Dr. Kissinger: Good. As long as you look into the document, Mr. Special Adviser, may I call your attention to Article 16, in which you

asked us to show our understanding for your problem. We are prepared to add a phrase to it. We will add the phrase “contribute to healing the wounds of war and to postwar reconstruction.”³

Le Duc Tho: But it’s only a sentence in general terms but we should discuss it in more detail.

Dr. Kissinger: Yes, but it is very similar to the paragraph you had.

Le Duc Tho: Yes, but when we discuss this we should go further into details not to be recorded in the agreement.

Dr. Kissinger: I agree with you. I agree with you.

[There was a break from 11:02–11:40 a.m.]

Le Duc Tho: Let us resume.

Dr. Kissinger: May I make a suggestion? When the Special Adviser began this morning’s meeting he pointed out that if we meet his concerns with respect to reconstruction he would take into account our problems, which he summarized very well, with respect to Laos and Cambodia. And since he pointed out that these were our principal problems, I wonder if we can hear what his views of them are because they would then in turn affect all our other deliberations.

Le Duc Tho: But do you correctly understand our question of concern?

Dr. Kissinger: I correctly understand your question, which has two parts. The first part was that you need for moral and other reasons in this agreement a statement about healing the war wounds. We have given you that statement even though it is very difficult for us.

Your second point is that you would like to discuss with me a concrete program. To that I want to say the following: First, it is in our mutual interest that we develop such a substantial program because, to tell you frankly, the best guarantee we have that these agreements will in fact be carried out is to be certain that you will concentrate on tasks of reconstruction rather than on tasks of war. And the more we cooperate together on tasks of reconstruction, the more there will be mutual trust. So I would undertake when I return to Hanoi to discuss with you in more detail what such a concrete program might look like. But I can tell you now that it will be substantial and that it will be pursued energetically. We are perhaps the only major country—we are in any event a country whose only interest after peace is restored in North Vietnam is

³ Initially the key sentence of the article in the U.S. proposal stated: “In pursuance of its traditional policy the United States will contribute to healing the wounds of war throughout Indochina, including the Democratic Republic of Vietnam.” Kissinger’s handwritten amendment changed the text to read: “In pursuance of its traditional policy the United States will contribute to healing the wounds of war and to post-war reconstruction of the Democratic Republic of Vietnam and throughout Indochina.”

to have you strong, independent and developing. And in this sense we will be prepared to work with you very closely.

So I think I have gone beyond the answer you asked for yesterday.

Le Duc Tho: Let me ask Mr. Special Adviser this: As far as we are concerned, after the end of the war naturally we will be engaged in peaceful construction of our economy. Naturally also in this peaceful construction of our economy you will contribute an important part to this work, meaning healing the wounds of war of North Vietnam. It is not only a question of your responsibility, but it is a question beneficial to us and to you. That is the reason why yesterday I told you that when it is necessary to fight, we fight with determination, but when we decide to have a settlement and to engage in the direction of peaceful construction, we are also doing it with determination.

Therefore what I have told you about my understanding of your question of concern shows the direction we want to follow and to show that we have understood your question of concern. If we wanted war, we would not express our views in such a way. But you too should understand our requirements, because in negotiations there should be reciprocity. You have understood that.

Previously you had raised a concrete amount of money. We have raised also a concrete amount of money. Now what is your view in this connection? As to a program for reconstruction, you said a substantial one and you shall discuss when you are in Hanoi. Previously you have given specific assessment or evaluation of the sum. Please now give another assessment or evaluation. As to the detail, we shall discuss it in Hanoi.

Dr. Kissinger: Mr. Special Adviser, if we were engaged in discussions that would probably lead nowhere, it would be easy to give a figure. But I believe we are engaged in a discussion that will lead to success, and I believe also that in this discussion it is very important that we put our relationship on a new basis in which confidence can develop. We have been fighting each other for ten years. The American people have been conditioned to believe—I am speaking honestly with you—that you are untrustworthy, and—not the people you see, but the average American—and determined to make war, and many other attributes that they do not like. So we have a problem, both of us, to turn this public attitude around. We have done this with respect to China, so we know we can do it with respect to you.

And that is why at the end of the session last night I said to you that for a few months we have to show understanding to each other. I am saying this with an open heart. Because for the first few weeks after we make this agreement everybody is going to try to find what is wrong with it and what you are going to do to us. So we have a difficult problem. Now I say this because, on the other hand, if we can manage

the next few weeks well—and my trip to Hanoi, one reason is to bring this about—then we can move to develop a program of economic reconstruction.

When we gave you a figure of \$1.5 billion a year, we thought that about \$600 million of this could go to North Vietnam for a year. My own personal judgment is that the first year it may be a little less; the second year it may be substantially more. This is my personal estimate, but I would have to check it more carefully when I go back to Washington.

Le Duc Tho: Last year when speaking of this question you mentioned a sum of \$2.5 billion for North Vietnam.

Dr. Kissinger: Over five years. That is about \$500 million a year.

Le Duc Tho: Now you said that each year North Vietnam may have \$600 million; it will be \$3 billion for five years, but the recent air war against North Vietnam has caused considerable losses, not only material losses but human losses, and a great deal of damages to the lives of the people. And so the amount as you proposed is not sufficient to make a counterpart to the losses and damages suffered by our people. I propose that after we make this agreement we shall make a protocol on this question between us, of cooperation between the two sides on this question. We have drafted also a short protocol of one page for your consideration. Just like when you give aid to other countries there is a protocol about it. [Hands over DRV "Protocol on Healing the Wounds of War," Tab B]⁴ This is evidence of mutual trust, so that we can rapidly reach settlement of the problem.

Dr. Kissinger: [Reads the paper] Now this is something I would have to take to Hanoi with me. Because this requires Congressional action and large sums of money. And what is your idea—to publish this protocol?

Le Duc Tho: Between us.

Dr. Kissinger: This we would really have to study. And it is not a question of intention; here it is a question of managing. Let me give you an example, which is not exactly correct. If the Japanese in 1945 had asked the Americans, "How much will you contribute to the reconstruction of Japan?" the answer would have been "nothing," or next to nothing. In fact, as our relationships developed, we made an enormous contribution, which if we had attempted to lay it down at the beginning, could never have been made. It is not a good example, because you are not defeated. I am just trying to say that as our relationships develop, I believe the sums will be larger than we can now determine.

⁴ "Protocol on the Healing of the War Wounds and the Rehabilitation of the Economy of North Viet Nam."

But I believe that it will be possible for us to form a Joint Commission. I believe that paragraph 1 is essentially acceptable. Paragraphs 2 and 3 I will have to examine.⁵ And it is impossible to make a commitment without Congressional approval of any specific sum. But we can tell you that the spirit of this document is consistent with our objectives.

So when I return to Washington I shall have immediate consultations with those of our officials who are responsible for the management of aid. I will also discuss the matter with the President of the World Bank. The real problem here is not whether to do it but how to do it, and what precise sum we shall agree to. But I will try to make a very realistic proposal to you when I come to Hanoi, if you want it earlier, to transmit it through the liaison officer here. But I understand what you want. I must tell you frankly that the sum is more a question of whether to specify it and how to specify it, because it does us no good to sign a protocol which we then cannot implement. So I can tell you now that the principle of it is acceptable to us.

Le Duc Tho: Which principle?

Dr. Kissinger: The principle of a contribution. The principle of a five-year program. The principle of a substantial sum. I have given you my estimate of \$3 billion; you say \$4.5 billion. It is very abstract right now, because when you understand our system these sums will have to come from many different sources and we will have to see how to piece them together.

I tell you frankly that I believe a Joint Commission between us for the economic reconstruction of North Vietnam is a better guarantee for peace in Indochina than a Joint Commission on the Ho Chi Minh trail, because such a Commission would show that we have made peace and not an armistice. So we will strongly support it. But on the other hand, for the immediate period, we need the other.

Le Duc Tho: Yes, I have listened to your statement but I would like to raise again the question of the protocol because it is a normal thing. If a Joint Commission should be established it is one question, and it is another question that everywhere there is protocol. What is your view now? And if you go to Hanoi then we shall have a protocol made in Hanoi between the two parties.

Dr. Kissinger: I will have to study. This is new to me.

⁵ Reference is to Articles 1, 2, and 3 of Tab B. The first is a statement of general principle, namely that the United States will "contribute to the reconstruction" of North Vietnam after the war "without condition attached and without repayment." Article 2 states that the United States will provide \$4.5 billion over a 5-year period; and Article 3 indicates that the money would be placed in the International Bank for Reconstruction and Development (World Bank) in a Democratic Republic of Vietnam account.

Le Duc Tho: Naturally.

Dr. Kissinger: I believe that a protocol between our countries on economic reconstruction is possible. I think it is even essential. It may have to be done in two parts: It may be that when I come to Hanoi we can express a joint intention to move in a certain direction, which we would agree to keep secret, and that then early next year we sign a formal agreement between our two governments which would be public, which puts it into effect.

Le Duc Tho: So if we can come to a basic agreement here then we should discuss this question in detail.

Dr. Kissinger: What I will promise I do is—you will see, when we publish this agreement, I will have to be the principal person defending this document. And when I present this agreement, that is in two weeks, you will see that I will lay the basis for the conception of a substantial program of reconstruction. But you must understand that we have to condition our people for it. And there has to be a minimum of trust now, so that when I promise you something I will want to keep it, if we are to put our relationship on a new basis.

The Special Adviser said that you are determined in war, but also determined in peace. You will see this is our attitude also. We will move rapidly and energetically to improve our relations and to help rebuild your country. It is in our common interest.

Le Duc Tho: It is because of our good will and desire to reach a peaceful settlement of the Vietnam problem that we have followed a very positive orientation.

Dr. Kissinger: I know. I am convinced of this.

Le Duc Tho: And not only for the purpose of peaceful settlement of the Vietnam problem but also with a spirit of mutual cooperation between our two countries in economic construction that we propose this.

Dr. Kissinger: But it is important for our long-term relations that we make this not in a way that it can be presented as buying ourselves out of the war, but as a positive action in our mutual interest for the future of our relationship and not to settle the past. It must be consistent with our dignity, and your dignity, for it to have the effect which you have described, if it is to last.

Le Duc Tho: It is also our attitude too. We propose this question not in a spirit that we wish that you give us a sum of money. Our conception is that the war has caused considerable destruction and damages to our country and it is your responsibility in healing these wounds of war, but at the same time it is opening a new era of cooperation between our two countries on a new basis and in building up a new relationship based on trust and long-term interests.

Dr. Kissinger: This is exactly our attitude.

Le Duc Tho: But I have asked you about a specific sum; it is to have an idea of the amount you can contribute. As to the exact sum, you will discuss with our leaders in Hanoi. But personally I think that the sum you have proposed is too little in comparison with the destruction and the sufferings of our people. I think that we should not go in further detail in discussing this, but we will stand this way and we will discuss it in Hanoi.

Dr. Kissinger: Let me say one more thing, simply for the thinking of your leaders. Most of your relations have been with countries in which the government could make all the conclusive decisions. As you move into a relationship of friendship with us, you will see that our situation is more complex. For example, in order to help you more fully in this reconstruction we must mobilize, and we intend to mobilize, many private groups—which are somewhat more influential than the ones you have up to now invited to Hanoi. [Laughter]

Le Duc Tho: Recently there is a proposal from Mr. McNamara to go to visit—and many other Americans.

Dr. Kissinger: Yes. What we can do for you is, we will coordinate all of these activities and we will put them into a coherent program and we will stimulate them, and therefore the sums that we can get from the government will not be the total amount. Because we can help mobilize some funds from other countries as part of a consortium. But you have to give us a little time to develop this. Just as it is hard for you to do things while we are bombing, it is hard for us to do certain things while you have our prisoners.

But this is the direction in which we are determined to move and you can count on it. I will be much more specific when I am in Hanoi. I will study the problem. If you will ever let me get back to Washington, I will study the problem there immediately.

Le Duc Tho: The primary thing, and to lay the basis for our relationship, is to achieve an agreement.

Dr. Kissinger: Oh yes, we have to settle this.

Le Duc Tho: And so, if we have not yet achieved our agreement then we come to nothing. Now let me express my views to show our taking into account the question of your concern, and to show you also that we are reasonable people when we settle the problem.

Dr. Kissinger: I am not so sure about the Minister.

Xuan Thuy: So I am.

Le Duc Tho: And so if I show this good will I think that we should go more rapidly and avoid complicated things, because if we settle the major problems then the minor ones will be settled rapidly.

Dr. Kissinger: That is why I thought we should talk about this first.

Le Duc Tho: Let me do that. But what I am telling you is something frank, straightforward, with an open heart. In settling anything we should have a real desire to settle it. I have never made pressure on you. But definitely you can't make pressure on me too. When we achieve a settlement this settlement should be reasonable for both.

Dr. Kissinger: I agree.

Le Duc Tho: Now the question of greater concern of yours is the question of Laos. Objectively speaking, the question of Cambodia is different from the question of Laos. So in envisioning our conception the Vietnam problem will be settled first, then the question of Laos. Objectively speaking. But in starting anything I should point it out first—in starting anything we start from the principle of respecting the concerned peoples' fundamental national right. We shall discuss with our friends, our allies, in Laos to speed up the negotiations, to hurry them to results. So for the problem of Laos, after the ceasefire becomes effective in Vietnam, after the peaceful settlement of the Vietnam problem, we think one month after, then all foreign powers—not only us but you too—should put an end to all their military activities and to abide by the principle I mentioned to you before. That is to say that all foreign troops should be withdrawn from Laos and should refrain from reintroducing armaments, military personnel, war matériel into Laos. That is Article 15(b). So in the agreement we record as 15(b) has been drafted, but we shall give you a statement. We can't record my statement in the agreement. It is an understanding between us. Because I have given you one month, because we have to exchange views with our friends and it will take some time. But we shall strive to do it the sooner the better, as soon as possible, but at least it will take one month.

So I think I have satisfied all your concerns. Therefore now all the provisions you have made about the resistance of base areas in Article 7 I think should be deleted, because if all foreign troops are withdrawn from Laos, and a ceasefire has been observed in Laos, then there are no base areas in Laos.

Dr. Kissinger: Now let me understand one thing. I just want to sum up, to make sure that I have understood you correctly.

Le Duc Tho: I shall give you a statement in writing.

Dr. Kissinger: Right, but it says "one month after this agreement goes into effect," one month after the ceasefire. [Le Duc Tho nods yes.] There shall be a ceasefire in Laos. That when this goes into effect the provision of Article 15(b) will be in force. [Le Duc Tho nods yes.] And all your forces will be withdrawn. Of course, all of ours also.

Le Duc Tho: And your allies, the Thai troops.

Dr. Kissinger: We shall discuss with Thailand.

Le Duc Tho: That is why we have to discuss with our allies too.

Dr. Kissinger: Now supposing the Chinese refuse to withdraw their troops.

Le Duc Tho: Of course we can't decide that, but I think you too, you can't decide that.

Dr. Kissinger: No, but I want to have it understood. Even if the Chinese keep their troops there you will withdraw your troops.

Le Duc Tho: We shall abide by Article 15(b).

Dr. Kissinger: Yes, but Article 15(b) could be interpreted to say that your troops will be withdrawn only if all foreign troops are withdrawn.

Le Duc Tho: Probably you are a philosopher. You have an extraordinary interpretation of this article, but politically speaking I think we should have a correct interpretation of the article.

Dr. Kissinger: I understand now. You will give us a statement to that effect.

Le Duc Tho: I shall give it to you.

Dr. Kissinger: But the practical problem—you do not want it published.

Le Duc Tho: No, understanding. There are things we agreed by understanding and we abide by it. You should understand.

Dr. Kissinger: No, I understand the problem. It will present us with some problems, first of all in Saigon—which I don't think will cause the Special Adviser sleepless nights—and secondly, when we present this agreement what to say publicly, because this is one of the first questions we will be asked. But I think that is probably manageable. And perhaps if we make an agreement and I come to Hanoi the Special Adviser will coach me a little bit on the handling of the press, which he does so well. [Laughter] But I understand this point.

Now I told you yesterday we have three problems. One is Laos. I think I understand your view and I won't ask for any additional clarification.

The second is Cambodia. Now I understand that with relation to Cambodia your political situation is much more difficult than with relation to Laos, because your friends in Cambodia live in Peking. [Laughter] And that presents a more complex situation. So I understand this very well. But let me tell you what my problem will be, first within my government and then in Saigon: It will be said that this agreement does not prevent your resupplying your base areas in Cambodia and that the provisions about military aid are not applicable to your forces in Cambodia. This presents a great difficulty for us, how to explain it. And since we know that in the recent history your forces—speaking here openly—have used these base areas in Cambodia and then come across the border, this is a serious problem.

Le Duc Tho: Have you finished?

Dr. Kissinger: I have finished. It is a problem I am putting to you in an open way.

Le Duc Tho: Those problems you put before us which we can solve, we shall do so. But there are problems which contain difficulties. You should understand also these difficulties of ours. While we peacefully settle the Vietnam problem, we discuss with our allies to reach a peaceful settlement of the Lao problem. And in the agreement we have explicitly said that we shall refrain from introducing armaments and war matériel into South Vietnam and into Laos. But you should do the same too.

Then with regard to Cambodia we shall follow the same principle, once there is a settlement in Cambodia. But as I told you repeatedly, the peaceful settlement of the Vietnam problem will create, will pave the way for the settlement of the problem of Laos and Cambodia. But once the Vietnam problem has been solved, once the Laos problem has been solved, then it will create propitious conditions for the settlement of the Cambodia problem. Naturally, Cambodia contains these difficulties as you understood, but it will create the conditions for a settlement. I believe that our friends, our allies in Cambodia will follow the same orientation. There are three Indochinese countries closely linked to each other, to wage resistance war. Now if two countries have reached a peaceful settlement the third one will follow the same orientation. It is what I am thinking.

You are Americans. It is said that Americans are very realistic. You should understand that. So the question of the solution of the Vietnam problem and the Lao problem, and particularly Article 15(b) as it is written in the agreement, is a great evidence of our good will. And the understanding I have told you.

Dr. Kissinger: I understand.

Le Duc Tho: So it is clear. It is explicit.

Dr. Kissinger: Of course I haven't seen it yet. Could I see it?

Le Duc Tho: I shall give it to you later. I told you that it is an understanding between us, and confidential.

Dr. Kissinger: Yes, you can count on that. Now is it possible to have an understanding?

Le Duc Tho: Let me ask something more. But on the other hand you should also instigate your allies to move to the settlement with good will.

Dr. Kissinger: Yes, we will do that. We will use our maximum influence, and our impression is the same as the Special Adviser's: that the Laotian problem can be settled within a month, and maybe sooner.

Le Duc Tho: Frequently you refer to over-optimism.

Dr. Kissinger: Well, but this is our assessment of the situation. Now, with respect to Cambodia, can we have an understanding that no offensive operations will be taken within Cambodia by the Vietnamese forces? And we will use our influence and undertake—will guarantee—that no offensive operations will be taken against Vietnamese forces in Cambodia.

Le Duc Tho: What we can do for the time being, I have told you that. But as regards Cambodia the situation is more complicated. There are other forces too, those of Sihanouk. Therefore I have told you that we should not raise too many complicated things. But as I told you, once we settle the Vietnam problem, then there are many real things, real possibilities that we can't see now. But after the settlement of the Vietnam problem then these real possibilities appear every day, because the entirety, the real things change. A settlement of one problem will have its impact upon other problems.

Dr. Kissinger: But why is it difficult? I understand that you do not control the forces of Prince Sihanouk. And in fact, when peace is restored, the Special Adviser can tell me his personal opinion whether Prince Sihanouk controls his forces. [Laughter]

Le Duc Tho: He does. He does command. He is the Chief of State. I think someday he will return. My personal view, I think that you should also go in this direction of a settlement.

Dr. Kissinger: But why is it difficult to agree that the Vietnamese forces in Cambodia not take any offensive action? We do not ask for a guarantee that the other forces not take offensive action?

Le Duc Tho: Because the Vietnamese forces in Cambodia are linked, closely related to Cambodian forces. They can't be separated now. Once the problem of Cambodia is settled, it is settled for all fighting forces in Cambodia, not separated for the Vietnamese forces only. This is an objective thing, reality. When the Cambodian problem is settled, the problem will be settled completely and wholly. This problem is as it is now. You should understand. The most practical thing is that we should achieve this agreement. If we can settle the Vietnam problem then all other problems . . .

Dr. Kissinger: But you will have to understand. I will want to consider for a few minutes. We will complete this discussion and then perhaps we should have a 15-minute break. We will hold our airplane. I said 4:30, but we will hold our airplane until we complete the discussion. But you must understand that if we make an agreement in which we say nothing specific about Cambodia and if afterward you bring about by your actions a change in the situation in Cambodia, that it would totally undermine the agreement that we have reached and the possibility of mutual trust between our two countries.

Le Duc Tho: I point out one thing very practical to you. You are still speaking in your own things, but I can tell you that the settlement of the Vietnam problem and of the Laos problem will bring about a big change in the situation. You should realize that. So I think that we should stop the discussion on the question now, because it is a whole hour discussing. You understand the problem thoroughly now?

Dr. Kissinger: But the Special Adviser overestimates my intelligence. I am a slow student as he often pointed out to me.

Le Duc Tho: Because you are too suspicious.

Dr. Kissinger: I have never found that excessive trust is a Vietnamese vice. [Laughter]

I have three problems: Laos, Cambodia, and your forces in the South. Do I understand the Special Adviser correctly, that he proposes that we add a clause to the agreement to the effect that the two parties will discuss the reduction of their military effectives and that the forces reduced should then return to their native homes? Is this my correct understanding?

Le Duc Tho: I propose to put this provision in the article dealing with the question of Vietnamese armed forces. But I should point out when I say reduction of military strength, military effectives, and demobilization of troops, it means that they should get out of the army, but as to where they will go to, their home or other places, is up to them.

Now I would like to raise another question to you. I have been telling you over the past four years of our negotiations that the question of North Vietnamese should never be raised because it is contrary to the real things, legal things, political things and moral things. When we propose the approach of reduction of military effectives and demobilization, it is a fair solution and conforming to reality. If you look at all the provisions as a whole, you will realize that all of these provisions testify to our desire to progress, to our peace orientation—on many questions, not only these agreements.

Your trip to Hanoi is in the direction of peace. You have not realized that our people have been fighting against United States aggression for national salvation for over ten years now. You can imagine their feelings, their indignation, hatred and so forth. And in such circumstances we agree to receive you in Hanoi while the war is still going on. Without a desire to go forward in the direction of peace and to find a way of peace, this decision would not be made. Therefore, for the purpose of settlement we should go rapidly in achieving this agreement so that we can move also rapidly toward peace. But I should also add that we are deeply attached to peace, but not at any price. You should understand this. Therefore, you should also make an effort so

that we can achieve the agreement today, because otherwise it will not work.

Dr. Kissinger: We shall make an effort.

Le Duc Tho: Moreover we have a schedule to do. We should meet the schedule we have made. I have told you this from the bottom of my heart, an open heart. I have met you 20 times now but I have never spoken to you in this way.

Dr. Kissinger: That is true.

Le Duc Tho: So let us have a 15-minute break.

Dr. Kissinger: Let me say one thing. We have two problems: one is substance and the other is presentation. I personally believe if you want to break this agreement, there is nothing we can write in here to keep you from breaking it.

Le Duc Tho: This is a realistic understanding you have, but in any case the agreement should be a correct one.

Dr. Kissinger: I agree, it should be a correct agreement. But what I want to say is if you want to make war you will find a way of making war.

Le Duc Tho: You should pay attention to this legal aspect, but you are too suspicious.

Dr. Kissinger: No, it is not my personal conviction, but it is the problem of how, in the limited time we now have, to convince our government, to convince the Saigon government, and then to convince the American people in such a way that the economic measures can be put forward and we do not spend all our time in mutual recrimination.

I want to say one thing to the Special Adviser. You have many forces in South Vietnam which are close to the demilitarized zone which could move the 20 miles north without affecting the situation significantly. Not as a promise to us, not as an understanding, but if some movement occurred that our intelligence people and military pick up—in fact if you would communicate a little more frequently than you now do!—then it would be very helpful to us, then we would have a basis for discussion with our allies without bringing about an enormous practical change. I say this to get our agreement approved, and not because I do not understand the concern for your forces. It is not a formal proposal.

Le Duc Tho: Let me answer.

Dr. Kissinger: If you answer negatively I would rather not hear it!

Le Duc Tho: You like it and you should listen to it. You see you only mention your difficulties, your difficulties with the American people, with the Saigon government, but you should know that we have our difficulty. We have our friends, our people, our allies. If we have a real desire to reach a peaceful settlement, we have all possibil-

ities to surmount, to overcome, all difficulties. But if we have not such a desire then the discussion of only one word will take three days and we can't come to an agreement. I have been negotiating with you for a long time now. If we wanted to drag the negotiations, we have many methods. You, too, have such methods.

Dr. Kissinger: I am familiar with the methods.

Le Duc Tho: But these methods cannot deceive anyone. We, in the same way. You in the same way because we have understood each other. This is frankly speaking. You say that you want to overcome some difficulties to reach a settlement. You have your difficulties; we have many difficulties too. So for purposes of settlement we should understand the situation in an objective way and we should not raise too many complicated problems. Each problem should have its limit. You, too. We, too.

[Omitted here is discussion of the mechanics of the negotiations; Kissinger's apology for the air attack on Hanoi the previous evening; the removal of foreign troops and military equipment from Laos after a cease-fire; a ban on the introduction of armaments into South Vietnam via neighboring countries; an informal understanding about the withdrawal of North Vietnamese troops from Cambodia; the reduction of North Vietnamese troops from South Vietnam; ending United States air reconnaissance over North Vietnam; stopping American military activities in South Vietnam when a cease-fire goes into effect except for air reconnaissance; the requirement that South Vietnamese, North Vietnamese, and Viet Cong troops stay in place when the cease-fire begins and that the locations be identified by the Joint Commission; the general status of this negotiating round.]

Le Duc Tho: Article 5. We propose the following: "As of the signing of this agreement, shall be completely withdrawn from South Vietnam all troops, military personnel of the United States and those other foreign countries allied to the United States and to the Republic of Vietnam including military advisers, technical military personnel, the advisers for paramilitary organizations, advisers for pacification, advisers for the police forces, advisers for the psychological warfare and all civilian personnel serving in military branches and all branches of the Republic of Vietnam relating to the waging of war. This withdrawal would be completed in 60 days." We have reduced in length this provision.

Dr. Kissinger: I've never heard of the psywar advisers.

Le Duc Tho: We have reduced the length of this article. In the Geneva Conference of 1952 and 1964 they enumerate what shall be withdrawn. But in the provisions it is deleted "for other branches of the Republic of Vietnam." As to the aircraft carriers and United States warships, you said you put in your agreement, but it is not.

Dr. Kissinger: Oh no, we cannot put them in the agreement.

Le Duc Tho: So please give a verbal statement that we can take in our session, take note.

Dr. Kissinger: The verbal statement is that “After the withdrawal of our forces is completed, the aircraft carriers will be moved a distance of 300 miles from the shore except for [movement for] transit purposes.” Now it is important that we keep that assurance confidential until I can tell you when.

Now to get back to the categories of people you would like to eliminate. Of course you understand we cannot absolutely guarantee the withdrawal of other foreign countries, but we will use our influence. We do not think this will be a problem.

[Reading] “Military advisers, technical military personnel, advisers on pacification”—I don’t know what that phrase means and we have to eliminate it.

Well, let me go through your categories of what we can accept: Military advisers is all right; technical military personnel is all right; advisers for paramilitary organizations is all right; police forces, that is all right; advisers on pacification we cannot accept; advisers on psychological warfare, I don’t think there are any. There aren’t any civilian advisers on psychological. We can’t write that. It gives the wrong impression in an agreement. We can accept military advisers, technical military personnel and paramilitary advisers.

Le Duc Tho: Regarding the advisers on pacification, we cannot accept your view. It is a military organization repressing the people.

Dr. Kissinger: I don’t know what you mean by pacification. Maybe we have different words for it. What we mean by pacification is economic development, rural development and so forth. What do you mean?

Le Duc Tho: In the Saigon army they organized what they call pacification units and advisers in pacification work.

Dr. Kissinger: But they don’t have American advisers. What we mean by pacification, Mr. Special Adviser . . .

Le Duc Tho: John Paul Vann was an adviser on pacification.

Dr. Kissinger: That is what we can’t accept. John Paul Vann was . . . what we understand by pacification is the economic development and civilian activities, together with some security activities like police work. Now we have already agreed that our advisers would withdraw from police work and from paramilitary organizations.

Le Duc Tho: You see the pacification work in South Vietnam is a major military organ of South Vietnam and they carry out major sweeping operations, sweeps with military forces, and in these military forces there are advisers.

Dr. Kissinger: We have already agreed that military advisory personnel shall be withdrawn.

Le Duc Tho: In the report by Mr. Lowenstein and Mr. Moose done in 1972 they mentioned about advisers on pacification work.⁶

Dr. Kissinger: Moose used to be on my staff! That may be, but most of the ones that you object to are covered in the categories which we have already agreed to. What we are trying to preserve are the civilians who are not working for . . . It is impossible. If we cannot have people who are working in paramilitary, police or in the army, it is impossible to engage in any military or paramilitary activity.

Le Duc Tho: And all the civilian personnel serving in military branches.

Dr. Kissinger: Yes, we can accept that.

Le Duc Tho: So we delete "the advisers for psychological warfare."

Dr. Kissinger: And for pacification.

Le Duc Tho: But we have deleted the psychological warfare. There are remaining a great number of advisers for pacification.

Dr. Kissinger: I don't give a damn about advisers for psychological warfare. The military advisers for pacification are going.

Le Duc Tho: So we still differ in connection with advisers on pacification.

Dr. Kissinger: That is correct.

Le Duc Tho: Lay it aside for the time being.

Dr. Kissinger: I want to make a general comment. You seem to be working from your text and I, of course, from our text. They are often the same, but your English is so bad that I would prefer to work with our text.

Le Duc Tho: We have your text.

Dr. Kissinger: What is your next problem?

Le Duc Tho: Article 6. Nothing for Article 6.

Article 7 regarding the replacement of armaments.

Dr. Kissinger: Wait a minute. On Article 6 I want to make a statement. I want to make clear that we are talking only about bases owned by the United States, not bases that are owned by the South Vietnamese armed forces.

⁶ James G. Lowenstein and Richard M. Moose, staff members on the Senate Foreign Relations Committee, made annual trips to Vietnam to report on the situation to the Committee. The report to which Le Duc Tho referred was "Vietnam: May 1972: A Staff Report Prepared for the Use of the Committee on Foreign Relations, United States Senate," June 29, 1972, which Lowenstein and Moose wrote after a May 23–June 5 trip to Vietnam.

Le Duc Tho: Article 7.

Dr. Kissinger: That is understood, so it won't be disputed. All right, Article 7.

Le Duc Tho: We maintain our proposal saying that the two parties shall be permitted to make the replacement of armaments. I repeat the provision: "After the cessation of hostilities the two parties shall be permitted to make periodical replacement of armaments, munitions, war matériel, on the principle of equality between the two parties."

Dr. Kissinger: That isn't what you gave us yesterday. And secondly, we can't accept it—it depends what you mean by it.

Le Duc Tho: We want to say that when the replacement of armaments is carried out then it should be the preservation of the principle of equality between the two parties.

Dr. Kissinger: So that if one artillery piece is replaced by one side, there must be an artillery piece added to the other side. Is that what you mean?

Le Duc Tho: Right.

Dr. Kissinger: Well that is impossible, and that is not what the 1954 Agreement said. We are prepared to accept the provisions of the 1954 Agreement and the same language.

Le Duc Tho: Another thing, we propose to delete the sentence "or into any base areas in Indochina supporting the war in Vietnam." Previously there was not such a sentence. I have referred to this when . . .

Dr. Kissinger: On the basis of what the Special Adviser affirmed before on Laos and Cambodia, we are prepared to delete the sentence. But we cannot go beyond what we have written here.

Le Duc Tho: Regarding the replacement of armaments, I think that in 1954 it was different from what it is now. We propose that the principle should be of equality between the two parties until a decision by the definitive government of South Vietnam.

Dr. Kissinger: Yes, I understand this. I understand your position. But our position is that we have stretched our willingness to come to an agreement on this point to the absolute limit, and if we go beyond this we are making an excessive unilateral concession, which is that you are free to receive unlimited aid. They can receive new replacements in Saigon but if then the PRG has a veto over the replacement, it becomes an impossible agreement to put forward. So I must say we cannot go beyond what I have given you. This is as serious a problem for us as the Laotian and Cambodian problem is for you. I can assure you we will use our influence to exercise very great restraint with respect to this problem in accordance with what I have told you.

Le Duc Tho: I think that is fair to say that now there are two forces in South Vietnam and the replacements should be equal.

Dr. Kissinger: We are not saying what the replacement of the other side is. The replacement should be equal to that which is being replaced. The weapons wear out at a different rate.

Le Duc Tho: So let us put this one aside.

Now regarding the question of return of captured people. I have expressed to you all my views on that subject. We will not accept the word “innocent people, innocent civilians.” Because if we call them “innocent civilians” then those civilians automatically have no crime at all, so automatically they must be released and they shall be returned to the other side. Here we want to refer to the military and civilian personnel. If you don’t mention military and civilian personnel, then there would be tens of thousands of civilians captured for political reasons who will not be released. This we can’t accept.

Dr. Kissinger: We don’t say that they should be. We have split it into two categories in the interest of speed. We have one category of military personnel and innocent civilians, because on this agreement is rapidly possible. It is within our competence to agree to this.

The second category is other civilian personnel, and we think that this should be resolved by the South Vietnamese parties because there is no possibility in getting an agreement on the schedule we have set ourselves if the idea of the Special Adviser is included.

Le Duc Tho: This we can’t accept. So at the return of all captives of the parties, then after the end of the war all people who are listed could be released. It is also major problem for us. Our conscience cannot be cleared when the war is ended and tens of thousands of people captured during the war are still in jail.

Dr. Kissinger: I understand what the Special Adviser is saying and we would be prepared to give the Special Adviser an assurance that the United States will use its utmost influence to bring about the release of any civilians that are detained for political activities, in addition to the ones of Article 8(c). But I know that as a practical question there is no possibility of getting the agreement accepted in such a short time frame if we do not operate on this basis. We will use our maximum influence.

Le Duc Tho: I feel that it is a difficult question.

Dr. Kissinger: It is a very difficult question.

Le Duc Tho: For the time being I have not found any word to replace it to meet each other.

Dr. Kissinger: I haven’t either. I understand your problem, Mr. Special Adviser, and we will certainly use our influence and we think we can bring about some amnesty. But I know if we write it into the agreement now, it will not yield a good result, and it may even be dangerous to the people we want to protect. I am speaking very frankly to you.

Le Duc Tho: Now in this connection I speak with reference to American military men and civilians captured in Laos. Speaking of principles, we have no obligation to solve this question in Laos, but to show our good will I have offered a solution to solve this problem. But here there are people who have opposed Nguyen Van Thieu's administration and who oppose Americans in South Vietnam too. After the war is ended it is your responsibility to have these people released.

Dr. Kissinger: They are unfortunately not in our control. We understand the principle, and we can certainly use our influence. And we will use our maximum influence, but it will take some time.

Le Duc Tho: Now if we accept your formulation here, it cannot be understood by the South Vietnamese population. Because after so many years of war, now they are still in jail. I have never seen any war in history that after the settlement of the war, the two sides still keep the people they captured from the other side. The two sides, if they want to materialize the national concord and national reconciliation, they cannot.

Dr. Kissinger: No, I do not say they should keep them. I say they should discuss it among themselves. We certainly think we can say that it should be resolved in a spirit of national reconciliation and concord and with a view towards ending the hatred. So that there are some very concrete criteria, and as I said, we would certainly use our influence strongly in that direction.

Le Duc Tho: We find it very difficult, because speaking of sentiment, speaking of influence among the population, if you keep this we don't know how to solve it. It is illogical. If national reconciliation and national concord are to be implemented, how you can avoid the sentiment of tens of thousands of families in South Vietnam, now they have their relatives in South Vietnamese jails.

Dr. Kissinger: But the Special Adviser said to me more than once, on a number of very difficult issues, that it is hard to press him too much. And I interpreted this to mean that he could do something, but we should not press him formally to do so. Similarly, we are in the same kind of position. If we write it, it could cause an explosion in Saigon next week. We are here in a very comparable position. It is a very difficult problem for you and a very difficult problem for us. When we say we will use our maximum influence, that has a very concrete meaning. But we cannot bring it about next week. But we are certain we can bring about some releases—after the first impact of this document has settled down. This is the practical problem which we will face.

Le Duc Tho: I propose to lay aside this question here. I still disagree with your views, because your argument is not convincing yet.

Dr. Kissinger: Could we take a five minute break? Five minutes, very brief. Excuse me. Were you saying more about this, or were you going on? I am sorry. I thought you wanted to go on to the next chapter.

Le Duc Tho: Then let us finish this Article 8(b), the last sentence. You have “such other measures as may be required to verify those still considered missing in action.” We are going to “such other measures necessary to get information about people missing in action.”

Dr. Kissinger: I don’t know what the difference is. In English it makes no difference, except ours is better English.

Le Duc Tho: We mean “to get information about.”

Dr. Kissinger: We don’t mind saying “to obtain information,” “get” is a bad word. “To obtain.”

Le Duc Tho: Let us have a break now.

Dr. Kissinger: One point, you have in your (a) “military men captured in Vietnam.” We cannot say this. We have therefore our phrase for 8(a) which doesn’t mention the area.

Le Duc Tho: Where are they captured and detained then?

Dr. Kissinger: We said “of the parties.”

Le Duc Tho: So please have a break.

Dr. Kissinger: Thank you.

[The break lasted from 4:30–5:00 p.m.]

Dr. Kissinger: This is the fifth time that I have gone through this exercise. With your allies.

Le Duc Tho: On Vietnam?

Dr. Kissinger: No, not Vietnam, on other subjects. Strategic arms limitation.

Le Duc Tho: Is it really limited? [Laughter]

Dr. Kissinger: The numbers are limited; the quality is not.

Le Duc Tho: Let me now deal with Chapter IV. You can see in general this is the chapter where we have made the great concessions, so now there are still a few minor problems left and you should make concessions. Moreover, this question will have three months for the discussion of the two parties. In any case, we have the provisions recorded here. Let me go point by point.

Article 9(a), (b), (c), (d), (e). You have put “strive to achieve national reconciliation and concord.” We propose now . . . “strive to” does not show the effort made; therefore we propose that they “actively achieve national reconciliation and national concord.”

Dr. Kissinger: Did the Special Adviser want my answer now?

Le Duc Tho: Yes.

Dr. Kissinger: I recommend we take out “strive to” and just say “will achieve,” what you had to begin with.

Le Duc Tho: Now about the name. We propose that "an administrative structure be set up called the Supreme Council of National Reconciliation and Concord of South Vietnam." Previously we proposed "an administration called." Now "an administrative structure." We have shown now the flexibility on this subject, so now we propose that this name of Supreme Council of National Reconciliation and National Concord. So you should give us a concession on that subject to show your good will and real desire to respond to our question of concern. As to the word "oversee," we propose "to see to and to supervise" the two parties.

Dr. Kissinger: We are operating now from which document, yours or ours?

Le Duc Tho: Our document. Because in our Vietnamese language if we convey the idea, the concept of "oversee" into Vietnamese, then it would look like a grown-up person to look after the children. So it should be "see to and supervise the implementation of the agreement."

In every place we put "national reconciliation and national concord" in every place.

And to "organize general elections," we would add "general elections mentioned in Article 9(b)." We would like to say "general elections" and not elections only.

Dr. Kissinger: I will listen to everything that the Special Adviser has to say and then I will respond all at once.

Le Duc Tho: Once previously you have written "general elections," now you delete the word "general"; you only mention "elections." Previously you have agreed also to our mention of Article 9(b). We mention the general elections and the local elections because here in Saigon Administration they organize also local administrations, although not democratic elections.

We have put "laws and modalities on general elections." You mention "procedures and modalities." We accept this.

Dr. Kissinger: Thank you.

Le Duc Tho: In point (f) we propose that "the two South Vietnamese parties will hold consultations in a spirit of national reconciliation and national concord, equality, mutual respect and without mutual elimination, in order to set up the Supreme Council of National Reconciliation and Concord and to settle all other internal matters of South Vietnam."

Dr. Kissinger: That is our point (f).

Interpreter: Formerly (i).

Dr. Kissinger: Formerly (j) is now (f). You accepted our transposition, which I am in favor of. I think that is a very good thing. I agree.

Le Duc Tho: But for the period for discussion, the three-month period, we still maintain in this paragraph that the South Vietnamese will sign an agreement on all internal matters of South Vietnam, the sooner the better and not later than three months after the ceasefire. You put this three months period in paragraph (g).

Dr. Kissinger: No, we accept that it goes in paragraph (a). That is no problem. All right, you have given me so many changes. Is this everything? It is every paragraph?

Le Duc Tho: All in this paragraph. I have finished. There are three points only. First, the name the "administrative structure" will be called. Secondly, we add "general" to "elections." And third, "the formation of Councils of National Reconciliation and Concord at all levels will be settled after the Council of National Reconciliation and Concord assumes its functions." Because if we put that the two South Vietnamese sign an agreement on all internal affairs of South Vietnam, the sooner the better, and after the three months of ceasefire, it means the two Vietnamese parties have discussed this question so there is no need to agree upon by the South Vietnamese. Moreover, all this chapter was further discussed by the two South Vietnamese parties before they sign the agreement. Here we agree between us two, but the two South Vietnamese will discuss and agree in three months time after the ceasefire.

Your point (i).

Dr. Kissinger: Our point (i). Let us settle the others first before we get to (i).

First of all, we are suffering from the fact that our languages are extremely different. So let me read what I have here for point (f), in order to avoid total confusion: Our present version is "The two South Vietnamese shall hold consultations in a spirit of national reconciliation and concord, mutual respect, and mutual non-elimination . . ." Now you want to add "to set up an administrative structure called the Supreme Council of National Reconciliation and Concord." I am just talking about this sentence. Is that correct?

Le Duc Tho: Our point (g) that is to say your point (f). Your point (g) differs from our point (f).

Dr. Kissinger: We don't even have a point (j). No, our point (g) is different. Our point (f) is different from your point (f). Our point (f) is your point (i). And we want to move that before your point (f), and you want that too.

Le Duc Tho: Agreed.

Dr. Kissinger: All right. Now I just want to read you the first sentence of that, if it is in our document.

Le Duc Tho: But in your version there is no sentence that "the South Vietnamese will sign an agreement on these and other internal matters."

Dr. Kissinger: No, we will put that at the end of (f). I have agreed to it, so we move the last sentence of (g) to the end of (f).

Le Duc Tho: Agreed.

Dr. Kissinger: All right, now let us get to the substance of these sentences. Now at the first sentence you want to say “shall hold consultations in the spirit of national reconciliation and national concord, mutual respect, and mutual non-elimination to set up an administrative structure called the Supreme National Council of National Reconciliation and National Concord.”

Le Duc Tho: Right.

Dr. Kissinger: That is what you want. What I would propose is “to set up a structure called a National Council of National Reconciliation and Concord.”

Le Duc Tho: We would like to call it “administrative structure.”

Dr. Kissinger: Administrative structure.

Le Duc Tho: Called Supreme Council of Reconciliation and Concord.

Dr. Kissinger: “Supreme” we cannot accept.

Le Duc Tho: We delete the word “Supreme.”

Dr. Kissinger: We just say then “administrative structure called the National Council of National Reconciliation and Concord.”

Mr. Phuong: It is different between government and administrative structure. The name we accept—the National Council of National Reconciliation and Concord.

Dr. Kissinger: Let me think about the word “administrative.” I accept the word “structure,” to set up a structure. I will think about the word “administrative” for a bit. Now then we add a sentence saying “The Council will operate on the principle of unanimity.”

Le Duc Tho: Agreed. Then you should keep “administrative structure.” It is little meaning only but because the name is called National Council of National Reconciliation and Concord, it will not be called National Administration, no, it is “administrative structure.”

Dr. Kissinger: Let us see how the text of the paragraph will read when we are finished with it. I am disposed to try to find it possible. So we have “The Council shall operate on the principle of unanimity.” That is agreed.

Le Duc Tho: Agreed.

Dr. Kissinger: Now what is your next sentence?

Le Duc Tho: You put in your proposal “the two South Vietnamese parties will consult on the formation of subordinate bodies.” We propose that “the two South Vietnamese will set up councils of national reconciliation and concord at all levels after the National Council of

National Reconciliation and Concord assumes its functions." After the formation of the National Council of National Reconciliation and Concord, the councils at various levels will be formed. It is for logic; for the purpose of implementing national concord and reconciliation. Last time you already said that the central body can have its structure down to its provincial level. We propose to the village level, because in South Vietnam you have even at the level of village, the lowest, in a village there are many hamlets, and there are hamlets belonging to one side and hamlets belonging to the other side. Therefore, the national reconciliation cannot be implemented between the two sides without the local body. At this level then there is a conflict between the two sides.

Dr. Kissinger: That may or may not be true. My problem is what we should say in this document. We cannot ourselves say at what level these councils should operate; I think that the Vietnamese parties together with the Council can decide at what levels it should operate.

Le Duc Tho: We propose this now: "the formation of the Council of National Reconciliation and Concord at all levels will be carried out after the National Council of National Reconciliation and Concord assumes its functions agreed upon by the PRG and the Saigon Administration." So there is no harm in recording this way.

Dr. Kissinger: Can you say it again?

Le Duc Tho: "The formation of the Councils of National Reconciliation and Concord at various levels will be carried out after the National Council of National Reconciliation and Concord assumes its function with the agreement of the two South Vietnamese parties." So, in agreement by the two South Vietnamese parties, this way of formulation will have no harm because they will agree on it.

Dr. Kissinger: I would never suspect the Special Adviser of wanting to do harm with a formulation. [Laughter]

Le Duc Tho: So regarding the Vietnamese armed forces in South Vietnam . . .

Dr. Kissinger: No, I am not ready. We haven't agreed on this paragraph yet. [The chef, Mr. Can, serves tea.] He is already practicing concord and reconciliation—international concord and reconciliation. [Laughter]

I propose the following sentence, which is as far as we can go: "After the National Council of Reconciliation and Concord has assumed its functions, the two South Vietnamese parties will consult about the formation of councils at lower levels."

Also I think I can accept the word "Administrative" before "structure," to show my good will.

Le Duc Tho: What about the general elections?

Dr. Kissinger: Have we agreed then on this sentence? I will agree to the “general elections” too. I want to make one concession every five minutes. I want to go through sentence by sentence and I want to make sure Mr. Lord has the document we all agree on.

Le Duc Tho: I agree with your proposal, “After the formation of the National Council of National Reconciliation and Concord the two South Vietnamese parties will consult on the formation of councils at lower levels.”

Dr. Kissinger: Yes, the South Vietnamese parties. The two South Vietnamese parties.

Le Duc Tho: The two South Vietnamese parties. Yes. I agree to your acceptance as to the “administrative structure.”

Dr. Kissinger: You have just disproved a theory of mine. I have had the theory for 19 of our 20 meetings that if I ever accepted a proposal of the Special Adviser’s, he would reject my acceptance, because he would think there was something wrong with his proposal. [Laughter] But I was wrong, Mr. Special Adviser.

Now we have the general elections in the next paragraph. So I will wait until we come to it. I will certainly agree to mentioning 9(b). But let us say I want to make sure we have this paragraph correct. What do you then have as the next sentence? How do you conclude this paragraph?

Le Duc Tho: “The two South Vietnamese parties shall sign an agreement on the internal matters of South Vietnam as soon as possible and not later than three months after the enforcement of ceasefire.”

Dr. Kissinger: It is fine to move the sentence there. So we agreed with moving the sentence here. We, however, have a slightly different formulation, and the difference is “do their utmost to accomplish this within three months after the ceasefire comes into effect.”

Le Duc Tho: I agree.

Dr. Kissinger: All right. Fine. Let me read the whole paragraph because I want to make absolutely sure we are agreed: “Immediately after the ceasefire, the two South Vietnamese parties shall hold consultation in a spirit of national reconciliation and concord, mutual respect and mutual non-elimination to set up an administrative structure called a National Council of National Reconciliation and Concord of three equal segments. The Council shall operate on the principle of unanimity. After the National Council of Reconciliation and Concord has assumed its functions, the two South Vietnamese parties will consult about the formation of councils at lower levels. The South Vietnamese parties shall sign an agreement on this and other internal matters of South Vietnam as soon as possible and do their utmost to accomplish this within three months after the ceasefire comes into effect.”

Le Duc Tho: We still need in the sentence “in the spirit of national reconciliation and concord and equality and mutual respect.”

Dr. Kissinger: Well, I think that “non-elimination” really implies equality.

Le Duc Tho: Previously you have mentioned about equality between the segments, so we should put it here. Equality in the armed forces of South Vietnam.

Dr. Kissinger: I must tell you candidly. Our problem is that I do not believe we can convince Saigon to put in this word. We are already having unbelievable difficulty about three equal segments. In fact, I am sure they will reject this too, but we will have to use some very strong arguments.

Le Duc Tho: For the South Vietnamese armed forces I have agreed to “equal and mutual respect.”

Dr. Kissinger: I tell you quite honestly I have done this without any authority. I can perhaps sell it there in the context of armed forces, but if I put it in here it will be impossible. I have no authority to do this. I have done this on my own responsibility.

The fact that I have agreed to national councils will be a very shocking thing for Saigon. If on top of it in the same sentence I agree to “equal” and since they cling to words the same way their neighbors do in the North, I tell you candidly, it is better to save “equality” for the next paragraph.

Le Duc Tho: So I agree to delete the word “equality” here. But “the two South Vietnamese parties” shall sign an agreement, and not “the parties.”

Dr. Kissinger: The two South Vietnamese parties. He’s absolutely right.

Le Duc Tho: Point (h).

Dr. Kissinger: The Special Adviser is getting very impatient. Can we finish (g) next? (g) that is your old (f). I propose instead of “oversee” we say “shall promote.”

[Mr. Phuung reads meaning of “promote” from dictionary to Le Duc Tho.]

Le Duc Tho: I propose “to promote and to supervise.”

Dr. Kissinger: No, it is the word “supervise” that I am trying to avoid, because in English that is a bad word. “Encourage.”

Le Duc Tho: I agree “to promote,” “to promote the two parties.”

Dr. Kissinger: “And ensuring of democratic liberties.” Then the Council will organize—what would you like to say? “General elections”? or you want to say “free and democratic elections as provided by Article 9(b)”?

Le Duc Tho: Right. "General elections" as mentioned in 9(b).

Dr. Kissinger: Yes, but 9(b) doesn't mention "general elections." It mentions "free and democratic." Oh, you have "general." We don't.

Le Duc Tho: We should put "general elections" and you have agreed to 9(b) too.

Dr. Kissinger: Yes, but we have a different version. We have "free and democratic." We do not have "general elections."

Le Duc Tho: I propose to add the word "free and democratic general elections." General means nationwide. It is different from local elections, general elections or South Vietnam elections. We understand this way. When you call general election, it is election to elect a national assembly or in your country, the election of the President there is general election, but the election organized in a locality we call elections or local elections.

Dr. Kissinger: Well, we will accept "free and democratic general elections" with the understanding that "general" doesn't determine the office but the area it covers. In other words it is a national election, maybe for the President, maybe for the assembly, to be determined later.

Le Duc Tho: Right. We do not mention to elect what body or whom. We mention here general elections.

Dr. Kissinger: So I accept general in the sense of nationwide, for an office not specified.

Le Duc Tho: Agreed. And about local elections.

Dr. Kissinger: Well, now let me finish first. "The Council will organize free and democratic general elections and decide the procedures and modalities of these elections." And "will organize the free and general elections provided for in Article 9(b)." In that case I would like to make one change in 9(b). Instead of saying "the political system" which in English has a very heavy sound, I would like to say "shall decide themselves the political future of South Vietnam." It is less—well, you don't mind doctrine but in English it has a very heavy sound. There is no other way.

(Repeats again the whole sentence.) "The South Vietnamese people shall themselves decide the political future of South Vietnam," and I will then agree to put in the word "general."

Le Duc Tho: "Political system" is more accurate, and "political future" is very vague.

Dr. Kissinger: But it includes the possibility of a system. I should have paid attention to it earlier.

Le Duc Tho: Usually when there are general elections then they will not elect a future, but they elect a body.

Dr. Kissinger: I think "future" includes "system."

Le Duc Tho: But in our language if we say "general elections," then it will lead to a political system and not lead to a political future.

Dr. Kissinger: Why is that? Now maybe you give a meaning to "general elections" that I do not give. "General election" means only that it is a nationwide election. It can be for President; it can be for an assembly; it can be a referendum between the two parties; it can be either one of those three or anything else the two parties can think of. It can lead to a change of system; it can lead to a confirmation of the system; it can lead to an adaptation of the system.

Le Duc Tho: I agree to "future." Many concessions.

Dr. Kissinger: Anytime that the Minister gives advice I know I have just made a mistake and will regret it. I haven't told Ambassador Porter yet that you won't be there tomorrow. I don't want to upset him all day.

All right. "And the procedures and modalities of these elections."

Le Duc Tho: What about the local elections? Even under the Thieu regime they have local elections.

Dr. Kissinger: Let me try something for a minute. [Confers with staff] Let me try this sentence, Mr. Special Adviser. You see we operate here by consultation and on the principle of unanimity, but if there are difficulties we settle them by democratic centralism!

Le Duc Tho: You use very much the words "consultation and unanimity," so when in diplomatic negotiations you frequently use the words "consultation and unanimity."

Dr. Kissinger: "The National Council will also decide the procedures and modalities of such local elections as the two South Vietnamese parties may agree upon."

Le Duc Tho: We agree.

Dr. Kissinger: All right, I accept the Special Adviser's acceptance of my proposal. [Laughter] All right. Our (h), your (g).

Le Duc Tho: (h) "The two South Vietnamese parties will agree on the question of reducing their respective effectives, or military effectives, and demobilize the number of the troops reduced from these effectives." [Reads again] And demobilize the troops, the reduced troops. "The two South Vietnamese parties will agree on the question of the reduction of their respective military strength and on the demobilization of the reduced troops."

Dr. Kissinger: Let me . . . I told the Special Adviser that in the Soviet Union I would always turn my papers over because I was told there was a camera in the ceiling.

Le Duc Tho: [Pointing upward] We have many cameras overhead.

Dr. Kissinger: I have noticed that whenever I say something the Special Adviser doesn't like, one of these lights blink.

Let me ask the Special Adviser whether my understanding of some of his earlier remarks was correct. I understand that the Special Adviser offered this sentence yesterday in order to solve the problem of various types of forces in the South and to permit a possibility of reductions being made on the principle of equality.

Le Duc Tho: We raised this question about how the Vietnamese armed forces in South Vietnam. They will reduce their effectives and they will demobilize those reduced troops in agreement by the South Vietnamese parties; and how to carry out this principle they will discuss later.

Dr. Kissinger: Let me propose this sentence: "Among the questions to be discussed by the two South Vietnamese parties are steps to reduce the military numbers on both sides and to demobilize the troops being reduced."

Le Duc Tho: All right.

Dr. Kissinger: Good.

Le Duc Tho: We have completed this article.

Dr. Kissinger: And "with a view to lessening the contributions of the people" is not really necessary since we are talking about reductions in the next sentence. I propose to end with: "In accordance with the postwar situation," and then add the sentence.

Le Duc Tho: All right.

Dr. Kissinger: Could we take just a very brief break. I want to consult with my colleagues to see where we stand now.

Le Duc Tho: Consultation and unanimity and democratic centralism. [Laughter]

Dr. Kissinger: Did you invite me to speak at the Leninist Institute in Hanoi?

[There was a brief break from 6:35–6:47 p.m.]

[Omitted here is discussion of prisoners held by South Vietnam; the Government of Vietnam not joining a political alliance; the relationships among the Two Party Commission, the Four Party Commission, and the International Commission of Control and Supervision; the status of the negotiations and a meeting of experts to draft texts of the agreement in English and Vietnamese; and Kissinger's travel schedule after agreement was reached. Also omitted is additional brief discussion of the question of Laos and Cambodia, Kissinger and Le Duc Tho's authority to make decisions, and economic assistance.]

Dr. Kissinger: All right, let us discuss another chapter.

Le Duc Tho: Regarding Chapter VIII, we have no big change to make, no comment, but we would like to change only one word. "The

Government of the United States of America accepts to contribute to the program of postwar reconstruction and economic development and of healing the war wounds through the Democratic Republic of Vietnam and throughout Indochina.” [Tho hands Dr. Kissinger the statement]⁷ Do you agree to Chapter VIII? Because this is with the Democratic Republic of Vietnam and the United States, therefore I put the Democratic Republic of Vietnam first.

Dr. Kissinger: One problem we have, Mr. Special Adviser, is that you always seem to work from your text and we always have a different text and I am very worried what will happen tomorrow if our experts get together.

Le Duc Tho: We reverse the order of the names. Because of the chapter dealing with this relationship between the Democratic Republic of Vietnam and the United States of America, therefore I would like to put “the Democratic Republic of Vietnam and throughout Indochina.”

Dr. Kissinger: That I understand, but instead you read your whole article to me so I am sure we are talking about the whole thing.

Le Duc Tho: “The U.S. expects this agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam and with all the peoples of Indochina. In pursuance of its traditional policy, the United States will agree to contribute to healing the wounds of war . . .”

Dr. Kissinger: And you want to add what, “and to postwar reconstruction”?

Mr. Phuong: Yes.

Dr. Kissinger: Read the whole thing to me. The second sentence. The first is all right. Is it the Special Adviser’s proposal? I just want him to read what you propose.

Interpreter: “It is the traditional policy of the United States that the United States will contribute to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina.” This order.

Dr. Kissinger: I accept it.

Le Duc Tho: Now there are a number of problems left. Now I realize that there are four or five problems left. The biggest problem is the return of captured people. I shall address this problem last.

Dr. Kissinger: And we still have the Laos and Cambodia problem to discuss briefly.

Le Duc Tho: We have nothing to discuss about Laos and Cambodia. I have given you my view.

⁷ Le’s statement is not attached.

Dr. Kissinger: We can do one of two things. We can either try to do the other points or we can take a break for ten minutes and let me consult with my colleagues to make sure I understand all the implications correctly, and I can give you an answer immediately. What do you prefer?

Le Duc Tho: Let us discuss other questions. We will discuss this question later. There are still four military questions left. Regarding then Article 3, the paragraph on "All hostile acts, terrorism, reprisals by both sides and encroachment on the lives and property of the people shall be prohibited." We accept now deletion of the phrase "to end all encroachment on the lives and property of the people." We accept it. You have requested the deletion.

Dr. Kissinger: Yes, I agree. I appreciate the spirit.

Le Duc Tho: Another point, we put forward this amendment.

Article 3, the paragraph, the preceding paragraph on "all combat and reconnaissance activities on the ground, in the air and on the sea." Now we propose "all military activities on the ground, in the air and on the sea shall be prohibited." So now we delete the word "combat and reconnaissance." We replace them by "military activities."

Dr. Kissinger: As long as you understand that as long as we are in South Vietnam we will engage in flying over South Vietnam. Does that mean that ships cannot go to sea and airplanes can't fly?

Le Duc Tho: On the previous paragraph you have accepted this morning to stop all military activities on the ground, in the air and on the sea.

Dr. Kissinger: I will have tremendous difficulty with even that when I get back to Washington, I assure you, because it means we cannot fly over North Vietnam. But that is quite different because that is something we can do. That we will do. But in this paragraph it means we can't fly over South Vietnam or have ships go that way across to port in South Vietnam; that means no one can fly a plane over South Vietnam and no ships can move in the seas of South Vietnam. If you want to say "combat actions." It is quite different with the Democratic Republic of Vietnam because the territory is geographically separable.

Le Duc Tho: Moreover the war is ended and you have no right to fly over our airspace in the Democratic Republic of Vietnam.

Dr. Kissinger: That is right and that is why I accept it. I accept it with regard to the Democratic Republic of Vietnam. I don't change the view with respect to the Democratic Republic of Vietnam. I maintain the previous paragraph. I don't withdraw this.

Le Duc Tho: Now we can drop the question. Either you can put "all combat activities on the ground, in the air and on the sea are prohi-

bited” or “all acts of force on the ground, in the air and on the sea is prohibited.”

Dr. Kissinger: Thank you.

Le Duc Tho: Now, regarding the advisers on pacification. We insist on putting this word because actually there are advisers on pacification.

Dr. Kissinger: Yes, but we are willing to define the pacification to which you object, if we agree with it. To us “pacification” has a different meaning than it does to you. We are, therefore, willing to specify “advisers to paramilitary organizations, police forces” and so forth, but we are not prepared to lump all pacification advisers, which to us has an economic function, in our technical language.

Le Duc Tho: What you call economic advisers are actually military advisers. I didn’t mention about the economic advisers.

Dr. Kissinger: Yes, but if you say advisers on pacification that, to us, is an economic word. I know to you it means something else. This is why I was prepared to specify paramilitary organizations, police, and if you want, psychological warfare, but pacification advisers are part of our economic program.

Le Duc Tho: But so far as we know in pacification operations there were American military advisers going with them.

Dr. Kissinger: That is probably true, but all military advisers regardless of their work will be withdrawn.

Le Duc Tho: So I call it military advisers for pacification.

Dr. Kissinger: Well, it is redundant because all military advisers will be withdrawn for everything.

Le Duc Tho: If we say as you say, then there would be no need to mention advisers for paramilitary.

Dr. Kissinger: No, because we are prepared to withdraw even civilian advisers to paramilitary organizations and to the police.

Le Duc Tho: So I leave now aside the economic advisers. I don’t mention about them, but here, since actually you have military advisers or advisers on military pacification. In this agreement I have tried my best to choose every word to make easy for you.

Dr. Kissinger: Read to me exactly what your sentence says.

Mr. Phuong: “From the time of the signing of this agreement, shall completely withdraw from South Vietnam.”

Dr. Kissinger: Oh, we are back to your text. You see the trouble is your English is so bad that we are always rewriting it, thus I have not and we will not have an accurate text.

Mr. Phuong: Reading: “From the date of the signing of this agreement shall be completely withdrawn from South Vietnam all troops, all

military personnel of the United States and those of the other foreign countries allied to the United States and to the Republic of Vietnam including military advisers, technical military personnel, advisers for paramilitary organizations," we add "advisers for pacification work and advisers for the police and all other civilian personnel serving in all military branches, all armaments, munitions, war matériel and radar installation. This withdrawal shall be complete within 60 days."

Dr. Kissinger: I will accept mentioning pacification, but let me put it into an English that can be understood by Americans. We will then read it to you and see if it sounds the same in Vietnamese. It is no reflection on your excellent interpreter, because he is translating it word for word correctly, and I want to formulate sentences which are more in the English grammar. He is really an outstanding interpreter.

Mr. Phuong: But not as good in English.

Dr. Kissinger: But your Vietnamese is much better than mine! It is a grammatical question, not a substantive question. We have a lot of substantive questions but this is grammatical. Let me read you this sentence: "The total withdrawal from South Vietnam of troops, military advisers and military personnel including technical military personnel and paramilitary advisers associated with pacification programs, armaments and matériel . . ."

Le Duc Tho: You agree also to "civilian personnel serving in military branches of the Government of the Republic of Vietnam"?

Dr. Kissinger: Whom are you thinking of here?

Le Duc Tho: That is logistic and so on. Civilian personnel serving in military branches. This morning you have agreed to that.

Dr. Kissinger: And serving in the military branches of whom? Of the Republic of Vietnam?

Le Duc Tho: American civilian personnel serving in military branches.

Dr. Kissinger: Of who?

Le Duc Tho: Of South Vietnam and of the United States. You have agreed to this this morning.

Dr. Kissinger: Not that I remember.

Le Duc Tho: So you have put it "from the date of the signing of the agreement" long after the beginning of the sentence of the paragraph; "from the date of the signing of the agreement" at the beginning of the paragraph.

Dr. Kissinger: I see what you mean. We will put "within 60 days" early in the sentence. We can say "within 60 days of the signing of this agreement the United States and those foreign countries allied to the United States shall totally withdraw from South Vietnam." And then list all the categories.

Le Duc Tho: Civilian personnel serving in military branches of the Republic of Vietnam. You have no mention of it.

Dr. Kissinger: We just don't know to whom you refer. I don't think there are any civilians serving in the military branches of South Vietnam.

Le Duc Tho: This morning you agreed to this sentence.

Dr. Kissinger: No, I didn't agree to it. I may have asked you what it meant. You know you read something and I just asked what it meant.

Le Duc Tho: I shall give you a more specific indication.

Dr. Kissinger: I just have no knowledge of any American civilians serving with the military branches of South Vietnam. And this gives a very misleading impression to our people.

Le Duc Tho: I shall tell you about this later, but just like you said that there are no American advisers in pacification work.

Dr. Kissinger: No, I said there were advisers in pacification work but I said it has a different meaning, but once I understood what you meant I agreed to a proper terminology for it. It is senseless when we totally withdraw to try to hide a few people in South Vietnam. This will hardly determine the future. But on the other hand, if we make an undertaking we want to know how to keep it. All the other materials I understand and we will withdraw them.

Le Duc Tho: I shall list them. Now regarding the time period for the troop withdrawal, the 60-day period. You said that after 60 days there might be a few remaining . . .

Dr. Kissinger: It won't happen.

Le Duc Tho: I would ask for clarification on that point.

Dr. Kissinger: What I said was—you were willing to agree on 66 days.

Le Duc Tho: But if you want six days more, I am not so . . .

Dr. Kissinger: No, I think it's ridiculous, but it could happen that for some technical reason, some very small unit has at the last minute to stay two or three days longer. I do not see it, but it might be just a minimal unit that would have to stay three or four days. And actually in the United States case I do not believe it will be a problem. I know it will not be a problem. And if it should be, I am certain it will be handled with mutual understanding. In the Korean case, fine. We will have to look into the shipping situation. We are almost certain it can be handled, but we can let you know within a week or two and again it will not be a big matter.

Le Duc Tho: I find it difficult to understand. You give us a specific undertaking here that all United States and other foreign troops shall be withdrawn within 60 days but now you mention about Korean

troops and you mention shipping and say “I give you answer in a few weeks’ time.”

Dr. Kissinger: Mr. Special Adviser, do you really think, after such a big undertaking, that we would sign an agreement with you and then want to play games with you to keep a few there for a few days more? Does it make any sense that we would stop all military activities? I want to be honest. I think it is 98 percent certain that we can get all our forces out. Only in order to be absolutely honest with you, I wanted to leave a little margin for technical error. It would not be more than ten days; I don’t think it will arise at all. I just wanted to tell you in a spirit of frankness that when you move 50,000 people in two months, there may be some logistic difficulties.

Le Duc Tho: When you sent the troops in, in 60 days you could send a much bigger number of troops in. But please now give us a very specific number of days. Like 65 days for instance, if you propose it, we could agree.

Dr. Kissinger: I think it is ridiculous. If we say 60 days, it will be done in 60 days.

Le Duc Tho: You said that it is 98% sure that they would be out, but there might be 2,000 more, but I say let your proposal be 65 days.

Dr. Kissinger: No, it won’t make any difference. I wanted to make a generous gesture and say 60 days, and then tell you if we came across an unexpected difficulty—which I don’t expect—I wanted to tell you in a spirit of frankness. I shouldn’t have even mentioned it.

Mr. Special Adviser, let us leave this subject. When I come to Hanoi I will have looked into the question in Washington. If it should turn out that we need 62 and one-half days or 65 days, I will tell you then. It was your proposal. I was trying to leave a tiny margin for a gentleman’s agreement; I can see we are not at that level yet. If it should turn out that we need 65 days I will tell you when I come to Hanoi and we can change it then.

Le Duc Tho: I shall let you correct the agreement in Hanoi.

Dr. Kissinger: You will see I will not change it and you will also see that I have every interest to make sure that an agreement we both sign is one I can keep, and you will have every reason to feel was a just agreement for you too.

Le Duc Tho: Now let us tackle another point. The question of replacement of arms. This point still contains difficulty between us. Let us propose the following to settle this question: “After the cessation of hostilities, the replacement of armaments will be agreed upon by the two parties. Particularly or especially with regard to weapons for inventory, the two parties will be permitted to replace them on the basis of one piece-to-piece.” So I have taken into account your view.

Dr. Kissinger: No, but it is dependent now on agreement.

Le Duc Tho: But for the armaments of the inventory the parties shall be permitted to replace them on the basis of piece-to-piece. It is to limit the dangers of starting war.

Dr. Kissinger: Can you read that to me again?

Interpreter: "After the cessation of hostilities, the replacement of all kinds of armaments, of weapons will be agreed upon by the two parties. Especially regarding the armaments for the inventory, the two parties shall be permitted to replace them on the basis of piece-to-piece."

Dr. Kissinger: I cannot go much beyond what I have given you. Because we already confront a situation where we will be charged with having no restrictions on the imports of weapons into North Vietnam, no control except your statements on the influx of weapons into Cambodia and Laos, and then on top of it we cut off even replacement of weapons to South Vietnam. It will become an impossible assignment.

The only change that I can make to what I have given you is to add the phrase "and of similar characteristics," so that you will be sure there will be no upgrading.

Le Duc Tho: Please explain "of the same characteristics." What do you mean by that?

Dr. Kissinger: That means you can't replace a rifle with an artillery piece. I mean you can replace a rifle with a rifle.

Le Duc Tho: On this question we are still far apart. On the military questions this is one outstanding question, because you will be able to introduce into South Vietnam any amount of weapons.

Dr. Kissinger: Only by getting rid of other weapons. For every weapon that is introduced, a weapon has to be thrown out. There can be no reinforcements.

Le Duc Tho: So we have not come to agreement on that point. Set it aside then. There is another question, the greatest outstanding question, of the prisoners. I have misunderstood Mr. Special Adviser. I thought that you would add a sentence about the release of civilians captured in South Vietnam, and I did not know that you mentioned here that the release will be carried out on agreement by the parties.

Dr. Kissinger: What did the Special Adviser think I would say?

Le Duc Tho: I thought that you would put that after the cessation of the war, then captured and detained people of all parties shall be released. And the title of the chapter is written "The Return of Prisoners of War and the Return of Captured and Detained People of the Parties."

Dr. Kissinger: Ours is written differently. That is what we have to decide. But I understand your point.

Le Duc Tho: So we are still far apart in this problem and it is one of our major difficulties.

Dr. Kissinger: It is a point I understand. I have no solution. No solution has occurred to me but I recognize it as a severe problem.

Le Duc Tho: Imagine, Mr. Special Adviser, that the war has lasted so long, that the Saigon Administration has captured tens of thousands of civilians and now the war is ended and those people are not released. It is a very big problem. We have signed agreements twice in 1954 and 1962; we have never met such an obstacle as you raise this time. It is a problem that it is difficult to come to an agreement on that question. We would like to find some formulation, some way of writing this provision.

Dr. Kissinger: So would we.

Le Duc Tho: You see, in the whole agreement there are many points which are difficult, but we have found the way to get out. We can say that for this agreement since we began working this morning, we have agreed on almost all.

Dr. Kissinger: I agree.

Le Duc Tho: Now it's the biggest question remaining. So if we can't settle this question now, I propose the following: When you go to Saigon you have full authority to settle this problem. You say that you will have difficulty in Saigon, but I believe it is not true. [Laughter on U.S. side.] This question implies many aspects: political aspects, human conscience. But if we can't settle this question now, then lay it aside.

Dr. Kissinger: Let me say, Mr. Special Adviser, I think you have exaggerated ideas of the degree of my authority. I will have enormous difficulty in Washington already, with the agreement as it stands. For many reasons, which I will some time explain to you when it isn't so late and I can explain to you the operation of the governmental machinery, everybody who was excluded from the negotiations now has a vested interest in demonstrating that I betrayed the country. They have not had the privilege of working with you, but they think that you are easier to persuade than you are. But this is my problem; I will handle it.

Le Duc Tho: I think if now you succeed in settling the Vietnam war, and if there were an American who called you a traitor, then this American is unworthy to be an American.

Dr. Kissinger: Well, we will see. It is my problem and I will handle it. But above all, and whatever the situation in Washington, we will have an unbelievably difficult time in Saigon next week. We should not underestimate this, and it is in all our interests that we do not repeat the experience of 1968. And from a political point of view it is very risky for us to have a confrontation at this moment. But I think the Special Adviser's proposal is reasonable. I shall make a big effort in Saigon. I shall

report frankly to you what I think is possible, and then we shall see whether we want to proceed. But I understand your problem.

While we are talking about this, incidentally, may I say that when the Special Adviser leaves here there is already . . . I have been away from Washington so long with so little information, and I have never been away from Washington at the same time that my Deputy was away, so if the Special Adviser leaves for Hanoi as he said he might, tomorrow, there will be even more speculation. We must avoid two opposite dangers. The one danger is that the impression is created that we have already concluded an agreement. Because we want to arrive in Saigon without prior notification of this agreement, so it is very important that we keep the secrecy and that no comments be made to anybody, and that if you inform your allies they understand the need for secrecy.

The other danger is to leave the impression that our negotiations have totally failed. And perhaps if the Special Adviser would permit me to make a suggestion to him on his very skillful handling of the press. If when he leaves he could indicate that he expects to return here soon to resume negotiations, it would be helpful.

Now we have still . . . I don't know what the Special Adviser recommends on how we should proceed.

Le Duc Tho: Let me make the following proposal. I only see we have a very long distance between you and me. If we review all the problems we have raised, there are two problems left now; the question of replacement of arms and the question of prisoners.

Dr. Kissinger: No, three. I have to say something yet on Laos and Cambodia, and we have some technical questions on the control chapter. Should I raise those now?

Le Duc Tho: Please.

Dr. Kissinger: They are not issues of enormous principle.

Le Duc Tho: Then we let that to the experts.

Dr. Kissinger: But I can make very concrete suggestions and they are not too difficult for you.

First, I am not sure I understood you, Mr. Special Adviser. At one point you said that the four-party Joint Commission should end its activities at a certain point. Where do you want to write that into the agreement?

Le Duc Tho: I shall take note of your question and I shall answer you later. It is not a difficult question.

Dr. Kissinger: May I suggest the following: First of all, did I understand you correctly? If we could agree on the following in Article 13(b) for example: "Until the international guarantee conference can make definitive arrangements, the International Commission of Control and

Supervision”—instead of saying “shall be responsible,” say “will report to the four parties.” This would make a very great difference in our presentation. It is really the only issue of principle I have to raise. That, of course, would come also in 13(c), the same sentence with respect to the two parties.

Le Duc Tho: Previously you have proposed the words “to be responsible to.” Now you change it.

Dr. Kissinger: Yes, I tell you what the problem is. On every other section of the agreement I will be able to override the critics because I will be recognized as having some competence. But in this section it will be ridiculous to say that the International Commission will be responsible to the people whom it is supervising. Therefore, I would like the international conference to decide to whom it is responsible. I have no doubt that you will defend your position and with your usual tenacity. One of my colleagues can have the pleasure of debating these constitutional problems with the Minister. This is a neutral formulation which commits neither side. You will defend your position. You will certainly be supported by some of your allies at this Conference and you will not be in an isolated position. Until then they will make their reports to the parties. In practice, as the Minister knows, “to be responsible to” means making a report to somebody. That is what the Lao Commission does and what the ICC Commission does.

Le Duc Tho: I agree that the Commission shall report to the parties. You see I can agree very quickly!

Dr. Kissinger: When it makes no difference! You will make my reputation in Washington.

Le Duc Tho: But all of my requirements are big requirements, but you have also.

[Omitted here is further discussion of the International Commission on Control and Supervision, prisoners held by South Vietnam, and Laos and Cambodia.]

[Le Duc Tho:] Now there are only two questions left, the question of captured people and the question of replacement of armaments. We have done our best with you to achieve agreement. Now I think that we should deal with other chapters completely. As to these two questions: On replacement of weapons, we have agreed in principle but as to the formulation we differ. But the most difficult question is the question of captured and detained people. Now let us achieve agreement by our experts. So according to you, you will return to Washington and you will come back to Paris, so you will think over and I will do the same and we shall both achieve the agreement.

Dr. Kissinger: We shall both meet. I shall meet the Special Advisor again?

Le Duc Tho: As to your new schedule we shall have to exchange views with our leaders in Hanoi. I shall give you an answer later.

Dr. Kissinger: Yes, but I didn't give you a new schedule yet.

Le Duc Tho: Let us now discuss the schedule then if you have one.

Dr. Kissinger: Well, it depends. I could come here again and meet either with you or with the Minister and make one final check of the agreement, to make sure we understand each other. I could do that on Monday.⁸ I need at least three days in Washington, because I must make preparations on the economic question, I must get the legal questions looked at . . .

Now I have two alternative approaches. If I do not come back here, then I will leave Washington Monday morning and arrive in Saigon the evening of the 17th. Then I must take three days in Saigon, spend there the 18th, 19th and 20th, then I would go to Hanoi the morning of the 21st and leave the morning of the 23rd. We would announce the agreement the morning of the 26th, your time. And we would sign it either the 29th or 30th depending on schedules. Maybe the 30th, because the 29th is a Sunday and we don't want to deprive your Minister of attendance at church. [Thuy laughs.] So let us say the 30th would be the signature. The announcement would be on the 26th.

This is if we could settle everything tonight. What I intend to do on the prisoners is to see whether I can persuade Saigon to make a gesture when the agreement is announced and to give your leaders then assurance that we will continue to use our influence. This is the way my mind is thinking now. This is one possibility.

The other possibility is that we meet here on the 16th or 17th—the 17th. I cannot really leave Washington before the 16th. Then I would go from here to Saigon. That would get me to Saigon the evening of the 18th, then I would be in Saigon the 19th, 20th and 21st. In Hanoi the 22nd and 23rd. I would return to America on the 24th. The announcement would then be the morning of the 27th, your time. Everything is one day later that way. Announcement would be the morning of the 27th, your time and the signing could still be on the 30th or 31st.

So we can do it either way. It might be a little better if we could meet here on the 17th, Tuesday, next Tuesday. Those are the two possibilities. It is a little better, I think, if we meet again. Or if the Special Adviser wants to return to Hanoi, it would be a pleasure to meet with the Minister, but he never yields anything. [laughter] It is just that if there are last minute difficulties and if there is any problem tomorrow between the experts, or if our bureaucracy have any suggestions—not of a principle nature, but of words—we might perhaps get it done here.

⁸ October 16.

My colleagues wondered whether you are going to make Cora Weiss come to get me!

Le Duc Tho: Have you finished?

Dr. Kissinger: Yes.

Le Duc Tho: We have both made an effort to achieve the settlement in the main questions. But there are two questions left, particularly the question of captured people. It is a big question as you have realized. So imagine that when the agreement is signed it is announced that 60 days after the signing all captured people will be released, including American servicemen captured during the war. Think that when all captured people including Americans captured during the war are released, tens of thousands of our people are still in jail. It is a real difficulty for us, politically speaking and sentimentally speaking. The war has lasted decades and so the people have been in jail for 10 years or more, and they are looking for peace to be released. But now peace is restored and they are still in jail, and all parties will announce that within 60 days of the signing of the agreement then all foreign troops will be withdrawn, all captured people will be released.

We are prepared to abide by this time schedule and to respect what we have signed. But in that time innumerable people of ours are still in jail. It is something utterly unfair. It is a real fact. Please pay great attention to this question. We wanted to settle all the problems I have raised to you. There are many which are very difficult but we have settled them. We have made effort. Tonight I have made every possible effort to settle the problems. But there is one problem—sentiment. I have not solved it. This is a fact.

Dr. Kissinger: I understand.

Le Duc Tho: But I believe that you will make an effort on this.

Dr. Kissinger: I will make a major effort.

Le Duc Tho: We shall make our effort too. We want to receive you in Hanoi to settle the problem, and no doubt we will settle the problem. Now there are a few problems left. I think that it is good if you return on the 17th, the sooner the better.

Dr. Kissinger: I will make a decision when I come to Washington how quickly I can return. I can definitely promise the 17th. But I think the best way to get an answer on the prisoners, quite honestly, is in Saigon, and if I raise the issue by telegram it will make the presentation of the agreement much more difficult since I will not be able to explain the circumstances of the agreement. So I will not be able to give you a definitive answer on the 17th, but I will make inquiries and we will have a better estimate.

Le Duc Tho: So if you have arranged to return here on the 17th, it is all right.

Dr. Kissinger: Will you be here, or whom shall I meet?

Le Duc Tho: Let me explain. According to the schedule you have presented here, I will return to Hanoi in a few days to arrange your trip to Hanoi. In the meantime you will meet Minister Xuan Thuy to settle the outstanding questions and to arrange the text.

Dr. Kissinger: Right.

Le Duc Tho: And afterward you go to Saigon. So we will receive you in Hanoi on the 22nd.

Dr. Kissinger: There is a very important football game in Washington on that day and we cannot bring Mr. Lord because he will not miss that game. Can we also get some technical answers about what airplane we can take?

Le Duc Tho: I shall do everything.

Dr. Kissinger: Thank you.

Le Duc Tho: So you will be in Hanoi on the 22nd. Let me repeat the schedule to see whether I have well understood. On the 17th you will meet Minister Xuan Thuy in Paris.

Dr. Kissinger: Right.

Le Duc Tho: You will come to Hanoi on the 22nd and you will leave Hanoi on the 24th. Announcement of the agreement already initiated by the two parties the morning of the 27th.

Dr. Kissinger: Your time, the morning of the 27th. Evening of the 26th our time.

Le Duc Tho: Sign on the 30th or 31st.

Dr. Kissinger: I will give you on the 17th the definite date, or I shall let you know before then through the liaison officer. Probably the 30th, but whichever you prefer.

Le Duc Tho: According to me, if you can return to Paris sooner then it would be more convenient to me and to our leaders in Hanoi.

Dr. Kissinger: I cannot possibly return before Monday. That is out of the question. I will not know until I get to Washington to see what I face. It is very unlikely. We face a massive job in Washington.

Le Duc Tho: So if you cannot come to Paris earlier then, we shall arrange our schedule or time. So please keep this schedule.

Dr. Kissinger: We appreciate it. We are grateful. This is a schedule now which I am confident we can keep.

Le Duc Tho: But since you go to Hanoi then you will stop the bombing on what date?

Dr. Kissinger: I am going to Hanoi on the 22nd.

Le Duc Tho: Will you keep the 18th as before?

Dr. Kissinger: No, it will create too much confusion. We will reduce the bombing. You will see. I told you today we will no longer

bomb Hanoi. We have already ordered this today, and we will keep this and we will decrease the number of sorties. It would be best if we stopped north of the 20th parallel the morning of the 21st and everywhere the evening of the 21st. And we will reduce in a way which you will notice in the next week. But it is essential that we do not have too much speculation until we have been in Saigon.

Le Duc Tho: So now we have set a schedule. Let us firmly keep it. We shall do an effort to keep it.

Dr. Kissinger: We, too.

Le Duc Tho: We shall rearrange our program of work. This should not be upset by change.

Dr. Kissinger: Thank you.

Le Duc Tho: Because your reception will be a whole thing to organize but it is very hard, very tiring too, if it is upset.

Dr. Kissinger: I understand. We will not change.

Le Duc Tho: And it is also very hard for me to return. Now let me say about the agreement. Let us complete the text on the points, on the provisions, we have agreed on. On the two points I have mentioned to you, when you meet Minister Xuan Thuy then I think you should come to an agreement by that time. We shall make an effort. You should make an effort too.

Dr. Kissinger: I don't know whether the Minister, fond as I am of him, is capable of agreeing!

Minister Xuan Thuy: It is easy to draw experience from Avenue Kleber.

Le Duc Tho: So I can say now that except for these two questions we have agreed in the main.

Dr. Kissinger: That is right.

Le Duc Tho: So each one what we have agreed, we should not change it.

Dr. Kissinger: A few words here and there.

Le Duc Tho: Technical words. We will not change it too. We are not like you, always adding everything.

Dr. Kissinger: I like the generosity of spirit.

Le Duc Tho: So we have agreed on the schedule. We are determined to go in this direction.

Dr. Kissinger: I am a little worried about those last two items, Mr. Special Adviser. How shall it be done, with the Minister and I negotiating them? Or what do you suggest?

Le Duc Tho: Minister Xuan Thuy and you will negotiate. Minister Xuan Thuy has full power to do that.

Dr. Kissinger: That is more than I can say for myself.

Le Duc Tho: You have it. You have full power.

Dr. Kissinger: Don't ever say it when the President can hear you.

Le Duc Tho: Now when you come here I will have left Paris already, otherwise I would be present . . .

Dr. Kissinger: I understand.

Le Duc Tho: Now there is another question. The Agreements on the Exercise of South Vietnam People's Right to Self-Determination. When we have time, I myself and you will discuss it.

Dr. Kissinger: All right, we will continue our conversation.

Le Duc Tho: On this basis?

Dr. Kissinger: Yes, on a private basis.

Le Duc Tho: This will be used as a basis for the two South Vietnamese. I have drafted the announcement when you come to Hanoi. I have redrafted it a little: "As agreed upon by the Democratic Republic of Vietnam and the United States, Dr. Kissinger arrives in Hanoi on October 22, 1972 to continue the talks with the Special Adviser Le Duc Tho and to meet with the leaders of the Democratic Republic of Vietnam."

Dr. Kissinger: Could we say "By mutual agreement of the Democratic Republic of Vietnam and the United States of America by mutual agreement." It is the same meaning.

Le Duc Tho: Yes.

Dr. Kissinger: "By mutual agreement between." [Le Duc Tho hands over DRV draft announcement, Tab D. Dr. Kissinger reads it.]⁹ Can we say "Dr. Kissinger, Assistant to the President"?

Le Duc Tho: All right.

Dr. Kissinger: I must tell you I think it will be to all practical purposes impossible to hold the announcement until I am in fact there. We will try to hold it until. Well, we say "has arrived in Hanoi," or "arrived in Hanoi on October 22 to continue talks with Special Adviser Le Duc Tho and to meet other leaders of the Democratic Republic of Vietnam." The rest is fine.

Now when I meet the Minister we will make the usual announcement that I am here and this time to meet Minister Xuan Thuy. On the 17th. Just what we have always done.

Le Duc Tho: Now on the part of the agreement we have agreed to, how we shall proceed?

Dr. Kissinger: Mr. Lord and Mr. Engel will meet with you tomorrow. I propose you don't meet until noon. And can they meet somewhat closer, maybe not out here. They are not so well known!

⁹ Not attached.

Maybe at the meeting place at the previous place. Whom will they meet?

I want to say, in order to avoid confusion, we will retype from our English and you have a copy of it. We will make a most conscientious effort to make sure that everything we have agreed on is incorporated.

Mr. Lord has no authority to negotiate, so if he is difficult this is not a sign of ill will. But he can make verbal adjustments. So if substantive differences remain, we will have to leave them until the 17th. He can bring the differences back, of course. He will leave a copy with you of our text with the right page numbers, with our page numbers. If there are any unexpected technical problems in Washington, I will notify you immediately and let you know what they are, on what page, and why. I do not expect it, but we must be prepared for everything.

Now we have one other matter which I must say. Even though you think I have full power, in our system the President must make the final decision, and he must see the completed text. I do not expect that he will raise any objections and I have often negotiated for him and he has never changed it. If there should be any objections from the President, I will let you know on Friday.¹⁰ He will be out of town tomorrow. I just must say this. You shouldn't be too concerned about it, but I must say it on grounds of propriety. He will almost certainly approve it; I would say certainly.

Le Duc Tho: I can say now that we have achieved one of our most difficult work. We have made very important steps. In fact, the Vietnam war has been the longest, the most difficult and the most expensive war in American history. As far as we are concerned this war is also the biggest war against foreign aggression in our history, and it is also the biggest war against foreign oppression by oppressed peoples in the world. Our negotiations have lasted over four years now. It can be said that these negotiations are the longest negotiations between nations in the world. But we have made great effort, and you too, you have made great effort. And the efforts are the biggest during the last few days. And sometime during the course of the negotiations, our discussions were hot; on many occasions the impression left was that the negotiations might break. But our efforts have been great, and it can be said that our negotiations have brought about basic agreements on many basic questions, although the agreement has not been completed in that there are still two or three questions left. But through our effort, no doubt we will reach our objective of peace.

If peace is restored, I can say that there is a new page turned in the history of the relationship of our peoples, a new page turned from the

¹⁰ October 13.

relationship of hostility to a relationship of friendship; not only for the immediate period but for the long-term. And the day of signing of the settlement and the day of the end of the war will be a day of festivity for our two peoples. You and us can undertake to firmly keep the agreement we have made here. When we achieve the agreement, then we will undertake to honor what we have signed. So that is what I would like to express before I leave for Hanoi in two or three days. And I would like to wish you, and General Haig, and all your colleagues a good trip, a safe trip, to visit our country. It is my wish that your trips will be crowned with good success opening up a new era in the relationship of our two countries.

I shall meet you in Hanoi with General Haig and all your colleagues.

Dr. Kissinger: Mr. Special Adviser, I greatly appreciate your comments. I have personally negotiated on the problem of Vietnam now since 1967 and with the Special Adviser since 1969. We have had very difficult periods, but we have surmounted them, because we have both realized, as our people have realized, that peace is the most important objective to be achieved. As I told you yesterday, our two countries have on several occasions, made an armistice with each other but this time we must make a permanent peace.

But as we move from hostility to friendship, we should remember that there has been a great deal of suffering on both sides and that we owe it to those who have suffered that we not characterize the war in any particular way and that neither of us proclaim victory or defeat.

The real victory for both, of course, will now be the durable relations we can establish with each other. So when my colleagues and I come to Hanoi, we will come to pay our respects to the heroic people of North Vietnam and to begin a new era in our relationships. And we know you will be as dedicated in the pursuit of peace as you have been in the fighting of a war. So my colleagues and I look forward very much to seeing you next week in Hanoi.

[The group gets up from the table.]

Can you let us have the information about which airplane we can use?

Le Duc Tho: For technical points, we shall answer you through Colonel Guay.

Dr. Kissinger: We have handed you a number of unilateral statements of our position in the last few days. We will get them all together and give them to Minister Xuan Thuy on Tuesday. Since it is a statement of our position, you only have to note them, you do not need to make comments.

There is one statement of your position that you said you would give us which you haven't given us, having to do with American prisoners in Laos.

Le Duc Tho: For the documents you have given us, that is satisfactory. We shall send to you an answer through the liaison officer.

[The meeting then ended.]

7. Memorandum From the Chairman of the Joint Chiefs of Staff (Moorer) to Secretary of Defense Laird¹

CM–2241–72

Washington, October 12, 1972.

SUBJ

Objectives of the Linebacker/Pocket Money Campaign (U)

1. This responds to your memorandum of 7 October 1972, which addresses a re-examination of the overall Linebacker/Pocket Money interdiction campaign against North Vietnam.² The responses to your specific questions are contained in the attachment hereto.³

Background:

2. An objective appraisal of the Linebacker/Pocket Money results achieved to date in stopping the flow of logistics into and out of NVN is influenced by the limitations and tactical situation under which air operations have been conducted. The emphasis has changed with time and currently is characterized by several interrelated operations.

a. First, the mining campaign forced a fundamental revision in the basic method by which NVN received supplies. Except for some minor offshore operations near Hon La and Hon Nieu, the NVN coast has been closed to foreign shipping. This forced the NVN to offset the closing of their ports by shifting movement of supplies to the rail and road networks which is less efficient and subject to interdiction from air and

¹ Source: National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 29, Vietnam, October 1972. Top Secret; Sensitive. A handwritten notation at the top of the first page reads: "Hand carried 12 Oct 72 1235."

² In the October 7 memorandum, Rear Admiral Daniel Murphy, Military Assistant to Secretary Laird, informed the Executive Assistant and Senior Aide to the Chairman of the Joint Chiefs of Staff that "At this time, with the realignment of U.S. air assets in SEAsia underway, a re-examination of our priorities within this overall interdiction campaign against NVN appears appropriate." Based on information provided by the JCS, Laird periodically provided Nixon with up-to-date assessments of the results of the interdiction campaign, addressing the "success of the campaign and not the strategy involved." Murphy's request was in addition to the usual assessment. (Ibid.)

³ Attached but not printed.

naval gunfire. The NVN adjustment to the mining campaign took several months. Primarily, the adjustment lengthened their supply lines which caused delays in the responsiveness of their system to front line requests. These factors combine to cause more overhead in their logistics system—a manpower and economic drain that detracts from their other efforts. The resultant delays contributed to significant shortages of supplies that existed in their combat units during the critical months of June and July.

b. Second, high priority has been given to interdiction between Hanoi-Haiphong and the Chinese Buffer Zone. The enemy has made extensive use of the Buffer Zone as a sanctuary for storage and movement of supplies. As you know, a prohibition against strikes in the Buffer Zone has been in effect since 13 June, except for one-time authorizations against three bridges. Since Hanoi has been off limits approximately 40 percent of this time, interdiction of the Northeast and Northwest Lines of Communications has been limited to the distance between the Hanoi circle and the Buffer Zone. Within this limitation there has been a continuing effort to interdict the rail system by destroying key bridges on both the Northeast and Northwest railroads. Although the success of this campaign has been highly dependent upon good weather for guided bomb attacks, the overall effect has been to force extensive shuttling from railcar to truck to ferry. As the bridges have been interdicted, the NVN has been forced to increase use of ferries and barges to cross rivers. We have countered this tactic by implanting destructors on the inland waterways. Recent intelligence indicates that the destructors have been effective.

c. Third, the Hanoi-Haiphong area represents not only the major distribution point for supplies, but the principal industrial complex for construction and repair of war-related equipment. For these reasons, we have requested authority to strike a variety of important targets in and around the two cities. A recent assessment indicates that progress has been made, but many significant targets remain. The necessity for placing Hanoi “off limits” for intermittent periods totaling approximately 2 months during the good weather season is understood and appreciated. Nevertheless, the lost opportunity has detracted from Linebacker efforts due to being unable to press the attack against warehouses and other facilities that serve as redistribution points for supplies being shipped to the battlefield. As weather permits, the remaining targets in the Hanoi circle will be destroyed.

d. Fourth, major effort has been south of the Hanoi-Haiphong area. Here the campaign has broadened in order to place maximum pressure on LOCs before supplies cross through the passes to Laos or move south through the DMZ. Extensive daily tactical reconnaissance has exposed supply points, which are attacked as soon as they are identified.

Major and minor bridges are also destroyed as their importance to the campaign increases. Below Hanoi there is little evidence of rail traffic. Trucks have become the prime carrier. During daylight hours armed reconnaissance searches for trucks and the constant threat of air attack has suppressed daylight movement. The enemy has reacted by moving at night. Our counter has been the increased use of attack aircraft, principally the A-6, at night to destroy the trucks. The newly introduced F-111 will also increase our presence at night and be useful in attacking transshipment points and other areas of known activity. Gunships have been our most effective night interdiction weapon, but the presence of extensive air defenses precludes using them in NVN. Because of the ever-present threat of air attack, the enemy has separated supplies along the LOCs so that one fighter/attack aircraft cannot destroy more than one cache. Since 6 October, B-52s have been given an expanded role with authority to bomb up to the 19th parallel. The all weather capability of the B-52, coupled with its large bomb load, greatly increases our effectiveness against dispersed supplies.

3. In summary, the Linebacker effort has been coordinated to assure that the necessary air priority was given to the support of combat operations in South Vietnam. As a result of the improved military situation in the Republic of Vietnam, more effort has been shifted to air operations in the North. The interdiction campaign in NVN has achieved certain objectives and partially achieved others. We have forced the NVN to rely upon a supply route now stretching from the Chinese Border nearly 400 miles to South Vietnam. The destruction of key railroad facilities and bridges has caused him to resort to shuttling operations that are time consuming and inefficient. The stepped-up destructor campaign further increases the hazards associated with using inland waterways and ferries. The inclusion of all weather bombing systems and the B-52 into Linebacker operations has given us capabilities and qualities that were not present during the 1965–1968 campaign.

4. As the northeast monsoon develops in the coming months, our priorities and weight of effort will necessarily shift. Adverse weather will hamper our efforts along the primary LOC in the north, and priority of attack will be further south, with maximum effort expended against the northern LOC when weather permits. However, the basic objectives of the Linebacker/Pocket Money campaign will remain constant and we will continue to adjust the pattern of air and naval operations to meet the changing situation.

5. The degree to which priorities will vary depends upon a complexity of factors that are not entirely predictable. Our aim has been to maintain flexibility in the conduct of the air campaign. For example, the effort against inland waterways has been a follow-on to the interdiction of NVN land LOCs. The shift to the north followed an improvement in

the tactical situation in RVN. Our current emphasis on all weather bombing with B-52s, A-6s, F-111s, and LORAN F-4s is a response to the weather and to the enemy's proclivity to move at night. We will continue to exercise flexibility and seek optimum ways to combine weapon system capabilities with the tactical situation, geography, and the weather.

Management and Control of the Air Campaign:

6. At my request, Admiral Gayler (CINCPAC) has rewritten instructions on the management and control of air warfare in Southeast Asia. His plan for continuing US air warfare in SEA is as follows:

a. Isolate the NVN heartland in order to prevent the import of supplies from outside;

b. Support the battlefield in SVN and adjacent areas;

c. Interdict the flow of warmaking materials through NVN into SVN;

d. Support other contiguous battle areas such as Laos and Cambodia.

7. The coordination of air operations will be conducted in Saigon by an Air Coordinating Group representing MACV, Seventh Air Force, Seventh Fleet, and SAC. In addition, a Joint Assessment Group has been established in Hawaii whose aim is to utilize all operational and intelligence staff assets available to CINCPAC, PACFLT, and PACAF—to assess achievements during each specific campaign period. They will accomplish this by conducting an analysis of the status of our target system, sortie allocation, weapon application, and coordinating procedures. Based on the information from the above procedures, CINCPAC will set forth the objectives for a follow-on period of time and, then, subsequently, provide the Joint Chiefs of Staff with his assessment of the results.

8. I feel by this means we can better shift the emphasis, when necessary, and ensure that the most efficient use is made of our resources. The objective of the above plan is to tighten up procedures and provide a better means of scheduling strikes and evaluating results.

T.H. Moorer⁴

⁴ Printed from a copy that indicates Moorer signed the original.

8. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, October 12, 1972, 0500Z.

WHS 2216. Deliver upon opening of business.

Thank you for last night's message.²

As reported in my previous message,³ the four days of meetings with the other side were balanced between political and military discussions. While in the earlier meetings they put extraordinary emphasis on political issues, at the last meeting they displayed a far greater willingness to discuss military matters in some detail.

Several of our meetings were lengthy and time-consuming due to their plodding and detailed presentations, especially in the political area. On the military side they were insistent and unyielding in their demands that the U.S. end all supplies of military equipment to the South Vietnamese.

On balance, from the first day through the fourth, there was decided movement in their position from major emphasis on satisfying political demands to greater and greater emphasis on purely military conditions.

My judgement at this juncture would be that they appear ready to accept a ceasefire in place in the near future. This, of course is corroborated by field intelligence and it is for this reason that you cannot over-emphasize upon Thieu:

- 1) the need to regain as much territory as possible and
- 2) the need for greater flexibility on the political side.

We, of course, intend to hold firm in the political area but for tactical reasons we may have to discuss some obligations in this area.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [2 of 2]. Top Secret; Sensitive; Exclusively Eyes Only.

² Apparent reference to Bunker's backchannel message 184 from Saigon, October 10, 0930Z, in which he informed Kissinger that he had met Thieu and emphasized the need for him to seize as much territory as possible in the immediate future because the North Vietnamese might surface a cease-fire proposal. Bunker further reported that Thieu speculated on what military and negotiating actions the other side might take. The White House Situation Room forwarded this message to Kissinger, via Guay and Haig, in Paris. (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 44, Geopolitical File, Vietnam, Cables, January 1970–November 1972)

³ Backchannel message WHS 2215 from Kissinger to Bunker, October 12, 0500Z. (National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [2 of 2])

I am sending you attached to this message a political plan tabled by the other side during the meetings.⁴ You can show this to Thieu as confirmation of Hanoi's current thinking on the political issue.

F.Y.I.: In posturing him for my visit hopefully you can strike a balance which on one hand reassures him that we are not about to accept any political demands which would result in his overthrow and on the other hand keep sufficient heat on him so that he cannot adopt the frame of mind that he has faced us down and that he can afford to fend off successfully whatever solutions may emerge from our discussions with the other side. I recognize this is a difficult task but suspect that at this juncture Thieu may think that he alone can set the terms for a final settlement.

I look forward to seeing you next week.

⁴ The political plan is not attached. It was presumably the plan handed to Kissinger either on October 8 or on October 10, each entitled "Agreement on Ending the War and Restoring Peace in Vietnam." See, respectively, footnote 6, Document 1 and footnote 3, Document 5.

9. Editorial Note

In a 16-hour session in Paris on October 11–12, 1972, Henry A. Kissinger, the President's Assistant for National Security Affairs, and Le Duc Tho, North Vietnamese Special Adviser, completed negotiations on a tentative agreement to settle the war in Southeast Asia (see Document 6). Kissinger then returned directly to Washington to report the meeting's results to President Richard M. Nixon.

At 7:05 that evening, October 12, Kissinger and Major General Alexander M. Haig, the President's Deputy Assistant for National Security Affairs, entered the President's hideaway office in the Executive Office Building. Nixon and H.R. "Bob" Haldeman, Assistant to the President, were already present. The President intended a working dinner but decided to begin with drinks. Kissinger asked for a scotch and soda, Haig for a martini. Then Kissinger began his report:

Nixon: "Well, it was a long, long day—"

Kissinger: "[unclear] Mr. President—"

Nixon: "Sure. "

Kissinger: "Well, you got three out of three, Mr. President. It's well on the way. "

Nixon: "You got an agreement? Are you kidding?"

Kissinger: "No, I'm not kidding."

Nixon: "Did you agree on it? Three out of three?"

Kissinger: "Although it's done, we got to—"

Nixon: [laughs]

Kissinger: "We got it word for—"

Nixon: "I see."

Kissinger: "—word. We got a—we got a text."

Nixon: [humorously] "Al—I'm going to ask Al, because you're too prejudiced, Henry. You're so prejudiced to the peace camp that I can't trust you. Don't you think so, Al?"

Haig: "Yes, sir."

Kissinger: "If it is done—?"

Nixon: "What about Thieu?"

Haig: "It isn't done."

Kissinger: "Well, that's the problem, but it is a commitment."

Haig: "He wanted this agreement."

Nixon: "It's not insurmountable. How do we handle it?"

Kissinger: "I have to—I have to go up—out—here is what we have to do: I have to go to Paris on Tuesday [October 17] to go over the agreed things word-for-word with Le [Duc Tho]."

Nixon: "You could then get it?"

Kissinger: "No problem. I think we have an agreed text. I've left a man behind to go over it. Except, but I've—you know, just in case there's any last minute treachery. Then I go to Saigon to get Thieu aboard. Then I have to go to Hanoi if they're willing [unclear]—"

Nixon: "I understand."

Kissinger: "That was the price we had to pay."

Nixon: "Well, that's no price if we get Thieu aboard. What do you think, Al? When do you get him aboard?"

Kissinger: "That's—"

Haig: "He's already aboard—"

Kissinger: "But the deal we got, Mr. President, is so far better than anything we dreamt of. I mean it was absolutely, totally hard line with them."

Nixon: "Good."

Kissinger: "The deal is [unclear]—"

Nixon: "Won't it totally wipe out Thieu, Henry?"

Haldeman: "Yeah."

Kissinger: "Oh, no. It's so far better than anything we discussed. He won't like it because he thinks he's winning, but here is the deal, just to give you the main points, then I'll tell you [unclear]—"

Nixon: "We can do that after."

Kissinger: "All right, afterwards. The cease-fire will go into effect—"

Nixon: "The more—the more, of course, we think of all this is that we see a lot of the problems, you know, the silly ass thing of some SAM hitting the French Consulate [in Hanoi] and everything raises hell about it. I didn't think it either. Most people would rather kill all the Frenchmen anyway, but the point is—"

Kissinger: "[unclear] we had a love-fest two hours yesterday."

Nixon: "I know. I know. My point is, Henry, I'm thinking of Americans. Most Americans are very cynical about all these things now. But the point is that we can't go on, and on, and on, and on having these things hanging over us either. We can ask—the other thing, are they afraid we're going to nuke 'em? Or just hang on for another ten years—?"

Kissinger: "Mr. President—"

Nixon: "You see, Al, that's the problem, isn't it?"

Kissinger: "We've done just about everything we can do, but this is a deal, Mr. President, that George Meany could go along with. So we have no problem. I mean this is—if—if you went on television and said you're going to make this as an American proposal, *The New York Times*, *The Washington Post*, and even moderates would fall all over themselves, foaming at the mouth, swearing that this couldn't—that you were indeed out of—"

Nixon: "Um-hmm."

Kissinger: "—tough, mean, [unclear]."

Nixon: "Good. Well, I've got a little saved up."

Kissinger: "I mean, so you—but, first, the cease-fire allows, goes into effect until the 30th or 31st. We have to settle then. [unclear] withdrawal of our forces in two months."

Nixon: "In two months after the cease-fire?"

Kissinger: "Two months after the cease-fire."

Nixon: "Right."

Kissinger: "And some provisions about military aid to South Vietnam. There's bound to be technical issues as far as whether we can continue military aid."

Nixon: "Yeah."

Kissinger: "It says we cannot give military aid except for replacements of what is theirs."

After brief references by Nixon and Kissinger to a speech by the Democratic Party's Presidential candidate, Senator George S. McGovern, they returned to the settlement:

Kissinger: "The peace we are getting out of this with honor."

Nixon: "Henry, let me tell you this: it has to be with honor. But also it has to be in terms of getting out. We cannot continue to have this cancer eating at us at home, eating at us abroad. Let me say, if these bastards turn on us, I—I am not beyond [unclear] them. I believe that's, that's what we're up against."

Kissinger: "They don't care if we—"

Nixon: "I am not going to allow the United States to be destroyed in this thing."

Kissinger: "Mr. President—"

Nixon: "These little assholes are not going to do it to us—"

Kissinger: "Mr. President, if they—if we play this gun-shy—both Al—and Al, as you know, as I told you last week, was very leery about our approach, but—"

Nixon: "Is that what he told you?"

Haig: "He told me, but he told you I'm going to get him [Thieu]."

Nixon: "Well, that's the only thing."

Kissinger: "I—I think everything I say to you, Al supports 100 percent. I mean we are—we're getting out with honor, we are saving [unclear]—"

Nixon: "You use that term, [unclear] 'with honor'?"

Kissinger: " 'With honor.' "

Nixon: "Do you use it? Apprise me, Al. 'Honor'?"

Haig: "[inaudible] exactly. Sure."

Nixon: "It is 'honor'?"

Haig: "Thieu's got his rights to deal with the rest of them."

As the conversation continued, Kissinger presented additional elements of the settlement. On the subject of military assistance, Kissinger said that Le Duc Tho would eventually accept Kissinger's proposal:

Nixon: "What's that? He will accept the fact that we will continue to give military aid?"

Kissinger: "Yeah. But that he's already accepted in principle, we just have to find the right words for him. Even though they replaced them with the present ones, that all can change."

Nixon: "Hah! Don't worry. Don't worry—"

Kissinger: "And what we can say is—"

Nixon: "Just do it."

Kissinger: “—we are permitted to make periodical replacements of armaments [unclear] form that appears equal in quality and quantity to those being replaced.”

Nixon: “Good. [unclear] That’s right on. Right. Right—”

When Kissinger’s presentation turned to American prisoners in Southeast Asia, he told Nixon that the cease-fire, tentatively to take effect at the end of the month, would signal the beginning of the release of U.S. prisoners in North Vietnam as well as the ones in South Vietnam held by the Viet Cong, a process that would take about 60 days. Regarding any Americans that might be imprisoned in Cambodia or Laos, Le Duc Tho maintained, however, that he could not make a deal, but he did commit to withdrawing North Vietnamese troops from Laos.

Regarding the fate of Thieu and the political future of South Vietnam, the following discussion occurred:

Kissinger: “Then on the political side—”

[Sanchez left at an unknown time.]

Nixon: “Now—now, this is the critical thing [unclear]—”

[unclear exchange]

Kissinger: “—Mr. President, but with this, Thieu can stay. No side deals.”

Nixon: “Why can he? How? Under what conditions?”

Kissinger: “There are no conditions. Thieu can stay. The only thing we agreed was that Thieu will talk to the other side—”

Nixon: “Um-hmm.”

Kissinger: “—about setting up something that will be called the National Council for National Reconciliation and Concord.”

Nixon: “Will talk to them or agree to it? Did we agree to it or did they agree to it?”

Haig: “They agreed to it—”

Kissinger: “Immediately after the cease-fire, the two seated South Vietnamese partisans [*parties*] shall hold consultations in the spirit of national reconciliation and concord, mutual respect, and mutual non-elimination, to set up an administrative structure called the National Council for National Reconciliation and Concord. The two South Vietnamese parties shall do their utmost to accomplish this within three months after the ceasefire comes into effect—”

[unclear exchange]

Nixon: “Say that thing again. Suppose—does the release of our prisoners depend upon their agreeing on that?”

Kissinger: “This will be decided on after the prisoners are released.”

Nixon: "The prisoners will be released regardless of the success of that agreement?"

Haldeman: "It was from 60 days to past 90."

Kissinger: "That's right. Secondly, the cease-fire is of unlimited duration, and I have a verbal assurance in the protocol that the cease-fire provisions are independent of all other points."

Nixon: "Why have they gone this far?"

Kissinger: "So, all he has to—"

[unclear exchange]

Kissinger: "—agree is to negotiate a National Council for Reconstruction. But if you consider, Mr. President, there isn't one newsman in this city who believes that this will end with anything other—and the Thieu government, of course, not [unclear]."

Nixon: "Good."

Kissinger: "Then Thieu will take a beating—"

Nixon: "They're leaving Thieu in. They're in. And they're supposed to negotiate a National Council? Thieu will never agree, they'll never agree, so they screw up, and we support Thieu, and the Communists support them, and they can continue fighting, which is fine. Right, Al? Do you see it that way, Al—?"

Kissinger: "They will not go this way—"

Nixon: "Huh?"

Haig: "I would have said that in full."

On another key issue—that the United States would sweeten the settlement by providing financial assistance to North Vietnam to fund development to heal the wounds of war, Kissinger and Nixon had the following exchange:

Nixon: "Now, what did you do with regard to reparations and the rest?"

Kissinger: "I'll come to that in a—"

Nixon: "I'm very—you know, as you know, I'm not going to—I'd give them everything because I see those poor—"

Kissinger: "[unclear] victor reparations."

Nixon: "—North Vietnamese kids burning with napalm and it burns my heart."

Kissinger: "With reparations—with reparations we had to say it."

Nixon: "I don't mind them."

Kissinger: "All right, I'll read you the clause we've—we couldn't get around it because that is also our—that is our best guarantee that they will observe the agreement. They are panting for economic aid."

Nixon: "Are they?"

Kissinger: "Oh."

Nixon: "They want it? See, China doesn't want it, Al. China doesn't want economic aid—"

[unclear exchange]

Kissinger: "The United States—"

Nixon: "Henry, you're overlooking the most important point of this offer. This is the first time the North Vietnamese have ever indicated any interest. Do you remember? I said it in the May 8th speech."

Kissinger: "That's right."

Nixon: "I mean the May speech—May speech in 1969. [Nixon was referring here to a speech on Vietnam delivered on May 14, 1969, in which he said: "We have been generous toward those whom we have fought. We have helped our former foes as well as our friends in the task of reconstruction. We are proud of this record, and we bring the same attitude in our search for a settlement in Vietnam." (*Public Papers: Nixon, 1969*, page 371)] They said, 'Screw you.' Economic aid to Communists is—compromises their morality. It compromises the Chinese morality."

Kissinger: "Well—"

Nixon: "And they're—they want it? This is great!"

Kissinger: "They want a 5-year program. What that means is—"

Nixon: "Good. Give it to them—"

Kissinger: "If we give them a 5-year program that's part of the agreement."

Nixon: "Yep, that's right."

Kissinger: "But if there is a 5-year program, this is the best guarantee that they aren't going to start up. If we can get them committed to rebuilding their country—"

Nixon: "Right."

Kissinger: "—for that period of time, and I'm going to—"

Nixon: "Concentrating on internal rather than external affairs. "

Kissinger: "Exactly. We have more pages on the international control—all of which is bullshit to tell you the truth, but it will read good for the soft-hearts, for the soft-heads. We have four pages of joint commission, a four-party commission, if [unclear] agrees to it, a national commission. It is utter, downright crap because they'd never work, but it's in there. The thing that will—the thing that will work, though, is they're playing to us. Here is what it says about reparations: 'The United States expects that this agreement will usher in—' "

Nixon: "Will usher in how?"

Kissinger: "A year from now."

Haig: "That's right with Hanoi."

Nixon: "Usher in what?"

Kissinger: " 'Usher in an era of reconciliation with the Democratic Republic of Vietnam and with all the peoples of Indochina. In pursuance of this traditional policy of the United States to contribute to healing the wounds of wars of both warring parties—' "

Nixon: "There's no question, no problem. Give 'em—give 'em 10 billion, because I believe in this. I really do believe in it. The fact is if we did it with the Germans, we did it with the Japs, why not for these poor bastards? Don't you agree, Henry? Don't you agree, Henry? God-damnit, I feel for these people. I mean they fought for the wrong reasons, but damn it to hell, I am not—I just feel for people that fight down, and bleed, and get killed."

Over these substantive discussions loomed the question of whether South Vietnamese President Nguyen Van Thieu would go along with the agreement, and, if he rejected it, could they persuade or compel him to accept it. As the conversation wound down, Nixon reached this conclusion:

Nixon: "Let me come down to the nut cutting, looking at Thieu. What Henry has read to me, Thieu cannot turn down. If he does, our problem will be that we have to flush him, and that will have flushed South Vietnam. Now, how the hell are we going to come up on that?" (National Archives, Nixon Presidential Materials, White House Tapes, Executive Office Building, Conversation 366–6. According to the President's Daily Diary, the conversation occurred between 7:05 and 8:46 p.m.; *ibid.*, White House Central Files. The editors transcribed the portions of the conversation printed here specifically for this volume.)

Despite this analysis, Nixon and Kissinger remained certain that Thieu did not pose an insurmountable problem and that Kissinger would be able to obtain Thieu's approval when he made his trip to Saigon the following week. According to Haldeman:

"The P kept interrupting Henry all through the discussion. He obviously was all cranked up and wasn't listening to the details. He commented on the problems leading up to this agreement, the significance of China, the bombing and mining and his usual litany, kidding Henry some, referring to Haig a great deal and asking if he [Haig] really was satisfied with the deal, because he had been basically opposed to it last week, because he thought we were screwing Thieu. Now he thinks it's OK, but he is concerned about whether we can sell Thieu on it. I asked him after the meeting, though, whether he honestly felt it was a good deal, and he says he does think it is."

At this point, the four went into dinner. As Haldeman recorded later: "The P told Manolo [Sanchez] to bring the good wine, his '57

Lafite Rothschild, or whatever it is, to be served to everyone. Usually it's just served to the P and the rest of us have some California Beaulieu Vineyard stuff." With the "good wine" the President toasted Kissinger's success. During dinner the discussion shifted to the question of how to handle Secretary of State William P. Rogers. As Haldeman recounted it in his diary:

"K wants to be sure there's no responsibilities assigned to Rogers because he'll try to parlay them at the State Department. Instead, let Henry line up Bill Sullivan, so that he's Henry's man and that he'll take Sullivan with him. Also, he wants to handle Alex Johnson. Playing to the idea that the future of the foreign service depends on Johnson's cooperation on this with the P. Feels that this will keep Rogers in line and should work out all right. Then the ultimate payoff for Rogers is that he gets to go to Paris to sign the cease-fire with the Vietnamese foreign minister on October 30 and that takes effect when they sign it."

Then the discussion returned to the tentative agreement Kissinger had just negotiated. They concluded, according to Haldeman, that "the real basic problem boils down to the question of whether Thieu can be sold on it." (*Haldeman Diaries: Multimedia Edition*, October 12, 1972)

How Thieu would react to the tentative agreement remained a subject of conversation throughout the evening. On this, Nixon later wrote:

"I noticed that Haig seemed rather subdued, but I assumed that he was just tired after the exertions of the last few days. Finally I asked him directly how he felt about these terms from Thieu's point of view. He replied that he honestly felt this was a good deal for Thieu. He was worried, however, about how Thieu himself would react to it." (Nixon, RN, page 693)

Kissinger noted in his memoir:

"Nixon's principal concern was Thieu's reaction. I was—naively—optimistic, for we had done better than what we had jointly proposed over the years. Nixon remembers Haig as worried; I have no such recollection. It made no difference, for Haig strongly endorsed the agreement." (Kissinger, *White House Years*, page 1360)

And, finally, Haig himself later wrote following about the October 12 meeting:

"Nixon says that he noticed that I was 'subdued.' A better word might have been *despondent*. The President asked me what I thought Thieu's reaction was going to be. 'This agreement may be as much as the traffic will bear,' I replied, 'but I don't think Thieu will accept it.'" (Haig, *Inner Circles*, page 300)

Haig also wrote that Kissinger described the terms to Nixon in "triumphant tones," but "he must have known, and the President certainly

knew, that this was not the achievement for which we had hoped. What made it acceptable on the moral level were the underlying, unilateral guarantees to Thieu that we would punish infractions by the North with massive American military power, and the assumption that our influence with Moscow would be sufficient to cut the flow of military supplies to the NVA.” (Ibid., page 299)

10. Memorandum of Conversation¹

Paris, October 13, 1972, 9:10–10:10 a.m.

PARTICIPANTS

Xuan Thuy, Minister, Chief North Vietnamese Delegate to the Paris Peace Talks
Mr. Nguyen Dinh Phuong, Interpreter
Mr. Thai, Notetaker
Winston Lord, NSC Staff Member

[There were some opening pleasantries as the Minister noted that Mr. Lord had met for 10 hours with the North Vietnamese the previous evening.]

Mr. Lord: I want to thank the Minister for seeing me, and on such short notice.

Last night, after meeting with the North Vietnamese side I returned home and found that an important message had arrived. The Minister will recall that Dr. Kissinger said that he would review the draft agreement with the President immediately upon return to Washington. He said that we would let the Democratic Republic of Vietnam side know within 48 hours of the President’s reaction and any changes that the President considered essential.

I have a message which says the President has reviewed the agreement. He is pleased with it.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President’s Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [2 of 2]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at an unnamed North Vietnamese rendezvous location in Paris. All brackets are in the original.

The message reads as follows: [taking out the message at Tab A and reading from it]:² “The President accepts the basic draft for an ‘agreement on ending the war and restoring peace in Vietnam’ except for some technical issues to be discussed between Minister Xuan Thuy and Dr. Kissinger on October 17, and subject to the following substantive changes without which the U.S. side cannot accept the document.”

This message then specifies the changes which the President considers essential and the reasons for them. They will be clear from the text which I left with your representatives last night.

The message then closes as follows: “Dr. Kissinger looks forward to his meeting with Minister Xuan Thuy on October 17 and wishes to reiterate the U.S. view that this document will usher in an era of mutually beneficial relationships between the Democratic Republic of Vietnam and the United States.”

Dr. Kissinger also told me to tell you that he looks forward to meeting with you on the 17th and will approach the meeting with the attitude of completing our work.

[The interpreter then read the entire message in Vietnamese to the Minister who proceeded to ask him some questions. The interpreter then read most of the message again and there was discussion among the Vietnamese. This process took 10–15 minutes.]

Minister Xuan Thuy: This is a proposal of the United States?

Mr. Lord: This is a message from the President which says what changes he considers essential in the agreement which he finds otherwise acceptable.

Minister Xuan Thuy: In the course of the discussions, the Special Advisor told Dr. Kissinger that the agreements reached at the meeting should not be changed. The work done yesterday among the experts is to compare the text of a draft agreement to be accepted between the two drafts. Before leaving Dr. Kissinger said he was almost certain that the agreement would be accepted by President Nixon and if there would be changes, they would be technical changes, for example, grammatical changes, etc. As to adding new proposals or retracting them, that is

² Tab A is attached but not printed. In addition to informing the North Vietnamese of Nixon's conditional acceptance of the draft agreement, the October 12 message specified in detail the four changes the United States deemed necessary: (1) that the sentence that required post-settlement military aid to South Vietnam to be controlled by the government created by the first general election be deleted; (2) that neither South Vietnamese party—Thieu's Republic of Vietnam or the Viet Cong's People's Revolutionary Government, or PRG—would accept the introduction of troops, military advisers, and/or war matériel into South Vietnam after hostilities ended; (3) that in the post-hostilities era, offices for which elections would be held would be determined by consultation between the Republic of Vietnam and the PRG; and (4) that until definitive post-settlement action created a new government for South Vietnam, Thieu's government and the PRG would continue to administer the areas they controlled.

something else. Because if now new things are added and agreed things are withdrawn, and if we report this to Hanoi and Hanoi does the same things of adding and withdrawing things agreed, then the agreements would not exist or at least this would create new difficulties for our negotiations.

This is my comment. As to the message you just handed to us, I shall show it to Mr. Le Duc Tho, because Mr. Le Duc Tho is leaving this afternoon. We still have some time to make comment on this.

Secondly, we have to review the document that you compared with our people last night. We have not yet had time to see it.

Mr. Lord: That is in order to understand the changes in our message?

Minister Xuan Thuy: We have to carefully review the draft agreement.

Mr. Lord: Dr. Kissinger and the President would have to do so as well.

Minister Xuan Thuy: In my view, what was agreed upon in the past few days should not be raised again at the forthcoming meeting. The other day we summed up and pointed out outstanding problems that would be discussed at the next meeting. I am also looking forward to meeting with Dr. Kissinger on October 17 and wish to complete the agreement and reach a settlement on the outstanding questions. But what is important is that the two sides should endeavor to find wording or formulations acceptable to the other side.

The Special Advisor, Le Duc Tho, told Dr. Kissinger that besides the written agreements, there are statements. Among these statements there are some written down and other statements which are only oral understandings. There are also other oral statements in the discussions, that is only oral statements but on which an exchange of views has not taken place.

You understand what I mean? Besides the agreement, there are three kinds of statements. First, those statements written down from memory. We shall give you these papers. You have also given us such written statements. The second kind are oral statements for understanding between the two sides that are not written down. The third kind of statements are those that are just made during the discussion but there is not yet an exchange of views on that.

[There was some discussion among the Vietnamese. The Minister then handed over the statement on Laos at Tab B in both English and Vietnamese.]³

Minister Xuan Thuy: This is one of the kind of statements that the Special Advisor told Dr. Kissinger on the question of Laos.

³ Not attached.

[Mr. Lord read the statement.]

As to Mr. Le Duc Tho's statement on Cambodia, it is a verbal statement to Dr. Kissinger, but it should not be written.

As to the question on the release of prisoners, the last few days this is a question which needs further discussion.

Mr. Lord: Thank you. I will report this immediately to Dr. Kissinger, and there will be further discussions on October 17. With regard to statements, I gave three over to your side last night. I don't know whether the first one [Laos] is exactly like ours.

Mr. Phuong: There is an English translation.

Mr. Lord: I don't have mine with me.

Minister Xuan Thuy: It is exactly the same. Let me explain the question of Cambodia. The question of Cambodia is a complicated and delicate question. The U.S. side should not give us any written document on this question. Nor our side—we should not give the U.S. side any written document on the question of Cambodia.

Mr. Lord: I will report this to Dr. Kissinger and it can all be discussed on October 17. I have no authority to discuss such matters.

With regard to prisoners of war. I understand this is not yet settled and is one of the outstanding issues. Our document was to make clear our position that we dropped the phrase "throughout Indochina" on the basis of assurances that the Special Advisor made concerning prisoners held outside of Vietnam.

With respect to the message of this morning, Dr. Kissinger said that he has great authority, but not complete authority. He had to report to the President. He said he was confident that he would find the agreement acceptable and the message says this, subject to technical discussions and a few changes which the President considers essential.

Mr. Xuan Thuy: Is that all?

Mr. Lord: Yes.

Minister Xuan Thuy: I understand.

[Mr. Lord was about to thank the Minister and leave when the Minister after a slight pause decided to resume the conversation.]

Minister Xuan Thuy: I have listened to the explanation on the message you gave us this morning. I shall show this to Mr. Le Duc Tho before he leaves. I would like to reiterate that what agreements were reached the other day should not be changed and those questions not agreed the other day will be discussed on October 17. Only in this way, can we rapidly settle the problem.

Are you going to Hanoi?

Mr. Lord: Yes.

Minister Xuan Thuy: You will see how our people desire friendly relations with all countries, with the United States. And when you meet

our leaders you will see that we would like to settle the problem of Vietnam so as to establish good relations with the United States in the coming period.

Also I would like to let you know that when we left the meeting on October 11, and returned to our lodging, there was lying on my table already a number of messages from Hanoi, a great many messages reflecting the indignation of our people because the U.S. is bombing Hanoi. But yesterday night we received again many other messages reflecting our opposition to Secretary Laird's statement. Because Secretary Laird said the U.S. would continue bombing against Hanoi while the negotiations were going on.⁴ And the American military leaders in Saigon said the French Delegation General building was destroyed not by U.S. bombing but by warheads from the missiles of the DRV. We cannot for the time being express to the peoples in our country, in Hanoi about the explanations given by Dr. Kissinger that he did not know about the bombing of Hanoi and that he apologized for that. It is understandable.

Mr. Lord: Dr. Kissinger addressed the bombing question, both the specific incident for which he apologized and the policy over the next weeks on bombing. Dr. Kissinger, of course, has the full backing of the President and speaks for him. I have not seen the Laird statement and cannot comment on it. But whatever Dr. Kissinger says is, and will be, United States policy.

As for the trip to Hanoi, I look forward to it, as do all the party. As Dr. Kissinger expressed, like Minister Xuan Thuy, we look forward to a new era of relations and friendship between our two people.

Minister Xuan Thuy: What I told you this for is, as you know, I am the head of the negotiating delegation here. Therefore people sent me messages on whatever happened.

So we will meet again October 17. We agree to at 10:30.

Mr. Lord: At the same place?

Minister Xuan Thuy: Yes.

Mr. Lord: With regard to the message, I made my position clear. The Minister made his position clear. I will report this conversation and there will be further discussion on October 17.⁵

⁴ Laird made the statement during a news conference on October 11. See "Laird Asails McGovern Peace Plan," *The Washington Post*, October 12, 1972, p. A15.

⁵ In a message dated October 13, 1246Z, sent via Guay and Haig, Lord reported to Kissinger: "My view is that his [Xuan Thuy's] reaction was quite predictable and we came out satisfactorily." Additionally, "He not only said he understood what I was saying, but gave us the agreed Laos paper, reciprocated your positive oral comments, and remained very friendly." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 119, Country Files, Far East, Vietnam Negotiations, White House File, Col. Guay's File—Paris, October 1972) The North Vietnamese replied on October 14; see footnote 6, Document 16.

Thank you again for seeing me this morning.
[There were then friendly goodbyes.]

11. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, October 13, 1972, 0905Z.

186. Ref: WHS 2216.²

1. Thank you for your message which will be helpful in my meeting with Thieu. This had been set for today, but Nha telephoned early this morning to say that Thieu was in bed with stomach upset (it later turned out he had taken an overdose of laxative). Incidentally, Thieu told Nha he was surprised to find the Embassy working on Friday, October 13, but I informed Nha that we had cleared problem with our astrologer. Meeting is now set for tomorrow morning.

2. I think your assessment in the last paragraph of your message is close to the mark. I have been refreshing my memory by reading over some of the memoranda covering the period November/December 1968 and have been fearful that we may be heading into a similar situation; what we see now has a somewhat ominous tone of history repeating itself. I have been trying to get the message across to Thieu that this is no longer acceptable and I think he probably accepts this fact intellectually, but not emotionally; that he thinks that a reversion to low level warfare (Bob Thompson's low cost, long haul theory) will put him in position to make a better settlement a year or two years from now. I shall continue to make the point to him expressed in your final paragraph.

3. Warm regards.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [2 of 2]. Top Secret; Sensitive; Exclusively Eyes Only.

² Document 8.

12. Message From the Commander, Military Assistance Command, Vietnam (Weyand) to the Chairman of the Joint Chiefs of Staff (Moorer)¹

Saigon, October 13, 1972, 1050Z.

40210. Personal for Admiral Moorer.

1. Per our telcon² the following is my assessment of the situation in MR III.

2. Enemy intentions: Although enemy failures and RVN military strength have forced alteration of enemy strategy, enemy plans to attempt increased pressure in MR 3 and Saigon have not changed. The enemy has shown every intention to maintain a widespread presence by continuing to occupy GVN land. He intends to conduct screening and economy-of-force operations with the objective of tying down major ARVN units and hampering GVN efforts to regain enemy-controlled territory. Overall, Hanoi desires to regain the initiative in the eyes of the world, and believes that any success in creating incidents within the capital area would apply psychological pressure upon the U.S. One obvious objective is to construct a threat facade that will push ARVN into a defensive posture, denuding the countryside of GVN security. Primary goals remain the defeat of pacification, downfall of the GVN, and ultimately, some form of allied political capitulation.

3. Enemy capabilities: Throughout the military region, the enemy's depleted main force strength prohibits a resumption of major offensive operations on the same scale as seen early in the campaign. The enemy can temporarily interdict major LOC, and conduct limited ground attacks against outlying installations. Enemy forces can initiate attacks by fire and sapper activities against allied positions, thereby tying down ARVN units to a defensive role. Main forces in significant strengths are not capable of striking directly at Saigon, excepting ABF and possibly

¹ Source: Washington National Records Center, OSD Files: FRC 330–77–0094, 385, Viet (October–December 1972). Top Secret; Specat; Exclusive. Attached to this message is a cover memorandum from Laird faxing it to Kissinger at the White House. A note on the fax transmission sheet reads: "please deliver immediately."

² On October 12 at 8:25 a.m., Washington time, Moorer called Weyand and said: "Would you do something, please, and that is send us an assessment of your evaluation of the situation around your hometown there [Saigon] because our CAS friends are quoting you as saying that 'a spectacular move [by the enemy] is imminent' and this has got the people across the river [in the White House] a little worried." Weyand responded to Moorer that he didn't see the situation in those terms "at all," saying: "I guess you are always prepared for a surprise and that is what these guys are talking about." Weyand promised the assessment for October 13. (Transcript of a telephone conversation between Moorer and Weyand; National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974)

limited sapper activity. Ineffective command and control capability continues to seriously restrict enemy success, and he is not expected to be able to effect timely implementation or coordination of attack plans.

4. RVNAF capabilities and actions taken to cope with the enemy effort: At the first indications of enemy movement towards Saigon, Gen Minh began to shift his forces south astride the avenues of approach into the capital. In so doing, he has withdrawn ARVN regular forces from large portions of the MR. Although his tactical dispositions around Saigon are sound, they are defensive in nature, and there is little offensive activity apparent. In southern Binh Duong Prov., 20 km north of Saigon, two regiments of the 25th ARVN Div are deployed from the Saigon River on the west to Phu Loi on the east. One regt is blocking the main routes south and the other regt is sweeping the area north of the blocking positions. To the NW of Saigon the III Corps Strike Force is operating in the vicinity of Cu Chi with five battalions conducting search operations and covering approaches from the NW. To the west and SW of Saigon territorial forces are deployed throughout Hau Nghia and Long An Provs. NE of Saigon a Ranger group and territorial forces are deployed on the approaches to Bien Hoa.

Within the Capital Military District both regular and territorial forces are deployed for close in defense of the city. Presently a Ranger Task Force is deployed in the northeastern CMD, east of the Saigon River from Lai Thieu to Thu Duc. Another Ranger Task Force is moving today to the northwestern CMD west of the Saigon River to Hoc Mon. When today's moves are completed six Ranger battalions will be deployed along the northern Gia Dinh Prov boundary. A Ranger BN is deployed in the southwestern CMD near Binh Chanh and a regular ARVN BN is in the eastern CMD near Nhon Trach, Bien Hoa Prov. Substantial numbers of territorial forces are operating in the CMD. In addition there are nine provisional battalions from RVNAF support, garrison and training troops, 28,000 national police and 70,000 armed People's Self Defense Force personnel prepared to defend and secure the area.

ARVN and territorial forces are capable of blocking or delaying a major enemy attack along the most likely avenues of approach, which would permit air and other fire power to be massed on the enemy before reaching the city proper. Forces in and near the city can prevent mass infiltration and the staging of large enemy forces inside the city and contain small enemy actions that may occur within the city. The CMD has a viable command and control structure that provides for the integration of all available fire support with ground forces. Fixed winged gunships and flare ships are available to the CMD 24 hours a day. The AC-130 gunships provide constant cover during the critical hours of darkness and are capable of accurately engaging targets

through the use of the several beacons deployed around the city. In the absence of on call targets the AC-130 engages pre-selected targets. Other US and VNAF aircraft are also employed and tactical aircraft are on alert at Tan Son Nhut and Bien Hoa air bases during daylight hours. FACs are over the CMD all day. The counter-fire plan is particularly tailored for rapid response to a rocket attack on Saigon.

5. Commanders comments: It is clear that the enemy considers the period until 7 Nov critical to the attainment of his political objectives. He is attempting to put together an all-out effort to make his presence in MR III felt world-wide. RVNAF has the forces at hand to cope with the situation; however, the chain of command is unsure of itself and defensively oriented. To succeed, they must have assurance of continuous U.S. air support during what they regard as their crisis period. I am insuring that that requirement is met, and we have been making extraordinary efforts through our command and advisory chains to assist and bolster their hand. Since the word "spectacular" was coined in Washington and has a variety of connotations ranging, I assume, from significant ABF to a massive attack on Saigon, I will not attempt to assess the issue of whether a "spectacular is imminent".³ We are in a very sensitive period, politically speaking, when events of relatively minor or short-term military impact may be interpreted as disasters. I am confident that we will suffer some setbacks and surprises, but when the dust settles, Saigon will still be in GVN hands and the very substantial strength of the RVNAF relative to the enemy will be clearly evident.

³ At 11 a.m. on October 12, Moorer called Kennedy at the White House to tell him that Weyand's assessment would come the next day. In passing he said: "Vinh [*Vien*] and Weyand have been over these movements [by the enemy] that are taking place and he is going to send me by in the morning his complete evaluation, which he has been doing anyway, of the Saigon situation and we will send that over to you. But he was a little I'd say surprised they used the word 'spectacular' and 'imminent,' that the CIA did that is." (Transcript of a telephone conversation between Moorer and Kennedy; *ibid.*)

13. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, October 13, 1972, 1650Z.

WHS 2218. Deliver immediately upon opening of business.

We have reached point where it is necessary that I have your best estimate of what we may be able to get Thieu to do with respect to the estimated 30,000 political prisoners he holds in South Vietnam under conditions of a possible settlement which would include a tripartite committee arrangement functioning on a unanimity principle but with the continuation of Thieu and the GVN with all existing powers and assets. Obviously, a major problem for Hanoi involves Thieu's willingness to release at least a portion of the political prisoners in conjunction with a cease-fire, combined with the fig leaf political arrangement described above. Please give me your best judgment as to what flexibility Thieu may or may not have with respect to political prisoners, to include how far he may be willing to go and how best to approach him on eliciting such a commitment. So far, we have held firm on this issue. But I think if Thieu could indicate a willingness to release a significant number, though by no means all, we could get major political concessions.

Prior to my arrival in Saigon, now tentatively scheduled for Wednesday night,² I will be seeing Minister Xuan Thuy and anticipate that the other side will propose a political formula which will require far less of Thieu than the alternate arrangements outlined to him by Haig during his recent visit.³ This would be combined with a ceasefire in place to go into effect as early as two weeks from the time that an overall agreement in principle is arrived at. In view of this likelihood, it is essential that Thieu understand now that we could have settled the conflict long ago under terms which would have removed him from power. Therefore, he cannot approach his upcoming meeting with me in the context of a confrontation but rather with a positive attitude in which we can confirm arrangements which will consolidate and solidify his future control. I am confident that such political arrangements

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [2 of 2]. Top Secret; Sensitive; Exclusively Eyes Only.

² October 18.

³ Haig visited Saigon October 1–4 to review contingencies that might arise in the upcoming talks. See *Foreign Relations, 1969–1976*, volume VIII, Vietnam, January–October 1972, Document 278.

are in the offing from Hanoi and Thieu must be put off his current confrontation course with us and at the same time be prepared, in return for Hanoi's political concessions, to show a reasonable flexibility on the modalities of a cease-fire in place.

Thieu must understand that the period ahead is not parallel to the 1968 period either for him or for us.⁴ You must, therefore, do your best to posture him along the following lines:

—Under no circumstances will the United States drop Thieu nor does it consider him expendable in whatever arrangements may be finally settled on. The only man who can force us to drop Thieu is Thieu himself.

—Within this framework, however, Thieu must cooperate and work in a constructive way with us to insure that his position is solidified and to demonstrate some degree of flexibility on the modalities of a cease-fire arrangement.

—There can be no doubt in Thieu's mind that if the other side confirms acceptable political arrangements substantially less than Haig discussed with him, that the President is determined to seek a settlement on cease-fire terms now, with or without Thieu. If it is the latter, it will only be the result of an unreasonable intransigence on the part of Thieu which is neither justified by the circumstances nor in the best interests of his people. We want nothing more than a settlement that strengthens Thieu's long-term position and the capacity of the GVN to survive. We will not sell him out. But he must be under no illusions that he can stare us down. A great deal depends on the spadework which you can do between now and my arrival Wednesday night to get Thieu off the confrontation course which he has apparently adopted.

Please see Thieu immediately so as to commence the posturing now.⁵ You should draw selectively upon all the foregoing. However, with respect to Thieu's flexibility on the release of political prisoners, you will wish to treat this more circumspectly by merely feeling him out in general terms so that he doesn't at this juncture dig in his heels in

⁴ Reference is to President Johnson's decision in October 1968 to stop the bombing of North Vietnam, and Thieu's announcement on November 3 that he opposed the bombing halt and would not participate in the negotiations. Kissinger's point to Bunker was that since Nixon was overwhelmingly favored in the 1972 election, the administration had little to gain by accommodating Thieu and Thieu thus had little leverage with the United States. On this basis, Kissinger hoped to persuade Thieu to go along with the agreement he had negotiated and the President had approved.

⁵ Bunker met Thieu on October 14 and reported the conversation in backchannel message 187 to Kissinger, October 14, 0850Z. (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 44, Geopolitical File, Vietnam, Cables, January 1970–November 1972)

an intransigent position. With respect to this question, I primarily want your personal judgments on how much we can expect from Thieu.

Warm regards.

14. Editorial Note

The question of the captured and detained people—primarily those in South Vietnamese custody who belonged to or served the Viet Cong (Communist) infrastructure—was on the agenda for discussion in a special round of negotiations in Paris on October 17, 1972, between Henry A. Kissinger, the President's Assistant for National Security Affairs, and Xuan Thuy, Chief of the Delegation of the Democratic Republic of Vietnam to the Paris Peace Talks. An exchange of notes between the two parties on October 14 presented their relative positions prior to this negotiation.

The North Vietnamese note, transmitted in a backchannel message from Guay to Haig, October 14, 1152Z, argued along the following lines:

“During the latest private talks, the Democratic Republic of Viet Nam party has repeatedly stressed to the U.S. party the question of returning the civilian persons captured during the war.

“According to international law, all detained persons of all parties must be returned immediately after the cessation of hostilities. Moreover, considering the character of the war in South Viet Nam, the immediate return of civilian persons as well as the immediate return of military men after the cease-fire is an obligation that no party can refuse or delay.

“The Democratic Republic of Viet Nam party holds that in this question the United States party is defending a most wrongful position according to which one side may continue to detain civilian persons of the other side. This is illegal, unjust, inhuman.

“If the United States party does not have a serious attitude and make efforts to settle in a most correct manner the question of returning the persons of the parties captured during the war, the negotiations will meet with very great obstacles.

“The Provisional Revolutionary Government of the Republic of South Viet Nam has informed the Government of the Democratic Republic of Viet Nam of its resolute stand regarding this question. The Provisional Revolutionary Government of the Republic of South Viet

Nam has made it clear that it will return to the other side all the persons of the other side, military as well as civilian, captured and detained in South Viet Nam, and will also require the other side to return to it all its military and civilian people captured and detained by the other side.

“The Democratic Republic of Viet Nam party is of the view that the United States should evince a serious attitude and good will in this very important question.

“Special Adviser Le Duc Tho and Minister Xuan Thuy want to believe that Dr. Henry A. Kissinger will carry out his serious promise that the United States party will exert the greatest efforts to arrive at a most correct solution to this question.

“On its part, the Democratic Republic of Viet Nam party will do its utmost to rapidly bring the negotiations between the two sides to final results, and soon usher in a new era in the relations between the two countries.” (National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President’s Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [2 of 2])

The U.S. note, transmitted in a backchannel message from Haig to Guay, October 14, 1815Z, reads:

“With respect to the question of prisoners, the U.S. side recognizes that this issue is of great significance and involves the deepest feelings and will do its maximum to find a solution. As indicated by Dr. Kissinger, the U.S. side has been carefully studying this issue for a fresh approach in addition to the substantial changes already made in the U.S. position on this subject during the private meetings of October 8 through 12. Just as the DRV side has pointed out that it cannot take obligations with respect to some of its friends, so it is impossible for the U.S. side to go further than what it can reasonably state will be implemented before the agreement has even been discussed in Saigon. To show its good will and serious attitude and facilitate the conclusion of the negotiations the U.S. is prepared to add the following sentence to the end of paragraph (c) of Article 8 in the U.S. draft left with the DRV side on October 13.

“Quote: The two South Vietnamese parties will do this as soon as possible and do their utmost to resolve this question within three months after the ceasefire comes into effect. Unquote.

“In addition, the U.S. side will give the DRV side verbal assurances that it will exert its maximum efforts in Saigon to help bring about a resolution of this issue in the time period indicated and in the spirit set out in paragraph (c) of Article 8.

“The U.S. side wishes to point out that an acceptance by the DRV of the changes communicated to the DRV on October 13 and 14 is crucial if the agreed upon schedule is to be kept. The U.S. side wishes to

reiterate that it will approach the meeting on October 17 with the firm intention of completing a final text so that the visit to Hanoi can concentrate on the new era of bilateral relations. The U.S. side therefore hopes that the DRV side will show an understanding and forthcoming attitude as well.” (Ibid., Kissinger Office Files, Box 110, Country Files, Far East, Vietnam Negotiations, US–DRV Exchanges, October 1972–January 1973)

15. Transcript of a Telephone Conversation Between the President’s Assistant for National Security Affairs (Kissinger) and the Assistant to the President (Haldeman)¹

Washington, October 15, 1972, 10:10 a.m.

[Omitted here is brief exchange about Kissinger traveling to Camp David to meet with President Nixon.]

[RH:] You know, you ought to talk over this whole thing about what we were talking about last night.²

HK: How about first thing in the morning. You know it doesn’t matter when I go.

RH: OK. That’ll be good. I’ll make that point and we’ll see what works out. I’ll get back to you.

HK: I’ve had yet another idea. It would be an intermediate idea. I’m pretty persuaded that we shouldn’t stall it beyond—first of all the way this momentum is going I’d have to put brakes on it in a way that would be transparent. But one thing that I have thought of doing is go to Saigon, come back here and then take the same route again next week and just add the final destination. That would push the whole thing back by six days.

RH: What good would that do?

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 16, Chronological File. No classification marking. This transcript is mistakenly dated October 16.

² According to Haldeman’s diary, on October 14 “Henry called about the Vietnam negotiations. He’s concerned about whether he’s handling the settlement right and then he raised an alternate scenario, in which he would get the process dragged on a little with new demands. That he’d still go through the whole schedule, but not sign the final agreement till November 15.” Haldeman raised various objections to the notion and then concluded: “On that basis I felt it was impossible to make any change in the scenario as it’s now laid out.” (*Haldeman Diaries: Multimedia Edition*, October 14)

HK: That would save Thieu's face. You know, he wouldn't have been blackjacked into it. It would give him a few more days to clean up the security areas around Saigon and it prevents an absolute confrontation next week.

RH: You don't know if you're going to have one. That should be a fallback position.

HK: That's what I mean. Well if he goes along enthusiastically we stick to the schedule.

RH: Yeah.

HK: If he stonewalls we have no choice except to break off anyway.

RH: This would be an intermediate to that.

HK: This would be an intermediate to that I would come back then Saturday³ night I would be back.

RH: Yeah.

HK: And go on the road again Tuesday the same itinerary the only thing is the President would then speak on the 31st rather than on the 25th.

RH: Yeah.

HK: It has the additional advantage as I see it politically not that it is closer to the election but that if anything gets unstuck there's less time for it.

RH: That's not valuable.

HK: What?

RH: I don't think that's—there are more negatives to that than positives. One side versus the other that's a better position than just dropping it at that point probably.

HK: Well, that's what I think. See the problem is, Bob, I've reviewed all the exchanges. We have used these time schedules really ruthlessly to get changes in the text that otherwise would take weeks to get. Now I'm doing a letter to Brezhnev from the President today to get some you know, indication of Soviet supplies.⁴

RH: Yeah.

HK: Just to button up the agreement.

RH: Yeah.

HK: You know, the more time we can get the better it is.

RH: OK, I'll get back to you.

HK: OK, if you can spare me a trip up there I'd really appreciate it because I couldn't leave before 2:00 p.m. anyway.

³ October 21.

⁴ See footnote 10, Document 16.

RH: OK.

HK: I've got Abrams and everyone else coming and McNamara.⁵

RH: OK.

⁵ According to his Record of Schedule, Kissinger on October 15 met Laird, Admiral Murphy, and Haig at 10:30 a.m., and then General Abrams from 11:07 to 11:30 a.m. (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany 1968–76) No further records of those meetings have been found, but Kissinger discussed them with the President; see Document 16. According to a transcript of a telephone conversation between Kissinger and McNamara mistakenly dated October 16 rather than October 15, the two men agreed to have a courier deliver McNamara's paper on development assistance to North Vietnam provided by the World Bank and other international financial institutions. (National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 16, Chronological File)

16. Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

October 15, 1972.

Kissinger: Mr. President?

Nixon: How are you getting along in your briefings?

Kissinger: Well, I've had a—I've had an hour with—

Nixon: Abrams?

Kissinger: —Abrams. And he's fully aboard, enthusiastically aboard.

Nixon: That's been very important.

Kissinger: And he's coming in. And he's leaving tomorrow night. He thinks he needs a day to work with Bunker, and—

Nixon: Yeah?

Kissinger: —he's full of ideas of how we can do this, technically.

Nixon: Yeah?

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Conversation 149–14. No classification marking. According to his Daily Diary, the President was at Camp David and he and Kissinger, who was in Washington, talked by telephone from noon to 12:14 p.m. (Ibid., White House Central Files) The editors transcribed the portions of the conversation printed here specifically for this volume.

Kissinger: And, you know, how to shift over the air control, and so forth—

Nixon: Yeah. Yeah. Let me ask a couple of questions—

Kissinger: —and we—

Nixon: Yeah—?

Kissinger: —I was really very heartened by him. I read him all the provisions on the military side.

Nixon: Right. What about the govern—What about the political side?

Kissinger: Oh, I haven't told him any of that, but—

Nixon: Yeah?

Kissinger: —that's no good. I'm using that office as a club, by telling them what their old proposals were.

Nixon: Yeah. I see.

Kissinger: He'll go along with the political side. There's no question on that.

Nixon: Um-hmm.

Kissinger: The political side is a smashing victory. I mean there's no—there will be no one who will question the political side.

Nixon: [unclear] the only problem I see there is—from our standpoint is—which I want to be sure we're adequately warned on is—is the use of the word "coalition" in any—any form, shape, whatever.

Kissinger: It's not mentioned.

Nixon: Oh, I know it isn't in that. But I meant in terms of the—of what the press says, what the pub[lic]—what is said by either side, and so forth. The—

Kissinger: No, we can't—

Nixon: The point being—the point being—I don't mean what the other side says. But we say—the point being that, once that is said, then the indication will be by our—our critics that, well, that we could have gotten this four years ago. You see? The coalition business. That's why the coalition thing has got to be, has got to be in your own briefing. If we come to a briefing it's got to be very, very tough. This is not a coalition government under any circumstances—

Kissinger: No, that's not—nothing changes anyway. Right? The only thing that happens immediately on the political side is the negotiations between Thieu and the others.

Nixon: I understand that. I understand that there's a Council of National Concord,² but they're going to—

² The National Council for National Reconciliation and Concord.

Kissinger: Yeah, but it doesn't come into being—

Nixon: Right.

Kissinger: —until Thieu has negotiated it with the other side.

Nixon: Right. And, basically, that is not a government, either. But the point is—right?

Kissinger: Right. Oh, right.

Nixon: Yeah. But the point that I make is that, as you can see, that is the point that has to be very carefully—we've got to be straight-arming him on that issue so that we don't run into any problem there.

Kissinger: Right.

Nixon: Right.

Kissinger: With that, I am confident that the political side is in excellent shape. I mean, in fact, there is nobody in this country who could imagine that we could get this political settlement.

Nixon: Yeah. Well, that's my feeling. That's my feeling. That's my feeling.

Kissinger: It's the thinnest face-saver.

Nixon: Um-hmm. Um-hmm. Um-hmm. With regard to the questions you'd raised earlier with Bob,³ let me just run over it briefly, because I made a few—I had a few thoughts on it last night. First, to keep it all in perspective, we should understand that, that the major consideration should be the making of a settlement.

Kissinger: Right.

Nixon: The making of a settlement is not going to hurt us in the election, and it isn't going to help us significantly. You know, who can tell? But the main point is what could hurt, really, is to go down the road and then—and then fail.

Kissinger: Right.

Nixon: That is why I think even before going to Saigon,⁴ I would—I think we have to be fairly, fairly sure that—that, well, not fairly sure, but at least have a pretty good chance of making it go. If you go to Saigon, and it doesn't go, of course, then—I mean, you can't even really consider going to Hanoi, because if you do, it escalates it to a point where we just couldn't, we just couldn't—

Kissinger: I agree.

Nixon: —stand it. But if you could go to—and I don't know, but what—you think Abrams can do a little softening up before you get there—

³ See Document 15.

⁴ Kissinger was scheduled to visit Saigon after the negotiations with Le Duc Tho.

Kissinger: No.

Nixon: —that's the point.

Kissinger: No, no. But he and Bunker can start analyzing. You see, after we get Thieu's agreement—

Nixon: Yeah?

Kissinger: —there'll have to be a hell of a lot of work done.

Nixon: Yeah. Yeah. Yeah. Yeah. Yeah.

Kissinger: And we could then focus Thieu not on how he's going to stonewall the agreement, but how is he going to shift certain categories of things, who is going to take them over, and so forth.

Nixon: Right. Right. Right. What does Bunker think? What's his view about whether—well, he doesn't know about the political thing is, but what is his view about Thieu's reaction to this?

Kissinger: I haven't checked on that with him yet, but we have—

Nixon: At least you have Bunker's reaction. I don't mean Bunker's. I don't mean that—I meant Abrams's view.

Kissinger: Well, Abrams says it's hard to predict.

Nixon: Yeah?

Kissinger: He thinks that Thieu ought to accept this, that this is a great opportunity for him.

Nixon: Right.

Kissinger: He's enthusiastic.

Nixon: Right. Right.

Kissinger: And on the political side, we're in—I assure you, Mr. President, there's no sophisticate who will not see that this is the thinnest form of face-saver for the other—

Nixon: Right. Right.

Kissinger: Thieu stays, there's no coalition government, the negotiations start. Then they form a sort of a half-ass committee.⁵

Nixon: I know.

Kissinger: If it ever comes into being.

Nixon: That's right. Right.

Kissinger: But—So, we've had another little message from the North Vietnamese—

Nixon: Is that right? Yeah?

⁵ The National Council for National Reconciliation and Concord.

Kissinger: —last night, screaming about the five changes I've given them.⁶

Nixon: Yeah. Yeah. Yeah—

Kissinger: But if—the thing could fall apart on Tuesday.⁷

Nixon: Yeah?

Kissinger: In that case, of course, I come back from Paris.

Nixon: Right.

Kissinger: The thing could fall apart in Saigon. In that case, I come back from Saigon. I agree completely that I shouldn't—

Nixon: You can't escalate that that high, because otherwise we're—then we're then where the fat's in the fire, and it'll appear as if Thieu is with the people—the person that torpedoed it.

Kissinger: I agree.

Nixon: Yeah. And I, incidentally, the—on the other side, I don't—there need be no concern about the political effect. We just can't think in the terms of the fact: "Well, gee whiz, it'd be better not to have this politically." Sure, it's risky. We don't need it. We're going to win without it, and very heavily. But the point is that you've got to take a risk to get the damned war over. And if there's more, if there is—if this is the best settlement we can get—which I think it is—and if this is the best time, when the forces will be the strongest to get it, then the thing to do is to push it and get it. That's my attitude.

Kissinger: Right.

Nixon: You see?

Kissinger: Right.

Nixon: We're in this. We're in that situation where, where we've just got to say what it really comes down to, Henry, is the merit of the settlement. If it's the right settlement, and this is the best time, do it now.

Kissinger: I would—

Nixon: If it's the right settlement, and we should do it at a later time, put it off later. The—as far as what—as the election is concerned, don't be bothered with it, either way. There's only—there's only one

⁶ Lord gave Xuan Thuy the changes on October 13; see footnote 2, Document 10. The North Vietnamese message, conveyed to Kissinger via Guay and Haig on October 14, 2239Z, stated: "The U.S. side's demand for some substantive changes is actually aimed at changing the content of two Articles which have been agreed upon. This is contrary to the principle that once an agreement has been reached, neither side is allowed to change the content agreed upon; and if there are minor technical issues to be discussed, they should not change the content which has been agreed upon." (National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [2 of 2])

⁷ October 17, during Kissinger's meeting with Xuan Thuy in Paris.

thing on the election, as I say, and it would not be fatal, and that would be to have either Thieu or the North Vietnamese to blow it.

Kissinger: Of course, if we can—one risk we run is the one point that Mel made to me was, when I went into all the refinements we were getting, he said: “Listen, you have to face one thing. If they offer us this deal publicly—”

Nixon: Yeah?

Kissinger: “—we’ll be forced to accept it, without refinements.”

Nixon: I agree with that. That’s what I mean. I’m not sure how far you can really insist on the refinements. So—

Kissinger: And—

Nixon: Just—and so you do the best you can. We know that. Just like you did in Shanghai.

Kissinger: Now, from a security point of view, Mr. President, there’s absolutely no question that we’d be better off six weeks from now when—if these guys in Third Corps⁸ ever would get off their asses.

Nixon: They’re not going to.

Kissinger: But, it’s a high-risk thing, because six weeks from now, the other side may feel that they can hold us up, and string us along the way they’ve done for three years—

Nixon: That’s right.

Kissinger: —in the negotiations.

Nixon: That’s right. That’s right.

Kissinger: And, as you said, there is a time for settling.

Nixon: Always. Always—

Kissinger: And it is. If Thieu—the horrible tragedy is that if General Tri had survived⁹—

Nixon: Yeah?

Kissinger: —last year, we would be throwing our hats up in the air, because then the situation in every Military Region, it is excellent.

Nixon: Right.

Kissinger: And in [Military Region] Three, it should be good. There are two divisions that, I bet, haven’t lost a hundred men in the whole offensive, that have never fought, and that have never moved off their duffs.

⁸ III Corps Tactical Zone, also known as Military Region 1.

⁹ Lieutenant General Do Cao Tri, III Corps commander during the 1970 Cambodian incursion, was killed in a helicopter accident in February 1971 before he could assume command of the failing South Vietnamese incursion into Laos.

Nixon: Right. Right.

Kissinger: That's what breaks your heart in this.

Nixon: It sure does. Well, in any event—

Kissinger: You can't be sure that they'd be moving off their behinds in the next six weeks—

Nixon: Um-hmm. No sir, you're not too sure what the North Vietnamese can do. Now look, they—the main factor is that they, from everything I can see and from what you have said, the North Vietnamese are under great, great pressures to settle, too.

Kissinger: Right. Now, what I'm doing this morning, Mr. President, in the interest of speed, I've asked Dobrynin to come in.

Nixon: Yeah?

Kissinger: And I'm giving him a letter from you to Brezhnev¹⁰—

Nixon: Right.

Kissinger: —saying that if we could get some assurances about the cut-off of military aid.

Nixon: Right.

Kissinger: I mean not cut-off, but restraint—

Nixon: Like, refraining like we do, basically—

Kissinger: That's right.

Nixon: The same restraints.

Kissinger: Then we would be in a good position to—

Nixon: Very good.

Kissinger: —to speed up the settlement.

Nixon: Right. Right.

Kissinger: It was very interesting. I told you this. He came in yesterday and read me the cable that he had had from the North Vietnamese of where we stood in the negotiations.¹¹

¹⁰ According to Kissinger's Record of Schedule, he and Dobrynin met in the White House Map Room at 12:23 p.m., at which time he handed over a draft of the letter. (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) The letter requested that Brezhnev use his influence to persuade the North Vietnamese to sign the agreement. At 2 p.m. Kissinger called Dobrynin to tell him that he and the President were adding two sentences. After providing him with the additions, Kissinger also asked that he return the draft as it was the only copy he had. (National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 16, Chronological File) The letter is scheduled for publication in *Foreign Relations*, 1969–1976, volume XV, Soviet Union, June 1972–August 1974.

¹¹ According to Kissinger's Record of Schedule, he and Dobrynin met in the White House on October 14 from noon to 12:55 p.m. (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) At 1:45 p.m. Dobrynin called Kissinger and they continued to discuss the North Vietnamese cable. (National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 16, Chronological File)

Nixon: Yeah? Yeah.

Kissinger: And it was pretty accurate, except the sly bastards put in some things as still unsettled that are already settled.

Nixon: Yeah. Yeah—

Kissinger: So that they can claim some victory afterwards.

Nixon: Sure, sure. That's always the case in settlements, but it's irrelevant. Once you settle, people have—see a—heave a sigh of relief in the end. Believe me.

Kissinger: Well—

Nixon: A sigh of relief. The damn thing's got to be brought to an end, Henry.

Kissinger: Well, I—

Nixon: That's what we really come down to, and so I know that, you know, all these political considerations, you just don't think of those.

Kissinger: But I—

Nixon: Except—except for the one point at saying not to think about it. Don't let political considerations delay it. The only thing is remember that the main—that we have no—that we have no pressures to push it, either way. Either way, we have no pressures to make a settlement, and so you do it on the merits, which is a pretty good position for you to be in.

Kissinger: Absolutely—

Nixon: You do it on the merits, and the other point is that—the one hooker, of course, is that we cannot have a collapse in South Vietnam prior to the election. That wouldn't be helpful.

Kissinger: That won't happen.

Nixon: It'd be harmful. I don't think it would. Do you?

Kissinger: No.

Nixon: I mean Thieu isn't going to blow it that high, would he?

Kissinger: No. If he—frankly, if he blows it, I've got to go—I've got to come back.

Nixon: That's correct—

Kissinger: I'm starting to push it to a confrontation with him now.

Nixon: Where would you come to then?

Kissinger: Then I'll get Le Duc Tho back to Paris, have one more meeting with him, and tell him we'll move on it after the election.

Nixon: Yeah.

Kissinger: It's an unsatisfactory way of doing it, because then they'll stiffen their terms, I'll bet.

Nixon: Yeah. See, there you'd—you do run the risk, too, that they might decide to go public—

Kissinger: Yep.

Nixon: —and say Thieu is at fault. However, that's dangerous for them, too, because, even with that, we're not going to lose. [chuckles] Okay.

Kissinger: Well, it's—it's—one other thing I told Bob this morning that would be a possible compromise that might have to be done, because Thieu is absolutely adamant, or it's as if he wants to save his face and wants to be able to pretend he had some role, I might have to come back from there and then start the whole circuit again. Meet once more with the North Vietnamese—

Nixon: Right.

Kissinger: —in Paris, so that we can—

Nixon: Right.

Kissinger: —pretend his changes were taken into account.

Nixon: Right.

Kissinger: Go to Saigon—

Nixon: Right.

Kissinger: —and—

Nixon: And then to Hanoi.

Kissinger: And then to Hanoi, and that would make—

Nixon: Right.

Kissinger: —that would delay the thing—

Nixon: A week.

Kissinger: —by six days.

Nixon: Yeah.

Kissinger: No, six days then.

Nixon: That'd be no problem. That has some advantages, but, on the other hand, you just do whatever. If you can make the deal, do it now. If you can't, do the next best thing.

Kissinger: Right.

Nixon: And it's going to be tough titty—

Kissinger: Politically it'd be better for you to do the latter?

Nixon: Henry, don't even think of the politics. Let me say: either has an advantage.

Kissinger: Right.

Nixon: Doing it a little earlier doesn't—well, no, either way. Politically—politically it would have an advantage in—only in the sense of the merits, because between October 1st and November the 7th, there isn't so much time for it to blow.

Kissinger: Right.

Nixon: That's the only point that I see there, but that's on the merits again.

Kissinger: Right.

Nixon: So just do it on the merits. Everything's on the merits.

Kissinger: Well—

Nixon: To hell with the politics.

Kissinger: —we'll do it on the merits, and if I can have that flexibility, then I'll—

Nixon: I understand.

Kissinger: —I might go on that route, on that circuit again.

Nixon: Right. Right. I understand that.

Kissinger: But—

Nixon: You should have that flexibility and just keeping it all in terms of just discussing the matter.

Kissinger: Right.

Nixon: But I think—I'm really—I really feel that we've just got to push this now for all it's worth and make it if we can.

Kissinger: Right, Mr. President.

Nixon: Good deal. All right. Good luck. Goodbye.

Kissinger: Bye.

17. Transcript of a Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Soviet Ambassador (Dobrynin)¹

Washington, October 15, 1972, 8:35 p.m.

K: Hello.

D: Hello, Henry. You are already back?

K: Yes, Anatol.

D: Have you had a chance to look through it?²

K: Yes. I had a chance to look through it.

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 27, Dobrynin File. No classification marking.

² The October 14 DRV note; see Document 14.

D: Do you have any additional comments?

K: Well, here is the comment I have to make. We have had a study made of all the prisoners there and of course we haven't been able to approach the Saigon government yet.

D: Uh, huh.

K: Because I want to present the agreement to them myself. And I think something can be done but first the other side must work with us realistically.

D: Uh, huh.

K: Now the biggest problem I have concerns their own forces in the south because the practical consequence of their proposal is that not only do they want to keep all of their forces in the south, they want Saigon to release 40,000 people whom they consider, you know, guerillas, to then join those forces. And that is an almost impossible product to sell. Now you know if we spend 6 weeks on it we can probably get something done.

D: Yeah.

K: If you are going to do it in 2 or 3 days they have to be concrete in one of two ways. If they pull some of their units out, then I have a much better basis to talk.

D: You mean along those lines you mentioned.

K: Along the lines I mentioned. Let them move some of the divisions. My proposal to them was that they should move the divisions that were never in the country before March 25th. That they moved in after March 25th. Most of them are in the northern part of the country so they wouldn't really have to go all that far to go back.

D: You mean, oh, much rather, very much symbolic to begin with.

K: Yes.

K: Because, my impression was you said . . .

K: I am talking about, they have about 10 divisions there more or less. If they kept 7, that would be . . . I don't want to say exactly how many they should move.

D: It's a rather difficult thing for us to be involved in all this . . . how many really.

K: But I don't even want to tell them how many they should move.

D: I understand.

K: It should be a noticeable number.³ If we can get some assurances of that we are in a much better position to bring about the release of

³ In a 9:55 a.m. telephone conversation on October 15, Dobrynin asked Kissinger if the North Vietnamese would have to acknowledge that they were pulling out troops (even if only a "token" withdrawal) from the South. Kissinger responded: "No, no, they

some of these prisoners. I do not believe, I honestly do not believe that Thieu will release them if the North Vietnamese forces stay. If we get out, he is losing all our forces, he is losing the military strength, we are pulling all our air force out. Now the other route is that they could enter the agreement, I don't know, we have sent them yesterday a phrase which is not in the text you have, at the end of paragraph 8(c) we have added a phrase that says the two parties will do their utmost to achieve an agreement within three months.⁴ I have already told you orally. We have said that we will do our best and make a maximum effort. Now I think I can do even better. I think we can get about, just looking at the list, we might be able to get 10,000 released fairly quickly.

D: What is the essence of your second proposal?

K: The essence of my second proposal is if they gave us a combination of the withdrawal of some forces then I could make more complete my assurances.

D: It seems the second is the same as . . . because you said . . .

K: The other route is . . . there are two routes. If they pull out their forces we can release more of their forces faster.

D: Yes. And what is the second route?

K: The second is that we forget about their forces in which case their releases will be more along the lines we proposed to them.

D: You mean within the three months.

K: Within the three months [of] an agreement.

D: Oh, an agreement.

K: Yes.

D: And if you are going to do something then it will be within the first months so to speak.

K: That's right, within the first months.

D: Oh, I see. But I will not argue with you about the difference.

K: But there's a big difference because our present proposal is, not that anyone should be released but that an agreement should be reached within a three months period.

D: You mean the agreement on . . .

K: On the release schedule.

D: But not the releases within the three months.

K: No.

D: Oh, I see. Then I misunderstand you.

just do it. Our intelligence will pick it up." (National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 27, Dobrynin File)

⁴ See Document 14.

K: And we are willing to give them an additional assurance that that we are willing to use our maximum influence that these releases take place.

D: You are speaking about within three months you will reach agreement or within three months you are going to release them?

K: The present proposal is that within three months we will reach the agreement. And the second route is if they pull something out we will have substantial releases within three months.

D: Well it is difficult these combinations, particularly in terms you discussed with us, because you mentioned to us the suggestion from your side for our consideration, but now it's rather the second of your proposals. At first I really thought you were proposing something noticeable from the point of view of air force—and then which gave all of you something to begin, but now you are rather tied up not with the show of willingness from their side to withdraw something for the time being but rather commit themselves to a certain number of divisions. This is rather difficult for us to do anything.

K: No, no, you don't have to get into the divisions at all.

D: Yes, but you mentioned . . .

K: But you asked me for an idea.

D: But the idea is now . . .

K: The idea is that they should withdraw some forces. How many let them discuss it with us.

D: I understand. But I think I had better leave it on this basis without going into all the details.

K: I don't think you should go into any details. You could say first they want to move at the schedule they have established then we have the massive problem of how to bring Saigon along with this.

D: No, I understand. But first there really is now the question with which you are tied up with troop withdrawal one way or another, but it is up to them to discuss it with you.

K: It is up to them.

D: OK.

K: But you can tell them this. Even without a withdrawal we will make some efforts in that direction. It will just be harder.

D: Well, I understand. But in order to make it more quicker and sure . . .

K: That's right.

D: OK. And this I will mention to Moscow. Of course my impression is whether Moscow will look into this. And to take all the proposals, I said this because just make it on the second part about troop

withdrawals as a token of a show of willingness or which now no need at all. Because I understood your proposal . . .

K: A show of willingness would be very helpful.

D: But just a question of withdrawal . . .

K: It would be very helpful.

D: But it is argued a show of willingness in terms of divisions, because it is difficult from our side I am thinking about.

K: You don't have to give them the numbers.

D: So I leave it as it was. On a new question you are tied up with this new thing and I thought you preferred to discuss even without this side of it.

K: Without the prior agreement.

D: It would make it too difficult, otherwise you could be in a deadlock.

K: Well, if we are in a deadlock that's not the worse thing that can happen to us.

D: Well some kind of things are relevant since we are going deeper into other things (laughs). This is the point.

K: We take your views very seriously, but . . .

D: That's what you really listen to.

K: But we have made absolutely the maximum concessions that's possible to make.

D: No, no, I am not arguing with you, but I simply tried to make it clear our point of view and then I would like to be ready more what you are really up to.

K: What we are up to without any withdrawal on their side we are willing to make a big effort in Saigon, but I am not very optimistic. With some withdrawals on their side we can make a bigger effort and we can have bigger numbers released right away.

D: I understand.

K: That is a fact of life.

D: No, no, I would like to hear more your position a little more. OK, Henry and you are leaving tomorrow at 10?

K: 10:00–10:30.

D: 10:30. Well, in the morning we will have time to say hello.

K: Well, absolutely, Anatol.

D: I will telephone you. All right?

K: Good. And tell Gromyko not to coach them. They are tough enough without it.

D: Well, we know this. This we know. Bye, bye.

18. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, October 16, 1972, 2058Z.

Tohak 2/WH 29613. I have just had urgent call from Alex Johnson, who has been trying to reach me since he left here this morning, stating that the Secretary has asked to read the document given to Sullivan,² together with the changes that Sullivan has recommended that we are going to attempt to negotiate. Alex said the Secretary is insistent and may well call the President. I have three options:

1. Let Johnson read a copy here.
2. Furnish him a copy which he could show Rogers but with the promise that they would return it here immediately and have a man standing by, or
3. Ask Haldeman to call Rogers and tell him that the President insists that the paper not leave here in which case Rogers will certainly come to your office and read it.³

Please advise.

Reference the overall package⁴ which we have been wrestling with, George Carver is sending a very detailed analysis in which he expresses extreme skepticism that Thieu will in any way be able to accept the time frame that you visualize.⁵ His concern, and mine too, which has been growing with my assessment of the III Corps situation, is that Thieu will be reluctant to agree to accept a standstill cease-fire in place with NVA main forces units all in a position to threaten Saigon from three sides. This is not because they will assault the capital but because they can in the short term isolate it and cut off all main arteries leading to the capital, thereby exercising a strong influence on communica-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Tohak, October 16–23, 1972 (2 of 2). Top Secret; Sensitive; Exclusively Eyes Only. Sent via Lord.

² Haig was referring to the draft agreement Kissinger negotiated in Paris.

³ In Hako 2, October 16, 2135Z, Kissinger replied: "Go with Option 3, repeat Option 3. Haldeman should handle it. You should tell him he must be absolutely firm. If that paper leaves the building, or if Rogers gets into the act at this stage, I foresee only disaster." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Hako, October 16–23, 1972)

⁴ The draft agreement, as it emerged in various iterations from the October 8–12 talks and the October 13 meeting between Winston Lord and Xuan Thuy, is *ibid.*, Box 107, Country Files, Far East, Vietnam Negotiations, Successive Negotiating Drafts of Vietnam Peace Agreement, October 8–13, 1972 (2 of 2).

⁵ See Document 19.

tions, commerce, tax collection and the whole range of government business on the hub emanating from the capital. We cannot overlook this strategy as being the key aspect of the so-called Hanoi work schedule. The uncertainties of this situation, combined with a lack of prompt in-place supervisory effort in specific areas, will probably influence Thieu to reject the proposal initially. My strong recommendation is that you posture yourself in Paris in such a way as to highlight the likelihood of real opposition in Saigon which would prevent our proceeding with the schedule outlined and which could only be alleviated by additional security assurances, either with respect to North Vietnamese forces or, as a less desirable option, through a more precise delineation of cease-fire supervision and the simultaneous emplacement of supervisory teams prior to the initiation of a cease-fire itself. I recognize that this is a troublesome development at this late stage. However, as you yourself have stated, the only overriding factor is to be right in the long term.

I have just received Hakto 1⁶ and agree completely. I had the private talk with Haldeman. He is violently opposed to the Midway option and states that he will do nothing but if the President raises it with him, he will definitely oppose it strongly. Because of the danger of compromise, I will do nothing further in the way of planning.

You should have Carver's detailed and very competent assessment in about one hour.⁷ Be assured of our complete, sympathetic and unwavering support.

Warm regards.

⁶ In Hakto 1, October 16, 1925Z, Kissinger told Haig: "The more I think about it the less I like the prospect of a Presidential meeting at Midway. Please do your best to kill this idea. It would be unwise to let planning proceed." (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File)

⁷ Document 19.

19. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, October 16, 1972.

Tohak 3/WHP 63. Memorandum for: Mr. Henry A. Kissinger, Assistant to the President for National Security Affairs.

Subject: President Thieu's Probable Reaction to the Emerging Package.

1. General considerations. GVN President Nguyen Van Thieu's reaction to a settlement following the general outlines adumbrated in recent private negotiations will be conditioned by his weighing of at least five sets of considerations:

- (A) Questions of clarification
- (B) Questions of substance
- (C) Questions of cosmetics
- (D) Questions of atmospherics
- (E) Questions of timing

2. These various considerations clearly inter-relate and overlap. Their definition and relative importance is also very much a function of the point of reference in terms of which they are assessed—what one party may consider a matter of cosmetics, for example, another may view as a question of major or even vital substance. So far as Thieu's reaction is concerned, the operative point of reference will be Thieu's—and his perspective or angle of vision on many issues will be markedly different from ours or Hanoi's.

3. Thieu's basic approach. Thieu will approach the package with considerable skepticism, profound suspicion of Hanoi's motives, and more than a little suspicion of our motives. These suspicions regarding Hanoi's motives, and ours, will swiftly translate to corresponding suspicions regarding Hanoi's proposals—and ours. Thieu's basic outlook will be one of hard headed cynicism. He will start from the premise that Hanoi would not budge on points of substance unless the Communists were really hurting, and he would probably also reason that hurts sufficient to make Hanoi budge would have to be hurts of a degree and kind that Hanoi feared would soon be unconcealable. From such a premise, Thieu would be instinctively inclined to draw the conclusion that if Hanoi is hurting enough to budge, the Lao Dong Politburo must feel it-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Tohak, October 16–23, 1972 (2 of 2). Top Secret; Sensitive; Exclusively Eyes Only. Sent via Guay and Lord.

self under severe time-linked constraints—constraints that give the US and GVN the whip hand if the latter are sensible enough not to squander their advantage. To Thieu, this—in turn—would mean that the US and GVN would be foolish to accept Hanoi's first real offers, or even Hanoi's first set of fall-back propositions. If Hanoi is already giving substantive ground—Thieu would reason—a stiffened or stiffening allied position would soon impel Hanoi to give more.

4. A second basic premise coloring Thieu's whole outlook will be that the Communists are deceitful, wily and unprincipled. *Prima facie*, any package they propose "must" (by definition) be full of cunningly concealed booby traps and pitfalls. The Communists (in Thieu's eyes) will unquestionably try, wherever possible, to exchange concrete—and easily monitored—GVN/US performance or actions for vague, ambiguously phrased Communist promises or "understandings." Furthermore, Thieu regards Hanoi's word (again, almost by definition) as worthless. Hence he would consider even reasonably concrete Communist commitments as empty and relatively meaningless unless nailed down by a workable inspection and complaint adjudication mechanism.

5. Thieu almost certainly trusts President Nixon's administration more than he ever trusted President Johnson's. In this context, however, "trust" is a relative term, not an absolute one. Thieu probably does not think the present US administration would deliberately scuttle him or sell him down the river, but he clearly believes that in the heat of US Presidential election period, South Vietnam's vital interests—which Thieu is strongly inclined to equate with his interests—are of much less concern to the US Government than domestic US political considerations. Also—with a kind of private arrogance that often serves as a carapace for felt inferiority—Thieu considers "Americans" more simplistic and naive than the "subtle" Vietnamese. In this vein, Thieu appears to have convinced himself that Hanoi is skillfully manipulating the Americans' "transparent" hunger for an early settlement. (If Thieu were a reader of Talleyrand, he would doubtless underline the latter's maxim of "*pas trop de zèle*.")

6. Clarification questions. Operating with the outlook sketched above, Thieu will approach any Hanoi package—or US package Hanoi has putatively endorsed—in the spirit of a flint-eyed mortgage banker coldly scrutinizing a complex loan application from a known poor credit risk. For openers, Thieu will want most—ideally all—of the blanks filled in, with i's dotted and t's crossed. To cite a few illustrative random examples (and this is not a comprehensive list), Thieu would press strongly for clear answers to the following sorts of questions.

A. What is meant by a cease-fire "in place"? Who determines who is in place where at any given time? Whose maps are used?

B. How is US “withdrawal” defined?

C. Are GVN personnel held captive by the Communists to be included in any prisoner exchange?

D. What happens to North Vietnamese army units in South Vietnam? (Remember that the GVN’s Joint General Staff now classes all enemy divisions as NVA.)

E. How are Hanoi’s guarantees of “withdrawal from Laos” and an “end to infiltration” to be monitored?

F. Ditto for the Communists’ promised abandonment of Laotian and Cambodian sanctuaries. What happens to their supply stockpiles, logistics depots and Binh Tram system in Laos and Cambodia?

G. How do the package’s provisions regarding “replacement of equipment” impinge on the GVN’s future capabilities? Would they preclude upgrading, say, the GVN’s artillery inventory (e.g., by replacing 105s with 155s and 175s)? Even more, would they preclude the GVN’s acquiring the air and anti-aircraft resources it needs to stand more or less alone against the DRV?

7. Substantive questions. Even if Thieu is genuinely trying to be cooperative—and not simply bent on scuttling any negotiated settlement at this time—once he has obtained what he considers minimally essential clarifications on key points in the emerging package, Thieu will have a number of major substantive issues to ponder. These will include issues such as the following (and again, this is an illustrative list, not a comprehensive one):

A. What would the GVN’s territorial position be in the environment of an “in place” cease-fire? This question, incidentally, would loom very large at this immediate moment. At this writing, the Communists have significant units active close to Saigon, and on at least three sides of the GVN’s capital. Thieu simply could not—and would not—agree to an “in place freeze” that left his capital a surrounded island.

B. How would the fact, and the image, of GVN sovereignty be affected by the settlement package’s “political arrangements”? We might consider them a facade or minimal figleaf masking a substantive Communist surrender, but Thieu might see these “arrangements” in a very different light.

C. What would the proposed package’s real and net impact be on relative GVN and Communist military capabilities at the time of implementation? One year hence? Over the indeterminate future?

8. Cosmetic questions. In Vietnam as elsewhere (but sometimes particularly so in Vietnam), political appearances transmute into political reality. Hence, distinctions between what is “substantive” and what “cosmetic”, though valid, are often regarded—at least by the Viet-

namese—as largely irrelevant. Thieu might be willing to be forthcomingly flexible and realistic (at least by his lights) on the practical mechanics of cease-fire and accommodation, but he is unlikely to back off a micromillimeter from his public claim to sovereignty and lawful jurisdiction over all of South Vietnam's people and all of its territory. He is also most unlikely to be willing to take any public posture beyond “benign neglect”—i.e. turning a blind eye—on aspects of the settlement package he deems practically workable but cosmetically unpalatable. At best, Thieu's public posture toward settlement will be ambivalent (and he will argue that given the realities of the Vietnamese psyche and its interacting impact on the realities of Vietnamese politics, his posture has to be ambivalent): he may be willing to play the role of enlightened statesman, taking undeniable risks and making great sacrifices in the higher cause of peace. If so, however, the enlightened statesman will also portray himself, at least to his own domestic audience, as a magnanimous victor. Thieu will be convinced that the risks a settlement inevitably entails are manageable—and domestically saleable—only if presented as the risks a strong victor can afford to take, thus highlighting both his strength and his victory.

9. One area of major “cosmetic concern” to Thieu will be the way any settlement's structure and manner of implementation affects his domestic image vis-à-vis the Communists. Another area of at least equally great concern will be the way a settlement would affect his domestic and international image vis-à-vis the United States. Here, the impact and import of the way the settlement was (or appeared to be) reached and implemented would loom at least as large in Thieu's eyes as the settlement's actual substantive provisions. Thieu will never knowingly or willingly let himself be maneuvered into looking like a servile U.S. puppet. His image of independence vis-à-vis the U.S. is as important to his psyche—and essential to his political survival—as his image of strength vis-à-vis the Communists. Thus Thieu will certainly insist that any settlement package looks to the world like a joint US/GVN proposal which Hanoi has accepted (or, as Thieu will doubtless imply, been forced to accept). He will simply refuse to acquiesce in any arrangement or scenario that could be construed as suggesting that South Vietnam's future was arranged in private negotiations between Washington and Hanoi, without Thieu's active participation. The image essential to Thieu's self-esteem—and, again, political survival—will be that in the private talks, the US participants (chiefly Dr. Kissinger) served as the GVN's attorney, actively representing the interests of a mature, responsible and powerful client—not, in any sense, as the legal wards or trustees of a client who was legally incompetent.

10. Atmospheric questions. In the kaleidoscopic world of Vietnamese politics, substantive issues recombine into cosmetic questions and

these, in turn, into atmospheric ones. Within South Vietnam, Thieu will consider it essential that the evolution and implementation of a settlement be conducted in, and reinforce, an atmosphere of—at a minimum—victorious stand-off against the Communist foe, never an atmosphere of GVN defeat and scuttling by its principal ally.

11. Such charged atmospheric considerations, in turn, will greatly affect Thieu's response to any US-proposed settlement package and the extent to which he is, or is not, willing to get on with the task of getting that package implemented. Thieu's behavior in October 1972, furthermore, will be heavily influenced by the way he was handled in October 1968, for the scar tissue over that deep wound is still very tender.

12. Rightly or wrongly, Thieu is absolutely convinced—and I know this because he has told me so in private conversation—that in 1968, the Johnson administration tried to rush him into a disastrous arrangement that would have sacrificed South Vietnam's vital interests for US domestic political advantage. He resisted this effort then (successfully) and so long as he draws breath, he will resist what he sees to be a similar effort by any other US political party. Thieu, in short, will be hypersensitive to anything he perceives as even suggesting a re-run of October 1968. Thieu has a great penchant for repeating tactics that worked successfully in the past. He is convinced that in 1968, he saved South Vietnam (and himself) by stubborn intransigence.

13. The above does not mean that Thieu will be unreceptive to any US settlement proposal at this time, or that he will not be willing to cooperate in its implementation (provided he is convinced that South Vietnam's long term interests—and his—are thereby served). His mind will snap shut, however, and his emotions set in rock-hard concrete if the atmosphere surrounding the presentation of this proposal suggests a US urgency keyed to 7 November, or if that atmosphere hits his nostrils as in any way redolent of October 1968.

14. Timing questions. The element of timing will weigh on Thieu's mind in at least two dimensions. First, the practical. He will want to cast a very sharp eye over the sequential phasing of any proposed settlement package's component parts. He will want to be sure neither the GVN nor the US is giving up too much too soon, or too irrevocably—i.e., that resources for effective counter-action remain feasibly on tap during the period when actual Communist performance in carrying out their promised actions begins to provide some tangible clues regarding Hanoi's real sincerity and longer intentions.

15. Secondly, Thieu's reading of the atmospheric considerations just discussed will be heavily influenced by the kind of time-table presented to him for pursuing and implementing the proposed settlement package. Also, Thieu will have some strong views of his own on how the sequential phasing of agreement on a settlement and implementa-

tion of its component parts ought to be handled to protect the GVN's vital substantive and imagistic interests.

16. Thieu's probable response to the overall game plan. The emerging settlement package will constitute a large mouthful for Thieu to swallow—in fact, several large mouthfuls. He may swallow it, but parts of it will be decidedly unpalatable and any swallowing will perforce be preceded by a considerable amount of inevitable, unavoidable chewing.

17. The emerging package probably contains the essence of what Thieu can recognize as settlement with sufficient potential benefit for basic South Vietnamese interests to constitute an alternative preferable to continued war. Thieu will recognize this, however, only if he approaches the problem with clear eyes coldly fixed on real interests—eyes unbecomingly by a sheen of suspicion or red haze of anger. If he stays on an even, rational keel, Thieu is a shrewd and realistic enough Vietnamese politician to recognize that despite its inevitable hazards and booby traps, the emerging package can be translated into something very close to Communist surrender. He is also shrewd enough to recognize that the very act of tabling this proposal, even in its present form, strongly suggests there either has been or soon will be a major realignment of North Vietnamese (i.e., Politburo) political forces. This, in turn, would suggest to Thieu the possibility of a relationship with Hanoi which—if properly nurtured and handled—could come to resemble the evolving pattern of relationships between Seoul and Pyongyang.

18. Even if he approaches the problem with an open mind and a maximum amount of good will, however, the current outline package will make Thieu very skittish. He will have a number of questions that he will regard as essential and legitimate. He will regard as eminently reasonable, and equally legitimate, an insistence that many of these questions must be answered or clarified before any more moves are made in this game. (One thing he will insist be “clarified”—i.e., eliminated—is any acquiescence in a Communist military presence on the outskirts of Saigon.) Thieu's gravest reservations, of course, will probably be focused on the internal political arrangements and their impact on GVN sovereignty, the territorial allocation issue, the continued presence (and role) in South Vietnam of the North Vietnamese army, and the types of resupply, modernization and improvement that will become realistically feasible for the ARVN vis-à-vis the NVA. On the other hand, a clear-eyed Thieu (but not an incensed one) will quickly perceive how close the Hanoi offer is, or could be made to be, to the joint GVN/US proposal of 25 January 1972, President Nixon's 8 May

position, and even Thieu's own public position as enunciated in his 2 October message to the National Assembly.²

19. The trick, hence, is to keep Thieu clear-eyed. In this context, any proposal for a visit by Dr. Kissinger to (special addition) [Hanoi] to ratify or solemnize the agreement becomes a very dicey and radioactive proposition. Whatever be his outward demeanor, Thieu's instinctive initial reaction to any such proposal will be that it is a totally unnecessary grandstand play, incapable of doing any good, likely to do great harm and a gambit whose very suggestion raises grave questions about US motives. Thieu may have second and third thoughts of a more reasonable nature, but ones such as these will inevitably be his instinctive first ones.

20. If Dr. Kissinger were to proceed to (possible addition) [Hanoi] over Thieu's strong objections—whether the latter be overtly expressed or transparently manifest even though not explicitly stated—virtually all chance of obtaining Thieu's active cooperation would thereby be eliminated. The fact of this major disagreement, and its outcome, would be bound to leak out, with decidedly adverse consequences for Thieu's political position, the GVN's cohesion, and the prospects for anti-Communist Vietnamese in any subsequent political or military struggle with their Communist adversaries.

21. This is not to say that Thieu would necessarily be unshakeably opposed to Dr. Kissinger's capping a successfully negotiated settlement with a symbolic visit to (possible addition) [Hanoi]. Thieu's reflex, instinctive response to any such proposal (when it is initially broached) will almost certainly be negative. This does not mean his position will necessarily remain negative. If—a very big “if”—Thieu does not make a negative verbal response when this idea is first broached (i.e., a response putting him on a limb from which he cannot climb down without losing face), it may be possible to bring Thieu around to the view that such a dramatic gesture would redound to his, and the GVN's, long-term interests.

22. There is no chance whatsoever of bringing Thieu around to any such view unless the atmosphere of any discussions with him is cordial as well as businesslike. And there is little chance of generating or preserving the necessary atmosphere if Thieu senses himself rushed or hurried as he was in October 1968. This does not mean that Thieu

² The January 25 joint peace proposal was revealed by President Nixon in a speech that day. In his May 8 speech, he reiterated his desire for a negotiated settlement of the war and offered to resume negotiations with North Vietnam. For text of these addresses, see *Public Papers: Nixon, 1972*, pp. 100–106 and 583–587. See also *Foreign Relations, 1969–1976*, volume VIII, Vietnam, January–October 1972, Documents 8 and 136. Thieu's October 2 written message to the National Assembly was reported in “Kissinger's Deputy Confers With Thieu,” *The New York Times*, October 3, 1972, p. 3.

cannot be presented with cogent arguments for urgency, for moving briskly to nail Hanoi's leaders down before they or their minds are changed. Thieu will, however, surely jump the rails if he feels our sense of urgency is primarily generated by the rapid approach of 7 November.

23. Given the above, the chances are minimal of Thieu's acquiescing in any scenarios that would have Dr. Kissinger in Paris on Tuesday, Saigon on Wednesday and (possible add) [Hanoi] on Saturday. Such a foreshortened timetable is just too compressed for Thieu's psyche, or political position, to take. The best feasible scenario would measure this sequence of events in days or (more likely) a few weeks, not hours. Even if Thieu is as forthcoming and cooperative as it is possible for him to be—given his temperament and situation—it is hard to envisage him going beyond (or not proposing) something more like this: Paris on Tuesday, Saigon on Wednesday. Several days (say four or five) of intensive discussions in Saigon jointly evolving an allied position on what needs to be clarified and/or met with a counter offer. Once an agreed US/GVN position is reached—i.e., an offer Thieu genuinely regards as “agreed” (not rammed down his throat)—back to Paris for a “final” (ideally) session with Le Duc Tho, a session which itself could last for several days and (again ideally) would resolve or clarify the major items we and/or the GVN considered essential unfinished business. Once that package, perhaps as further modified in these “final” Paris sessions, is chopped by Le Duc Tho, back to Saigon for final accord from Thieu and perhaps then—but only then—to (possible add) [Hanoi] for symbolic signing.

24. Under suitable pressure which nonetheless does not make him jump ship, Thieu could probably be brought around to agreement and genuine cooperation on a scenario recognizably resembling that just sketched. (Saying this is a lot easier than doing it will be.) Implementing this scenario, however, would probably require at least two or three weeks—not five or six days. Even a cooperative Thieu would be certain to argue—and not without reason—that any faster scenario would inevitably risk making unnecessary concessions to Hanoi. Thieu's point would be that if Hanoi is hurting as much as its current offer suggests, Hanoi may be at least as anxious for settlement as we, perhaps even more so. There would thus be an odds-on chance of the Communists giving even more substantive ground if hit with a starchy “final” set of counterproposals, which the US—as brokers—could offer in good faith (and with great benefit to the allied cause and its overall image) as the “most” the GVN could possibly accept. This, in any event, is the line Thieu will probably take with you in Saigon even if he

is honestly trying to be as cooperative as he feels he can be, all factors considered.

George A. Carver, Jr.

20. Letter From President Nixon to South Vietnamese President Thieu¹

Washington, October 16, 1972.

Dear President Thieu:

I have asked Dr. Henry Kissinger to convey to you this personal letter regarding our current negotiations with North Vietnam which now appear to be reaching a final stage.

As you know, throughout the four years of my Administration the United States has stood firmly behind your Government and its people in our support for their valiant struggle to resist aggression and preserve their right to determine their own political future.

The military measures we have taken and the Vietnamization program, the dramatic steps that we took in 1970 against the Cambodian sanctuaries, the operations in Laos in 1971 and the measures against North Vietnam just this past May have fully attested to the steadfastness of our support. I need not emphasize that many of these measures were as unpopular to many in the U.S. as they were necessary.

At the negotiating table we have always held firmly to the principle that we would never negotiate with North Vietnam a solution which predetermined the political outcome of the conflict. We have consistently adhered to positions that would preserve the elected government and assure the free people of Vietnam the opportunity to determine their future.

Until very recently the North Vietnamese negotiators have held firmly to their long-established position that any settlement of the war would have to include your resignation and the dismantlement of the Government of the Republic of Vietnam and its institutions.

It now seems, however, that the combination of the perseverance and heroism of your Government and its fighting forces, the measures

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [1 of 2]. No classification marking. Kissinger was to personally hand the letter to Thieu when he met with him in Saigon. See footnote 2, Document 27.

taken by the United States on the 8th of May, 1972, and our firmness at the conference table have caused a fundamental shift in Hanoi. In the course of Dr. Kissinger's recent meetings with the North Vietnamese negotiators in Paris, it has become progressively more evident that Hanoi's leadership is prepared to agree to a ceasefire prior to the resolution of the political problem in South Vietnam. This is indeed an important reverse in doctrine and must represent a decision for them which cannot have been taken lightly. They know the weakness of their own political forces in the South and therefore the risks involved in reaching an agreement that does not meet their political objectives must indeed for them be great.

The consequence of this change in strategy has resulted in a situation wherein we and Hanoi's negotiators have reached essential agreement on a text which provides for a cessation of hostilities, the withdrawal of remaining allied forces, the exchange of prisoners of war, and the continued existence of your Government and its institutions after the ceasefire takes effect. In addition to the document itself a number of private assurances have been obtained designed to meet the security concerns of your country and whose implementation we consider an essential part of this agreement.

Dr. Kissinger will explain to you in the fullest detail the provisions of the proposed agreement which he carries with him and I will therefore not provide further elaboration in this message. I do, however, want you to know that I believe we have no reasonable alternative but to accept this agreement.² It represents major movement by the other side, and it is my firm conviction that its implementation will leave you and your people with the ability to defend yourselves and decide the political destiny of South Vietnam.

As far as I am concerned, the most important provision of this agreement, aside from its military features, is that your Government, its armed forces and its political institutions, will remain intact after the ceasefire has been observed. In the period following the cessation of hostilities you can be completely assured that we will continue to provide your Government with the fullest support, including continued economic aid and whatever military assistance is consistent with the ceasefire provisions of this government [agreement].

² On October 13, Haldeman commented in his diary about Nixon and Kissinger's level of confidence in Thieu's acceptance of the agreement: "Both the P and Henry are realizing in the cold gray light of dawn today that they still have a plan that can fall apart, mainly the problem of getting Thieu on board, but also the problem that the North Vietnamese might not buy what Le Duc Tho comes back to them with. So, it's still problematical, although Henry's convinced that he's got it settled and that it will work out and that we can talk Thieu into it." (*Haldeman Diaries: Multimedia Edition*)

I recognize that after all these years of war a settlement will present an enormous challenge to your leadership and your people. We all recognize that the conflict will now move into a different form, a form of political struggle as opposed to open military confrontation; but I am of the firm conviction that with wisdom and perseverance your Government and the people of South Vietnam will meet this new challenge. You will have my absolute support in this endeavor and I want you to know it is my firm belief that in this new phase your continued leadership of the destiny of South Vietnam is indispensable.

Finally, I must say that, just as we have taken risks in war, I believe we must take risks for peace. Our intention is to abide faithfully by the terms of the agreements and understandings reached with Hanoi, and I know this will be the attitude of your government as well. We expect reciprocity and have made this unmistakably clear both to them and their major allies. I can assure you that we will view any breach of faith on their part with the utmost gravity; and it would have the most serious consequences.

Allow me to take this occasion to renew my sentiments of highest personal regard and admiration for you and your comrades in arms.³

Sincerely,

Richard Nixon

³ The President handwrote the following message to Thieu on the last page: "Dr. Kissinger, General Haig and I have discussed this proposal at great length. I am personally convinced it is the best we will be able to get and that it meets my *absolute* condition that the GVN must survive as a free country. Dr. Kissinger's comments have my total backing. RN"

21. **Memorandum From Philip A. Odeen of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)**¹

Washington, October 16, 1972.

SUBJECT

Cambodia

During my recent Vietnam trip, I spent one day in Phnom Penh. It reinforced my concern that we need to take prompt steps to invigorate the U.S. Mission and help the Cambodians cope with a growing enemy threat and a deteriorating economic and political situation.

The Situation

Two trends call the very survival of the Lon Nol government into question. On the one hand the indigenous communist forces, the KC, are increasing in strength and aggressiveness. During the past four months they have challenged the GKR throughout the country including numerous actions close to Phnom Penh. The KC did this even though most of their NVA/VC supporters were fully occupied in Vietnam. For example, the KC have kept the key west-central road to the rice bowl closed for nearly two months.

On the other hand, war-weariness and political bickering among the anti-communist forces have dissipated the national will to resist and resulted in the loss of both administrative skills and drive in the government and the military. Lon Nol has now legitimized his government with elections and may be in the process of pulling together a more cohesive government. He has no time to waste.

The U.S. Mission's role in Phnom Penh has been largely that of observer and reporter. General Cleland² has pressed hard to overcome purely military problems but has not, until very recently, received much backing where military problems interface with the basic political problems. We have not until the past month been a catalytic force for national political unity and we have limited our economic activities to ordering and paying for essential imports.

The Embassy Staff

While staffing is generally a problem, the key issues are the Ambassador and the need for a top flight economics man.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 514, Country Files, Far East, Cambodia, Vol. 16, Sep–Dec 72. Secret; Sensitive; Completely Outside the System. Sent for information. Kissinger initialed the memorandum.

² Brigadier General John R.D. Cleland, USA, Commander, Military Equipment Delivery Team, Cambodia (MEDTC).

Ambassador Swank is a competent representative and reporter. He has clear orders from State to play a passive role. But my impression (buttressed by other views) is that he would not be effective should his orders be changed and a more active, positive policy be directed. If we wish to push the GKR to take what we see as essential political, economic and military steps, a new Ambassador is essential.

Ambassador Swank has just completed two years in Phnom Penh and a transfer from this "hardship" post could be routine. Tom Enders, the DCM, has, in my view, been doing a fine job in moving toward U.S. objectives without increasing our commitment. Enders has been in charge during the past six weeks (Swank is back in the States on leave) and has been far more aggressive in encouraging Lon Nol and Matak³ to mend their differences and work jointly to overcome the formidable problems that Cambodia faces. He is well liked and respected by the Cambodians, speaks fluent French, and his approach and policy seem in line with our views rather than the State "low profile" approach.

What is needed is an Ambassador more in the Enders mold, although leaving Enders in charge for a considerable period would be far preferable to Swank's return, which might undo some of the good work of the past few weeks.

The other pressing problem is to beef up the economics staff. Cambodia's economic problems are mounting rapidly. Our policy has been one of "hands off," in part because the IMF had a capable and strong representative in Phnom Penh. Now the IMF man has been replaced with a low profile IMF representative, the handful of competent economists have about all left the government (they were Matak supporters), and the economy is in chaos.

At Al Haig's request, Chuck Cooper (U.S. economic counselor in Saigon) recently visited Cambodia. His view, which I support fully, is that we need a first rate economics staff headed by an experienced active advisor. Miles Wedeman, the current AID Chief and Economic Counselor,⁴ is a capable bureaucrat but with experience in capital development, and the Cambodian situation is totally different.

We have asked State to take steps to build up the economics staff and they have begun suggesting names. But they have not moved to find an appropriate man to head the staff. In part, there is a reluctance to move because it is at odds with the "low profile" approach to put in a strong economics team. There may also be reluctance to move the AID

³ Sisowath Sirik Matak resigned as Cambodian Prime Minister on March 18, 1972, because of disagreements with Lon Nol; he remained active and influential in Cambodian politics.

⁴ Miles G. Wedeman, head of the AID Mission and Counselor for Economic Affairs at the Embassy in Cambodia since March 1971.

Chief, Wedeman, aside. John Holdridge raised the issue again with Marshall Green last week, so we may be able to get this issue settled without your intervention.

NSSM 152⁵

The NSSM on Cambodia has done little more than examine possible modifications of the U.S. program to develop a 254,000 man FANK within the existing budget and U.S. personnel constraints. It concludes that the basic military problem of developing a large, capable military force is leadership in a country without significant military experience and with limited administrative experience (French, Vietnamese and Chinese expatriates largely ran the country before 1970). It has proposed some fixes which are being implemented:

- concentration on development of two reserve divisions to carry most of the main force fighting;
- improving incentives including housing for the reserve forces;
- development of some auto-defense capability;
- expansion of patrol and guerrilla forces.

However, the force structure toward which we are moving was developed primarily to meet the NVA/VC main force threat. The primary threat is now the KC. Moreover, analysis has not been done of the economic problems of supporting the large military establishment our MAP program is developing. During the past two years the cost of living has increased about 100 percent while military and civil service salaries have increased only 25 percent.

We are beginning an examination of our alternatives in Cambodia in a country program memorandum under NSDM 112.⁶ The response of the bureaucracy to looking at alternatives has thus far been poor and we may have to find ways to accelerate and improve this study.

⁵ Dated March 27 and entitled "Cambodian Assessment," NSSM 152 and backup material are in the National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Boxes H-190 and H-191, National Study Security Memoranda, NSSM 152.

⁶ See *Foreign Relations*, 1969–1976, volume II, Organization and Management of U.S. Foreign Policy, 1969–1972, Document 151.

22. Memorandum From the President's Deputy Assistant for National Security Affairs (Haig) to President Nixon¹

Washington, October 17, 1972.

I have received the following report for you from Dr. Kissinger:²

"1. Spent twelve hours with Xuan Thuy during which we resolved all substantive and technical issues except replacement (Article 7) and prisoners (Article 8). We also conformed our texts verbatim except for those two Articles.

"2. They were in effect giving us what we need on replacement but held it back until we would agree with their formulation on prisoners which would free all Viet Cong civilians held by the GVN. I said Saigon would not accept this and there was no sense in my writing down something that could not be implemented.

"3. We came out very well on the other issues, including leaving nature of elections to South Vietnamese parties and specifying time limit and composition of International Conference. There were also marginal improvements in other sections.

"4. At the end Xuan Thuy handed me a set of unilateral interpretations, many of which we cannot accept.³ They have also failed to give us satisfactory language on prisoners in Laos and Cambodia. All this suggests the need for another meeting.

"5. Given the two unresolved issues I proposed either Option B (returning to Paris next week before going on to Saigon again and then to final stop); or meeting Le Duc Tho in Vientiane this weekend before final stop. They were clearly unhappy over slippage in schedule and suggested settling the two issues at the final stop. I said that under no circumstances would we go there unless we had complete agreement first. I said that I needed instructions from the President on how to proceed and would let them know if discussions in Saigon would permit

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [1 of 2]. Top Secret; Sensitive; Eyes Only. A stamped notation on the first page reads: "The President has seen."

² A memorandum of conversation of the October 17 meeting in Paris, which lasted from 10:37 a.m. to 10:10 p.m., is *ibid.*, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [3 of 3].

³ The interpretations covered the following topics: the exercise of the South Vietnamese people's right to self-determination; problems concerning Cambodia and Laos; the resignation of Thieu; moving U.S. aircraft carriers far off the coasts of Vietnam; the U.S. contribution to the healing of war wounds in North Vietnam; the cessation of U.S. bombing of North Vietnam; the cessation of all U.S. reconnaissance activities against North Vietnam; the replacement of armaments by the two South Vietnamese parties; and the massacre of persons detained by the Saigon administration. (Tab F; *ibid.*)

us to adhere to original schedule. Xuan Thuy said he would have to refer to Hanoi any proposed delay.

"6. I think we have come out of this meeting well. We improved the text in many places and resolved every substantive and technical issue but the prisoner issue. We have made point that Saigon must be consulted. I will see if Thieu can accept some flexibility on prisoners in exchange for good replacement language. If we need more time, I think Hanoi will agree to schedule slipping a few days—they would be extremely vulnerable to public opinion if they did not.

"7. I will make specific recommendation on schedule once I have Thieu's initial reaction."

23. Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Paris, October 18, 1972, 0005Z.

Hakto 7. Please pass the following message immediately to Guay with instructions to deliver it at opening of business.

1. The U.S. side believes further significant progress was made at the meeting of Dr. Kissinger with Minister Xuan Thuy.

2. It is convinced that the remaining issues can be satisfactorily settled. As soon as the President has made a decision the U.S. side will propose either a new schedule or an adaptation of the existing one.

3. It is clear that a visit to Hanoi should take place in the context of an agreement, not of areas of disagreement.

4. In this connection the U.S. side notes that the DRV unilateral statement on Laos and Cambodia is inadequate since it does not cover assurances previously given verbally by Special Adviser Le Duc Tho that an end of the war in Vietnam would lead promptly to an end of the war in Cambodia.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Hakto, October 16–23, 1972. Top Secret; Sensitive; Exclusively Eyes Only. In Hakto 10, October 18, 0623Z, Lord and Rodman sent the following message to the White House Situation Room: "Please insure that Hakto 7 has been seen by Haig and relayed to Guay ASAP. If already done, please tell us time of receipt by Guay." (Ibid.)

5. The assurance regarding U.S. prisoners in the same statement is totally unacceptable. The U.S. side has stated repeatedly that the end of military operations in Vietnam presupposes the release of all United States prisoners held throughout Indochina. It cannot accept an assurance conditional on an end to alleged U.S. intervening in Laos and totally inconsistent with Special Adviser Le Duc Tho's repeated assurances.

6. Other DRV unilateral statements are equally unacceptable. All must be jointly reviewed since it would be self-defeating to start a new relationship with so many areas of misunderstanding.

7. The U.S. believes that the remaining problems can be solved if both sides show good will and a serious attitude. The U.S. side will in the next days use all its energies to solve the remaining issues.

**24. Message From the President's Deputy Assistant
for National Security Affairs (Haig) to the President's
Assistant for National Security Affairs (Kissinger) in Paris¹**

Washington, October 18, 1972, 0125Z.

Tohak 21/WH 29630. Thank you for your Hakto 4. You may be right in paragraph one,² but our friend was cocksure. I will proceed with showing Rogers Chapter 4 from Tab A with the changes you outlined in paragraph 9(g).³

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Tohak, October 16–23, 1972 (2 of 2). Top Secret; Sensitive; Exclusively Eyes Only. Sent via Lord. Written on October 17.

² In the first paragraph in Hakto 4 from Kissinger to Haig, October 17, 2330Z, Kissinger stated he did "not believe Sullivan has discussed Chapter IV" of the draft agreement ("The Exercise of the South Vietnamese People's Right to Self-Determination") with Rogers. He further commented: "At any event he [Sullivan] is delighted with it and suggested no changes. He calls it as close to surrender document by DRV as one can conceive." (Ibid., HAK Paris/Saigon Trip Hakto, October 16–23, 1972)

³ Chapter IV, "The Exercise of the South Vietnamese People's Right to Self-Determination," spelled out how the two South Vietnamese parties would decide the political future of South Vietnam. Paragraph (or Article) 9 detailed the role of the institution intended to promote the implementation of the agreement, the National Council of National Reconciliation and Concord, through national and local elections.

Reference paragraph 3⁴—There will be absolutely no action taken on international commission until you so direct. I do not accept State's view that ten days will be required on this item. However, you should be aware that three or four days will probably be essential. Under our option B,⁵ I recognize that one more round is likely.

Reference paragraph 4—Our leader is adamant about next leg not repeat not taking place unless a firm agreement with full support by Thieu is assured. He raised this in meeting with me about an hour ago and I confirmed that this was your view as well. If there is any modification on this, please advise me how best to proceed with leader. Leader also emphasized that under no circumstance could there be a termination of bombing unless it was directly linked to and in sequence of announcement of final agreement. Leader was so strong on this that he wanted to send you separate message on this effect and I told him it was [not] necessary. My own view is that sense of urgency in Hanoi is related more to high point in South than to North's ability to absorb further bombing, especially in light of substantial reduction which we have already instituted. Given our leader's attitude, given the fact that termination or halt to bombing will be extremely controversial if not followed up immediately by settlement, leader believes it could seriously affect election, and given finally fact that bombing serves as an incentive for the other side to make maximum effort to resolve remaining issues, I think we must continue bombing until ultimate agreement acceptable to both Thieu and Hanoi has been arrived at.⁶ Your add-on trip and the bombing halt in connection with it was agreed to in context of an immediate final settlement. Hanoi should be told that our leader is adamant on this issue.

Reference paragraph 5⁷—I am sure after reading paragraph 4, Rogers will on one hand be delighted and on the other remain totally unruly about getting his machine in gear and his role delineated. This will take some strong discipline here which I hope you will reinforce by rationale in your next message. I will, of course, speak again to Johnson

⁴ In this paragraph of Hakto 4, Kissinger strongly advised against doing anything about the international commission.

⁵ In which Kissinger recognized that he might have to make another trip to Paris before going to Saigon to brief Thieu on the negotiations and secure his approval of the draft agreement. See Document 22.

⁶ Haig was responding to Kissinger's comment in Hakto 4: "If I do not make last leg of trip we have problem regarding the bombing halt commitment." Kissinger had told Le Duc Tho during the October 11–12 session that because they had arrived at tentative agreement: "We will reduce the bombing [over North Vietnam]. You will see. I told you today we will no longer bomb Hanoi. We have already ordered this today, and we will keep this and we will decrease the number of sorties." See Document 6.

⁷ In paragraph 5 of Hakto 4, Kissinger commented: "Tell [U. Alexis] Johnson that if he does not keep Rogers under control we will cut him out of everything from now on."

about the problem. I already had a testy discussion today on this subject.

Warm regards.

25. Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Paris, October 18, 1972, 0708Z.

Hakto 11. Immediate—Deliver opening of business.

Ref: Tohak 21.²

1. Thank you for your message. My plan now is as follows: I intend to notify Hanoi that a visit is possible only in the context of a final agreement. The deadlock in paragraph 8, the uncertainty about paragraph 7 and the ambiguity about the unilateral statements³ together with whatever comments Saigon has require another two-day session. I shall propose either Vientiane or Paris. If Vientiane I may add on the last leg after once more returning to Saigon. If Paris I shall return to Washington Saturday.⁴ If Vientiane I shall stay out here till the job is done.

2. Current bombing restrictions should be maintained. That is to say, no attacks on Hanoi and about 150 attack sorties a day.⁵

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Hakto, October 16–23, 1972. Top Secret; Sensitive; Exclusively Eyes Only.

² Document 24.

³ Paragraph (Article) 8 of the draft agreement addressed the question of the release of captured military and civilian personnel on both sides while paragraph (Article) 7 dealt with the provision of new and replacement military aid and the introduction of military personnel into South Vietnam in the post-cease-fire period. The unilateral statements were documents the North Vietnamese gave Kissinger showing how they interpreted certain sections of the draft agreement. For a detailed list, see footnote 3, Document 22.

⁴ October 21.

⁵ See footnote 6, Document 24. Regarding the bombing restrictions, Haig's view was that the President's decision, to lower the number of sorties from 200 a day to 150, reiterated by Kissinger in this message, represented a compromise between Kissinger, who wanted to stop bombing North Vietnam, and Haig, who believed that "we should keep on bombing as the only hope of inducing the enemy to remove his troops from the South." (Haig, *Inner Circles*, p. 299) Nixon himself later wrote of this decision: "there would be no bombing *halt* until the agreement was signed. I was not going to be taken in by the mere prospect of an agreement as Johnson had been in 1968." (RN, p. 694)

3. Re Rogers, I do not know what to say.⁶ Sullivan is ecstatic about the agreement and very cooperative. I cannot stress sufficiently however the absolute imperative of discipline in Washington. Hanoi is obviously extremely nervous; Xuan Thuy seemed barely able to control himself. Any sign of confusion in Washington or any leaking will kill us. Please stress this to the President and to Haldeman. *For Haldeman*: Either schedule probably means that the President's speech would be October 28 or 29.⁷ If there is a strong preference it would help to know.

4. Please keep me posted.

⁶ It is not clear what Kissinger means. Since returning from Paris on October 12 he had repeatedly stated the need to keep Rogers out of the negotiating process. See Document 9; footnote 3, Document 18; and footnote 7, Document 24.

⁷ According to Haldeman's diary, when the President and Kissinger spoke on the evening of October 12, they decided that Nixon would announce the cease-fire in Vietnam on October 26 and that it would go into effect on October 30. (*Haldeman Diaries: Multimedia Edition*, October 12) By this time, the date of the speech had slipped.

26. Message From the United States to the Democratic Republic of Vietnam¹

Washington, October 18, 1972.

The President has carefully reviewed the record of the meeting between Dr. Kissinger and Minister Xuan Thuy.² He has instructed that the following message be transmitted on his behalf to the leaders of the DRV.

1. The President believes that the DRV and the U.S. are very close to an agreement. In settling a war of such length and intensity, it is inevitable that schedules must be adjusted from time to time.

2. The President cannot agree to a visit by Dr. Kissinger to Hanoi or to a unilateral halt of certain U.S. military activities except in the context of a completed agreement.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [1 of 2]. Top Secret; Sensitive; Exclusively Eyes Only. The message was transmitted from Haig to Guay in WHF 71, 0951Z.

² See Document 22.

3. Because of the disagreements regarding Articles 7 and 8 and the unsatisfactory nature of certain unilateral DRV statements the time is not yet ripe for such a visit.

4. The President believes that another meeting between Dr. Kissinger and Special Adviser Le Duc Tho or any other member of the Hanoi leadership should lead to agreement in two or three days.

5. For this reason the United States side proposes the following schedule:

October 22, 23 and if necessary 24—a meeting between Dr. Kissinger and Special Adviser Le Duc Tho in Vientiane. The meeting place would alternate between the U.S. and the DRV Embassies.

October 25 and 26 (or October 26 and 27 depending on the length of the Vientiane meeting)—Dr. Kissinger goes to Hanoi to discuss post-war plans with the DRV leaders.

October 27 or 28—Dr. Kissinger returns to Washington.

October 28 or 29—simultaneous announcement of final agreement.

4. This schedule would involve a delay of only three or four days from the original plan.

5. If Vientiane is unacceptable Dr. Kissinger would be prepared to return to Paris on any day convenient to Special Adviser Le Duc Tho during the week of October 23. However this would be less efficient.

6. The U.S. would stop bombing the day before Dr. Kissinger's visit to Hanoi as agreed between him and Special Adviser Le Duc Tho.

7. As a sign of good will the U.S. will maintain current bombing restrictions while negotiations are in progress.

8. The President wants to reaffirm his serious intention to complete the agreement within the proposed new time schedule. With mutual effort and understanding we can succeed.

27. Memorandum of Conversation¹

Saigon, October 19, 1972, 9:10 a.m.–12:20 p.m.

PARTICIPANTS

President Nguyen Van Thieu
 Vice President Tran Van Huong
 Prime Minister Tran Thien Khiem
 Foreign Minister Tran Van Lam
 Ambassador Tran Kim Phuong
 Ambassador Pham Dang Lam
 Presidential Adviser Nguyen Phu Duc
 Presidential Secretary Hoang Duc Nha

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
 Ambassador Ellsworth Bunker
 General Creighton Abrams
 Ambassador William H. Sullivan
 Ambassador Charles S. Whitehouse
 Winston Lord, NSC Staff
 David Engel, NSC Staff

(The party spent a few minutes in the reception room without President Thieu and with no photographers present. They were then ushered into President Thieu's office where he greeted them. President Thieu spoke for a few moments privately with Dr. Kissinger and Ambassador Bunker while the rest of the group assembled in the adjoining conference room.² President Thieu, Dr. Kissinger and Ambassador Bunker then joined the group and the meeting began.)

President Thieu: I have Mr. Nha as an interpreter.

Dr. Kissinger: I brought my own, Mr. Engel, if Mr. Nha needs help. You want me to speak, Mr. President? (Thieu nods yes.)

Mr. President, I am very grateful for this opportunity to meet with you. I come bringing you the warm greetings of President Nixon. He wanted me on his behalf to express his admiration to President Thieu personally, the continuing and unflagging support for President Thieu and your government, and his respect for the courage and perseverance of the Vietnamese people.

Every time I come here I read about the fact that we will meet in a spirit of confrontation. I have come here as a friend. We are not here to

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [2 of 2]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at the Presidential Palace. Kissinger left Paris on the evening of October 18 and arrived in Saigon on October 19.

² At this point Kissinger handed Thieu a letter from President Nixon. See Document 20.

argue; we are here to develop a common policy as a common goal. I would like to present to you, Mr. President, and your colleagues our analysis of the negotiations and where they now stand. First, I would like to present to you our analysis of the situation as we confront it and a brief description of the strategy that we have attempted to pursue this summer—first of how we got to where we are, and then a brief analysis of the latest proposals.

(Noticing that Mr. Nha's translation was much briefer than his own English remarks) Either Vietnamese is a more concise language than German translated into English, which I speak, or Mr. Nha is a master of abbreviation.

Mr. Nha: I am a master of contraction.

Dr. Kissinger: What is our situation in the U.S.? I know every country has to act on the basis of the experience they have made. You have made certain of your own experiences, and for this reason I would like to say that this is 1972 and not 1968. In our analysis of the situation electoral considerations have played no role at all, but what has played an enormous role is the constant decline of the popular and Congressional support for the Vietnamese war. There are very few people in Washington that have held together the operation here against mounting Congressional opposition, in the face of almost monthly Congressional resolutions that would restrict our activities and cut off our funds. Only a few weeks ago, while the President was 30 points ahead in the public polls, and when in an election year there is every incentive to support him, nevertheless the Brooke Amendment, which in effect would cut off support for the Vietnamese war only in return for prisoners, was defeated by only two votes in the Senate.

The President and I have had to spend enormous time and have produced an enormous amount of expedients from month-to-month in order to maintain support. We have had the imperative of always being in the position to make clear that we are not the obstacle of a settlement, even on terms which would have been very difficult for you to accept. When I was here last time, President Thieu pointed out to me very profoundly that his problem and ours are exactly the opposite. He had to demonstrate to his populace that he was firm. We have to point out to our populace that we are flexible. This was a correct description of the state of affairs.

I have gone into so much detail because I wanted to show you gentlemen that our problem is not in the next two weeks but in the next six months. Our fear is that if we do not move in the direction I will describe to you, we may be forced into a position where all support may be cut off by Congressional action. We have financed the additional operations produced by the Communist offensive, which have now reached \$4.1 billion, by means and procedures that are at the very

margin of legality and which will have to be submitted to Congress in January. This is the situation in which we find ourselves, and this is what President Thieu and his colleagues should keep in mind in assessing our imperatives.

Now let me return to our negotiations and explain to you what our strategy has been, and how we got to where we are. Then let me explain in precise detail where we are.

We resumed private negotiations with Special Advisor Le Duc Tho on July 19.³ Throughout these negotiations, as you gentlemen know, we have been in the closest touch with President Thieu. We have informed him before each negotiation and we have reported to him immediately after each negotiation. We know that the South Vietnamese people and leaders have suffered enough to earn the right to make their own peace. (Thieu notices that Mr. Nha is having trouble hearing Dr. Kissinger for translation purposes and motions him to a chair next to him.)

Our strategy in these negotiations was dictated by a number of necessities. The opponent to the President was committed to overthrowing this government, the unconditional withdrawal of American forces, and the total collapse of the American position in Southeast Asia. Our strategy was to prevent the North Vietnamese as long as possible from proposing a plan that he could use to show that a quick settlement was possible in the name of which he could have conducted his campaign. Our strategy further was to demonstrate to the American people when the talks broke down, as we expected, that we had made every reasonable offer.

We have maintained support for the war in Vietnam for four years by a combination of drastic military measures and the demonstration to the American people that we were pursuing a peaceful course. Therefore, our general strategy at these meetings, as during the four years, was to accept enough of the North Vietnamese proposals to enable us to show that we have been reasonable, but not enough to achieve the objectives of the Communists. In this respect, our tactics were bound to be different. Our tactics were different, but our strategy was not different from yours.

Now let me review the situation session by session, unless I am going into too much detail, Mr. President. It will be repetitious as far as the President is concerned because he knows it all in detail.

My first meeting with Le Duc Tho was July 19. At that time he presented the 7 points and the 2 point elaboration. His proposal at that

³ Documentation on Kissinger's meetings with Le Duc Tho between July and October 1972 is printed in *Foreign Relations*, 1969–1976, volume VIII, Vietnam, January–October 1972.

time was that President Thieu should resign, that the army and police forces of South Vietnam should be disbanded, that all prisoners should be freed, and that after all this was done, but before the ceasefire, the remaining government here was to negotiate with the Communists for a coalition government. And only after this government had negotiated with them and your army and police disbanded, and all prisoners released, after this government had agreed—all American support would be withdrawn, all American economic and military aid stopped, pacification stopped—only after you had agreed to a coalition government, then there would be a ceasefire. This was presented as what was described as good will and serious intent. I thought these demands were so outrageous that if negotiations broke down we would be in a very good position. We, of course, refused these demands and Tho further refused to discuss any military issues of the war until we had agreed to his political position.

We met again on August 1. On August 1, Le Duc Tho proposed a coalition government being created, appointed in equal proportions by the GVN and the Communists; and the three part coalition government was to be composed of one-third GVN, one-third Communists, and the remaining one-third jointly appointed. It was in effect the September 11 plan. They also presented a complicated formula by which they were willing to negotiate in three different forums with the existing government in Saigon. We told them that we would study the plan and meet again on August 14.

We met on August 14 and told them that we would not discuss the political provisions without consulting President Thieu and raised the military provisions. They in turn were not prepared to discuss the military provisions and therefore the meeting on August 14 was long on rhetoric and short on substance.

I then came to Saigon and had several long conversations with President Thieu. I told him that I thought that the Communist side was pursuing a stupid strategy, stating very intransigent demands which, if the negotiations broke off, would give us the opportunity to rally public support, but in the meantime we would like to prolong the negotiations as long as possible. In retrospect I should have known that the word “stupid” and the noun “Vietnamese” don’t go together very well. (He repeats this when Mr. Nha had trouble understanding it.) I told President Thieu that we should make a proposal that showed a maximum degree of responsiveness to the Communist proposal which remained unacceptable, first to prolong negotiations and second to give us a good public document. I had no expectations that negotiations would come anywhere near success.

We proposed a long document to President Thieu on which, after several weeks of discussions, we achieved agreement except on one

point. In our joint proposal of January 25, we had a proposal for an electoral commission composed of all elements. We proposed to spell this out to make it a tripartite commission and call it a Committee of National Reconciliation, without governmental functions. We did this in order to focus the negotiations on the Communist refusal to permit elections.

On September 15 I met with Le Duc Tho again. He made a new proposal. I want to repeat that every proposal was transmitted to President Thieu as soon as it was received. We had held nothing back from him.

The proposal was again that President Thieu resign immediately, that a Provisional Coalition Government of National Concord be formed proportionately as in the proposal of August 1, but that the GVN and Communist administrations could continue for the performance of certain administrative functions. However, the army and police would be amalgamated under the coalition government.

We rejected that proposal. When I said we rejected it—I don't know how much experience your associates have in negotiating with the North—I am describing a process that takes three to four hours in each case. Mr. Le Duc Tho has not mastered Mr. Nha's capacity for concise expression. At any rate we refused. They had asked urgently for a meeting more rapidly than the two meetings we had had previously. We agreed to meet again on the 22nd and in fact met on the 26th. We agreed to the 22nd to keep them from going public with our plan, and we delayed until the 26th because we wanted to waste as much time as possible.

You gentlemen have to recognize that from September 15 on every one of their proposals would have given us an almost impossible situation domestically. Any proposal which in America could be represented as showing that the obstacle to the settlement is only one man, and the participants in the government could be equally appointed by both sides, would have been very difficult to reject publicly. This is a fact. This is not our preference. And this is what we have at all cost attempted to avoid. Our administration will not make a peace that betrays an ally and destroys a leader that we value.

We met again on September 26, for two days this time. On that occasion Le Duc Tho presented a plan with which General Haig came to Saigon. That plan provided for the formation of a coalition government which would operate on the principle of unanimity with no police, and no army, and no judicial system. The existing administrations would continue and have the right to conduct foreign policy until the election for the Constituent Assembly. Of course, President Thieu would have to resign immediately. If this plan had been publicly presented in the U.S., we might have faced a totally unmanageable domestic situation.

This was when I sent General Haig to Saigon to talk to President Thieu first and then all his colleagues in order to make some counter proposal that would pull the teeth of that plan. And we presented a counter proposal to President Thieu with which I believe you are familiar. The details of the meeting between you and General Haig are very familiar to you. General Haig returned to Washington and gave me a full report of that meeting.

I had agreed with Le Duc Tho that we would meet again on October 5. I delayed that meeting until October 8. Then when I finally met on October 8, Le Duc Tho returned to his plan of September 26 and called it a final offer. He demanded again the immediate resignation of President Thieu, and our agreement to immediately install a coalition government on the basis of the plan of September 26 and the other provisions he had tabled on September 26. We took the position that we had to hear your views, that first of all the resignation of President Thieu and the imposition of a coalition government remained unacceptable to us, as the President publicly stated. Secondly, that it was necessary to discuss the security aspects of any settlement because without them any political discussions would be totally abstract. Thirdly, that the political future of South Vietnam had to be decided in negotiations among the South Vietnamese and on the basis of the popular feelings of South Vietnam, and not through imposition by the U.S. and North Vietnam.

It was a rather stormy session. I have always said that Mr. Le Duc Tho has three basic speeches, each of them taking 35 minutes. I usually hear one each session—on this occasion I heard all three. At the end of that day, there was a complete deadlock and we were ready to leave Paris. At this point, Le Duc Tho requested a meeting for the next day. At that meeting he proposed a plan which I also transmitted to President Thieu—you have transmitted this to the President (looking at Bunker)—which had the following new elements. Until that day the North Vietnamese had always taken the position that military and political issues had to be settled jointly. In that plan for the first time he separated them. Until that day the North Vietnamese had always insisted that a coalition government had to be installed on the day of agreement. On that day they proposed that something called the Central Administration of National Concord be installed three months after an agreement. They still maintained the position that President Thieu had to resign. They still maintained the position that elections for the Constituent Assembly take place in six months or some months after an agreement. They still insisted that general and local elections be agreed to by the U.S. They still insisted that the Central Administration of National Concord, though it had no power directly and though it operated on the basis of unanimity, should have subordinate organs right down

to the hamlet level. They still spelled out in great detail the nature of this Administration of National Concord—that is the commissions it should have, its membership and so forth. They still demanded that military aid to South Vietnam be ended. And they made no provisions on the security side at all.

Now I have gone into so much detail before getting into the current situation so you know that we have consistently refused to prescribe the political future of South Vietnam. We have consistently refused to negotiate about the political future of a valued ally. We have consistently refused to discuss the political future of President Thieu. We have always insisted that the South Vietnamese settle their political future by themselves. We could have had a settlement now if we had given up any of those. We have not done so, and we will not do so. These were precisely the points I also made to the North Vietnamese, in almost the same language.

And I must add that before I came to Paris on October 8 I called in the Soviet Ambassador and told him that we would no longer even listen to political proposals negotiating the future of President Thieu. If they wanted to contribute to a peaceful solution, that element would have to disappear. We communicated the same thought to the Chinese. This is not in the plan the North Vietnamese submitted to us on October 9, but when I made these points to Le Duc Tho, he proposed the following: that we work on security aspects, i.e., the ceasefire and related aspects; that we work on a political formula in which we could just state very general objectives which would have to be realized through negotiations among the South Vietnamese. He did not mention coalition government or President Thieu. And he was prepared to discuss certain guarantees with respect to Laos and Cambodia.

I cabled the essence of this to Ambassador Bunker. Given the difficulty of communications from Paris, where very few of our people know what we are doing, we gave the same report to President Thieu as we gave to President Nixon.

This then led to rather extensive negotiations which went on for two and a half days. Some of the sessions lasted 16 hours, which also continued on Tuesday with Minister Xuan Thuy in Paris. I would now like to review with you where these negotiations stand. It was clearly understood that they would be taken here for further discussions. I may add that Le Duc Tho presented these negotiations as being within the framework of Hanoi's acceptance of the proposal made by the President on May 8 and President Thieu on May 9. Let me review the essential provisions, if I may, Mr. President. The Harvard professor speaks in 50 minute periods.

First regarding the cessation of hostilities, there should be a ceasefire observed throughout South Vietnam at a specific hour and at the

same hour American military actions against North Vietnam would cease.

I will leave copies of this document⁴ with the President and therefore simply summarize it. (Repeating) I will leave the document with you after the meeting and therefore only summarize its principal provisions, and you will have a chance to study it. The reason we didn't have it before was that we were working on it on Tuesday, but it is along the lines we cabled you.

During the ceasefire the armed forces of both sides would stand in place. The U.S. would withdraw its military forces in sixty days. There would be no restriction on civilian personnel dealing with economic and political functions, no restriction on contractor personnel and no restriction on American forces in Thailand. Both sides would be prohibited from accepting reinforcements in troops and other military personnel and war matériels. However, it is permitted to make replacements of all military equipment on a basis of piece-for-piece which has similar characteristics. In other words a numerical increase in equipment is not permitted, but a qualitative improvement is permitted, and a replacement flow is assured.

I will discuss privately with President Thieu measures by which the date against which replacement would be calculated would be brought to its highest possible level before agreement is signed. In other words, we will increase your inventory substantially before calculations would start about what can be replaced. However, infiltration, replacement of personnel, reinforcement of personnel is prohibited. Put another way, worn out personnel cannot be replaced. This is to be under international supervision.

I might add that this clause is not yet agreed because North Vietnam wants to replace on the basis of equality, and we do not accept this. I think we can settle in a direction that I described. We won't settle for anything else.

There is a section about the return of prisoners. This provision is about prisoners, military personnel—this is a section not agreed. We have taken the position that all military personnel and civilians of all parties except those South Vietnamese civilians held by the South Vietnamese parties should be released in two months, and the prisoners of South Vietnamese parties should be discussed among the South Vietnamese parties. The North Vietnamese take the position that all civilian prisoners should be returned within a two-month period. This is a matter I would like to discuss while I am here to see what formulation

⁴ Tab A, dated October 17, entitled "Agreement on Ending the War and Restoring Peace in Vietnam," is attached but not printed.

we can agree to which will bring about some release but nevertheless reserve your essential position, but I don't want to go into that now. I don't know whether amnesty of some sort is possible, and what could be discussed, but I want to present the outline and not go into details.

Now let me turn to the political provisions. They are very brief, because we have taken the position that the future of South Vietnam must be determined by the South Vietnamese. I am happy to say that they do not mention President Thieu. But I wouldn't be here if they did. There is some general provisions drawn from our common plan, affirming the South Vietnamese people's right to self-determination, the fact that the South Vietnamese people shall determine the future of South Vietnam by elections under international supervision, and the fact that the U.S. declares itself neutral with respect to the political process of South Vietnam, which is drawn from the January 25 proposal. Then there are some other abstract provisions.

But let me deal now with the two principal political provisions. Let me read them to you. That is the easiest way to deal with it: (Dr. Kissinger reads from the proposal at Tab A, paragraph f.)

"Immediately after the ceasefire, the two South Vietnamese parties shall hold consultations in a spirit of national reconciliation and concord, mutual respect, and mutual non-elimination to set up an administrative structure called the National Council of National Reconciliation and Concord of three equal segments. The Council shall operate on the principle of unanimity. After the National Council of National Reconciliation and Concord has assumed its functions, the two South Vietnamese parties will consult about the formation of councils at lower levels. The two South Vietnamese parties shall sign an agreement on the internal matters of South Vietnam as soon as possible and do their utmost to accomplish this within three months after the ceasefire comes into effect . . ."

The composition is left to the South Vietnamese parties to be negotiated. It is not a government or an administration. It is an advisory body. Let me read the other appropriate provisions. There are only two more and only one is political.

(Dr. Kissinger reads from Article 9, paragraph g of the agreement at Tab A.)

"The National Council of National Reconciliation and Concord shall have the task of promoting the two South Vietnamese parties' implementation of the signed agreements, maintenance of the ceasefire, preservation of peace, achievement of national reconciliation and concord and ensuring of democratic liberties. The National Council of National Reconciliation and Concord will organize the free and democratic general elections provided for in Article 9 (b) and decide the procedures and modalities of these elections. The institutions for which

the general elections are to be held will be agreed upon through consultations between the two South Vietnamese parties. The National Council of National Reconciliation and Concord will also decide the procedures and modalities of such local elections as the two South Vietnamese parties agree upon."

In other words no elections can be held without the prior agreement of the two South Vietnamese parties. The offices for these elections are to be held are to be decided by the South Vietnamese. We have read into the record statements that whether this is to be a referendum, or a presidential election, or a national assembly election depends entirely on whatever agreement is reached among the South Vietnamese. This is not a matter to be prescribed by America. I have their statement saying that is a correct interpretation of their position.

The next provision in this political section—there are some others: (Dr. Kissinger reads from Article 9, paragraph h)

"The question of Vietnamese armed forces in South Vietnam shall be settled by the two South Vietnamese parties in a spirit of national reconciliation and concord, equality and mutual respect, without foreign interference, in accordance with the postwar situation. Among the questions to be discussed by the two South Vietnamese parties are steps to reduce the military numbers on both sides and to demobilize the troops being reduced."

I will explain that phrase in a minute. Let me explain. I have spent a lot of time on North Vietnamese troops in the South and this led to some emotional and impassioned discussions from which I deduce that Hanoi feels that it is already giving an enormous blow to what they call the Provisional Revolutionary Government by even considering terms such as I have described here. They are already undermining their supporters in the South by the terms described here.

They are willing to accept no reinforcement, no further infiltration, and they have said as for the sentences just read to you about demobilization that they are prepared to reduce their forces in the south by an equal number of whatever reductions are made here, and that forces reduced would return to their birth place. And since their forces are smaller any reductions would of course affect a greater percentage of their forces than your forces. In other words, if both sides reduced by 50,000 this according to our calculations would affect a much larger percentage of their forces than your forces. Of course, under this provision of the agreement there is no need to agree to it. This is not a requirement—it is only to be discussed.

The only other provision is that the acceptance of military aid by South Vietnam in the future shall come under the authority of the government set up by the elections described earlier. We put this into the agreement so that after the elections—and since we have some expecta-

tions who will win the elections—the replacement provision will disappear.

So let me sum up the political provisions which we consider a major collapse of the Communist position. If you compare these provisions with the Communist proposals of July 19, August 1, September 15, or September 26, I think you can measure the degree of disintegration in their position. The demand for the resignation of President Thieu has been dropped. The demand for the institution of a Provisional Government of National Concord has been dropped. The demand for the amalgamation of ARVN and Communist forces has been dropped. The existing government can continue with unlimited amounts of economic aid and American replacement of military aid of a very large force. And the only requirement is that it negotiate with the other side to set up a Council. If the Council ever comes into being, it has no jurisdiction that I can determine, except over elections to which you must agree to for institutions which you are to decide, within a framework which depends on your negotiating it. In other words, we have preserved the cardinal position that we leave the future of South Vietnam to the South Vietnamese people and that the government we have recognized is the government of the Republic of South Vietnam and its President.

If I may say so, the Politburo in Hanoi will accept this before Joseph Kraft and a few other of our colleagues.

There's a section on the reunification of Vietnam. This states that the reunification of Vietnam should be carried out step by step in discussions between North and South Vietnam, and that the time for reunification will be agreed to by North and South Vietnam. Pending reunification, North and South Vietnam shall immediately start negotiations to establish relations in various fields, which is something which comes from Mr. Duc. And pending reunification, North and South Vietnam shall not join military alliances, nor allow military bases or troops. For South Vietnam this was in an earlier provision and this is an opportunity for North Vietnam to accept the same provision.

There is a section on international supervision. It is symptomatic of this proposed agreement that the section on international supervision is three times as long as the section on the political future of South Vietnam. It is of such complexity that I am certain that graduate students will be writing theses about it, if it becomes an agreement, for the next ten years. It provides for a two-party commission, a four-party commission and an international control commission. And it provides for an international conference which is to meet 30 days after the agreement is signed to formalize whatever guarantees are given.

I am sure you will be sorry to hear that we have eliminated India from the International Control Commission and have also refused to

accept India as a participant in the international control conference. If we have done violence to your foreign policy, we would be prepared to reconsider the position. It was a painful effort to get that accomplished.

Now let me turn to Cambodia and Laos. There's a provision in which all parties recognize the independence, sovereignty, and territorial integrity of Cambodia and Laos. There's provision in which parties "undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of other countries."

Then it says that "Foreign countries shall put an end to all military activities in Laos and Cambodia, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war matériels."

In addition to that, the Communists have given us a unilateral statement (reading) in which the parties "will actively contribute toward rapidly bringing these negotiations to a successful conclusion, as to make possible a ceasefire in Laos within one month after the Vietnam agreement comes into force."

They have also given us a verbal assurance that offensive operations in Cambodia would cease, and we have given them a unilateral statement saying that any offensive operations in Cambodia would be contrary to the provisions of this agreement and would be so regarded by the United States.

This is essentially where we stand. We will, of course, leave this with you for study and deliberation. Let me make, however, a few general observations. This agreement represents essentially a collapse of the other side with respect to its political proposals and an acceptance by the other side of our May 8 proposal. If we advanced this in America as an American proposal we would be torn to pieces by the press for our intransigence and we would be accused by the press of being intransigent. (Explaining further) If we proposed this, we would be accused of trying to prolong the war. Conversely if the other side surfaced the proposal, even in less acceptable form, then it is certain that Congress would take us out of the war, no matter what we decided to do.

The biggest problem we have had is how to continue our support to the leaders and government of Saigon on a long-term basis. We believe that such an agreement would give us this basis. We believe that it leaves you in control of the essential elements in South Vietnam. We believe that it would give you an opportunity to win any political contest that may occur. We believe it would give us an opportunity, if we jointly take these steps, to continue our support on a long-term basis both in the economic and in the military fields.

I intend to speak to President Thieu today about the specific measures President Nixon intends to take after such an agreement. First, to make clear that we recognize this government as the legitimate government of South Vietnam. Second, to indicate U.S. government support, not only for this government, but for its leader. We have fought together for eight years and longer. You have sacrificed a great deal and so have we. And now if we could make peace together we can vindicate all the suffering and build together the sort of structure in Vietnam for which we have all suffered so much.

It is in this spirit that the President has asked me to speak to you, and I come to you as a friend to deal with a joint problem so we can continue our friendship and continue our cooperation.

I'm sorry, Mr. President, I have spoken so long.

President Thieu: I would like to ask Dr. Kissinger concerning the time of the agreement. How do you envisage the signing?

Dr. Kissinger: This we have to discuss here. We have not agreed on the timing. We have not, in fact, yet agreed on the form in which it should be done. The North Vietnamese have proposed that "the Government of the United States of America with the concurrence of the Government of the Republic of Vietnam and the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam" . . . i.e., a two-party signature. We have raised the possibility to make it a four-party signature and that decision is up to you. As for the timing, the other side wanted to do it very quickly. We think that the next two weeks is possible, but it depends on our discussion. What we must avoid is to have a public debate and seem to be pressed by the public into doing something. (Thieu looks at his notes and talks briefly to Nha.)

President Thieu: I would like to ask Dr. Kissinger. They refer you back to May 8 in which the United States would end its military activities and blockade against an Indochina ceasefire and return of the prisoners. Is that what you told us a while ago? Is this consistent with May 8?

Dr. Kissinger: It is exactly consistent with May 8, i.e., a return of prisoners depending on what we work out here on civilian prisoners, ceasefire and the withdrawal of American forces. The Indochina-wide ceasefire will occur in various modalities. This agreement covers only Vietnam. There is a side agreement for Laos and another understanding on Cambodia, so the practical effect is the same.

President Thieu: What about the political matters of the Khmer Republic and Laos?

Dr. Kissinger: The political matters in Laos will be settled . . . the ceasefire in Laos is timed to coincide with the International Conference.

The political matters in Laos will then be settled in subsequent negotiations dealing with troop withdrawal.

With respect to the Khmer Republic, there will be more complicated negotiations involving also the People's Republic of China and the Soviet Union. We believe it is not in the interest of the PRC now to have North Vietnamese domination of the Khmer Republic. I mean we have reason to believe this. The agreement says that "The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference."

Let me say one other thing which I should have covered in my presentation. We have two roads before us. One is if we continue the war in the present framework, there will be a dwindling of Congressional and popular support. If we make peace and the other side breaks the agreement, we will then be in a moral position to exercise pressure and resume activities which will be much stronger than they will be if we continue on our present course. We will have every intent to use our forces in Thailand and at sea to react violently to any breach of the agreement, and we have said so to the other side.

If you read the American press or statements from American public figures, no one believes that it is possible to end this war without a coalition government and your resignation. No one. If we make an agreement with Thieu and the GVN in power, and with President Thieu having made peace himself, then everything we've done in the last four years is vindicated and then the public basis for challenging us if we have to reintroduce air forces is much less.

If, on the other hand, we continue indefinitely then by next spring they will say there's always light at the end of the tunnel, it's always the same story, and we'll gradually lose the public basis for action. We will have no basis for action. All the press speculation is about whether I will succeed in making President Thieu resign.

We would plan to keep substantial air forces in Thailand and remove some of our intelligence activities to Thailand. General Abrams is here with us to talk to General Vien or whomever you designate, to talk about specific measures to be taken. We will not withdraw from the area. Indeed, we look at the agreement as a means to help preserve the integrity of this agreement and our friends. We would continue, of course, bombing the Ho Chi Minh Trail until agreement is reached in Laos, which must be within one month according to this agreement.

President Thieu: Concerning international supervision, which you said a while ago would be completed in 30 days from the signing of the agreement, will the agreement become effective when international supervision is covered or what?

Dr. Kissinger: The international control machinery is effective immediately. The International Conference will confirm arrangements

within 30 days. The international control machinery and the whole machinery I have described to you goes into effect immediately and the machinery is responsible to the parties until the International Conference meets. (President Thieu holds discussions with Nha.)

President Thieu: Is it correct that the ICCS is formed already?

Dr. Kissinger: It is formed on the day an agreement is signed.

Mr. Nha: It functions right away?

Dr. Kissinger: Yes. There is no sense deluding ourselves. If you look at the history of international control commissions, one cannot say that they alone will be the decisive factor in bringing about the observance of the agreement. The international machinery will be an added impediment, but what will preserve the agreement is our vigilance and our unity and our determination, and not an international institution. What will preserve the agreement is if North Vietnam knows that any violation will have drastic consequences. That is the decisive factor. The machinery is a useful adjunct. We have, we want to be realistic. If you look at the history of control provisions . . . frankly we don't want our people to think just because Canadian and Indonesian inspectors are running around that we no longer have any obligations.

As for members of the Commission, there are supposed to be four. The other side first proposed Cuba and Poland. We rejected Cuba; I hope this does no violence to your preferences. They propose Poland and Hungary. We propose Canada and Indonesia. They accepted Indonesia with great reluctance, but they accepted it.

President Thieu: I would like to ask Dr. Kissinger, according to your own personal estimate as a well-seasoned politician, what do you think North Vietnam expects to get when it signs the agreement, considering that it always hopes to get something when it signs an agreement. In the short term. This is the question I would like to ask you to think over and place yourself in the shoes of the Communists.

Dr. Kissinger: That means I have to speak 50 minutes again in speeches like Mr. Le Duc Tho's. Epic Poem Number One of Le Duc Tho.

I believe . . . I have to preface this by saying that in every meeting with the North Vietnamese since July 19 I have told them the horrible things we're going to do after November 7. And on one occasion he said to me "Are you threatening us?" I said no, we were not threatening them, but after November 7 the President would be so busy and I with him, that for about two months we cannot see you [North Vietnamese].⁵ All we can do then is military activities. They have seen enough

⁵ Brackets are in the original. November 7 was the date of the upcoming Presidential election.

things from us which they consider unpredictable that they seem to be extremely confused on what we do.

On the other hand, speaking frankly in this room, you and I know there isn't much more we can do to them than we are already doing. Indeed in our budget requests starting January 1, there will be a steady decline of American military strength in Southeast Asia. We will have to pull out about 98 B-52s. We will have to withdraw some Phantom squadrons which are on temporary duty in Thailand. So there will be a decline in the strength of the United States. My fear is that when the Communists see that they will start waiting again.

Now concretely, what is it that they expect to get out of it? I think they are trying to preserve whatever is left for them in the South. I think they hope to sow discord between you and us and by the nature of our withdrawal create the impression that we are withdrawing support from you. They hope to be able to generate domestic pressures here. Above all, I think they have decided, and this is an amazing view, that they have lost the competition with you. If they don't start reconstruction in the North soon their future will be disastrous. We've had intelligence reports, and Ambassador Lam may have seen them, on growing strains between the DRV delegation in Paris and the PRG delegation.

For example, one thing the North Vietnamese mentioned to me is that they want to have an economic agreement with the United States for five years. On one level this is absurd. On another level this attitude may be the best guarantee against starting again because they cannot both reconstruct in the North and fight in the South. I have no illusions that people who have fought 25 years are suddenly going to give up their objectives. I have formed the conclusion that extreme stubbornness is a Vietnamese trait, but I don't want to be offensive.

So they have not given up their objective, but they are losing the capability to achieve their objective. If you think of the realities, if the agreement is even partially observed, think of the impact on the Communist cadres in the South, who are being told that you would be removed and a coalition government installed in Saigon, that this was the year of final victory and a ceasefire to settle.

I believe, whatever they say themselves, in political contest, they cannot win against a confident government in Saigon.

Let me give you one episode from the end of the meeting Wednesday night at 2:30 a.m. Le Duc Tho read a long statement to me to the effect that "we have made many armistices but this time we make peace. We want to stop being adversaries; we want to become friends." When he was through with this statement he burst into tears. I do not have the impression that the North Vietnamese side in that room was under the impression that it had just won a war.

But they will not give up the struggle. The question is how many years is it before they can really start again, and what can you do in those years. That's why we think it is so essential that we first, do it together, and secondly we do it with the assurance and confidence that we are going to win, not that we are on the defensive.

At this point it is our profound conviction that the only ones who can defeat the South Vietnamese are the South Vietnamese, not Hanoi.

(President Thieu looks at his notes and writes down some thoughts.)

President Thieu: What do you propose? How do you plan to proceed?

Dr. Kissinger: First, I, of course, must have the President's reaction. Then there are a number of issues to be settled. Whether the four powers or the two powers sign the agreement. Secondly, I must talk to the President about specifics on prisoners—what is it your government can propose on this, since I feel that I have no right to negotiate that. Thirdly, once we have agreement, what are the next steps to bring it to conclusion? Fourth, General Abrams is here to talk to your military people on how to handle things in the most effective way. Fifth, we must move rapidly with specific measures to increase the base rapidly within two weeks for modernization so that you have a bigger inventory and so that we can modernize certain parts of your air force, all of which we are prepared to do.

Those are the steps which must be taken after concurrence and of course any comments. There are a number of diplomatic steps that I would like to discuss with you privately first.

You will see in the document that I handed you that they propose a Council be established in 15 days and the elections be held within six months. I already told them that that is rejected, but we have put it in brackets in the document. In the final phase you can be certain that it will be eliminated though it is still here in the proposal. That will certainly be eliminated. These two requirements of theirs are certain to disappear.

President Thieu: When is your next meeting with them?

Dr. Kissinger: We have to discuss with you. I would like to discuss with the President the next diplomatic steps, but I would like to do it privately first.

(President Thieu asks his Council for comments.)

Foreign Minister Lam: I would like to know about the draft that you are going to give to our President—was it handed to you or drafted by our side?

Dr. Kissinger: They handed me a draft—it was sent to the President—which spelled out the Committee in great detail. Ambassador

Bunker brought it to you on Saturday—yes, it was October 11. That's the draft they handed me.

This plan was jointly developed by them and us with the clear understanding it would be taken here and then taken to the President. It does not represent their plan.

You should compare this to the October 11 plan. Their plan had nothing about Cambodia and Laos, nothing about replacement aid, nothing about the details of the ceasefire, nothing about international supervision. Compare the October 11 document to this one and see whose ideas dominated. This is an agreement they are prepared to sign. It is not a proposal, but an agreement they are willing to sign.

President Thieu: This is a jointly developed agreement, ready to be signed, not a proposal by the other side?

Dr. Kissinger: It was clearly understood by the other side that we would sign no agreement that was not jointly agreed. This is our position. We are not here to impose an agreement. Of course, our position in these negotiations was decisively influenced by the position this group took in its meeting with General Haig.⁶ You compare the proposal General Haig brought to this meeting to judge the influence you had on us—may I say reluctantly—but nevertheless importantly. If I may say another thing which not many Americans say, I think you were right and we were wrong. Because this is a much better agreement than our proposal would have been if our proposal to you were accepted. Really the last round of negotiations was the result of General Haig's trip, after which we did not table a new proposal but stuck more or less to the old one.

President Thieu: I'd like to ask a very frank question which you may answer here or privately. First, does President Nixon have any need, considering these electoral processes and the electoral objectives in his policy, does he have any need to sign this agreement after fully discussed and agreed by us, and if we cannot sign this agreement prior to the election does the U.S. have the need to make public to its people that it has an intention to sign this agreement?

Dr. Kissinger: I can answer you best by reading to you in part what the President delivered to me on the plane when I was leaving. This is indiscreet but it is better than anything I could say. (Reading from the President's handwritten note) "Dear Henry, as you leave for Paris I thought it would be useful for you to have some guidance that we were talking about on paper. First, do what is right without regard to the election."

⁶ See *Foreign Relations*, 1969–1976, volume VIII, Vietnam, January–October 1972, Document 278.

(Nha had great difficulty understanding this phrase and with Engel's help and with several repetitions, it was finally interpreted correctly.)

"Secondly, we cannot let a chance to end the war honorably slip away. As far as the elections are concerned, a settlement that did not come unstuck would help among young voters, but we do not need it to win." (Engel repeated this sentence as Nha had difficulty with it.) "A settlement that became unstuck would hurt, but would not be fatal."

This is not for publication. I hope your cabinet is more discreet than ours. (Reading again from the President's document) "At all costs we must avoid the fact or the impression that we have imposed or agreed to a coalition government. In sum, getting back to my original instruction, do what is right to secure an honorable peace, but do not let the timing be affected by the election."

There are some personal things for the President that I'd rather tell him alone, and it is up to him to decide if he wishes to share them with his colleagues.

We do not need this agreement for the election. On the other hand, if the other side published it as its position, we would win the election without it but in the post-election period we would be in difficulty for not accepting it, for not accepting their acceptance of our May 8 proposal.

From our point of view the need for some speed has nothing to do with the election. The election only is confusing with regard to it. Our desire for some speed had to do with the post-election period, not the election.

We think it would be tragic to be put on the defensive after there is an agreement known whereby the government can stay and the President can stay and the ceasefire must be achieved, all of which was ridiculed by the other side, if we are beaten by a public campaign to this effect. We would like to confuse all the opposition, all of whom said that we were fighting for one man. We would like to confuse them by proving that we did it through loyalty to an ally which is important, and that strong military actions are important. First, as an act of American policy, and equally it is important as a joint action by your government and ours, something we did together and not reluctantly imposed after a struggle. That would be a disaster. Thus it is not because of the election.

President Thieu: Do you think the Communists might find a pretext to publish this agreement if they want to take advantage on the political scene?

Dr. Kissinger: Yes. That is not our basic consideration, but they might. Right now we have the maximum psychological moment. They

are afraid what we will do, although we know that is not as much as they expect. We have the Russians and the Chinese bringing pressure on them. We have even induced the French Foreign Minister to keep quiet for a few weeks, a condition which cannot possibly last. I have yet to discuss the political provisions with any associate who did not think that it is a political collapse by the other side.

These are our motives, and while there is some urgency, if we could have picked the timing we would have preferred to have it after the election.

One other thing. If they publish their October 11 proposal, or for that matter, the September 26 proposal, it is almost certain that Congress next year would force us to accept either one. (Mr. Duc indicates he has a question.) They call me the American Duc.

Mr. Duc: I would like to ask Dr. Kissinger a small point. There is to be no further infiltration of the NVA after a ceasefire. How do you think this can be effectively controlled, and implemented?

Dr. Kissinger: We have elaborate provisions, more elaborate than efficient. I will be quite honest. Since they managed to get down 100 tanks to An Loc without being found by our intelligence, I'm not sure that they can't infiltrate against Polish, Indonesian and Canadian inspectors. I do not wish to delude you.

If, on the other hand, you act with confidence and assurance, we may not know if they infiltrate 5,000, but we should know if they infiltrate 25,000. At that point you and we have to decide what measures are to be taken. I tell you candidly, speaking for myself, I rely more on unilateral intelligence than on the inspectors.

In my judgment there are two possibilities. One, they are planning the whole operation to get us out and start another offensive next spring. Against this contingency, certainly, almost certainly, if they do, we will reinforce again like last year and the President, who has just been reelected and had the political triumph of this settlement, in the first year of his second term is almost certain to do again what he did in an election year when all the odds were against him. If they do not do this, I believe they must stand down their operations for a number of years. They can't stay in a middle position between semi-infiltration and massive operations.

Thus, we have some international and above all, unilateral measures.

One other thing in the confidence of this room. We approached both the Chinese and the Russians, because they were told about this by the North Vietnamese, and we told them that we understand military support for an ally at war, but we would not understand military support to a country that had just made a peace settlement. We do not

have a formal reply. I just made this approach on Sunday on behalf of the President.⁷ I am reasonably certain the Chinese will not continue their present scale of military supplies because Chou En-lai told me that when I was there in June. This fact is not to be repeated. The Soviets have not yet replied, and therefore I can't say.

I think the capacity of the North Vietnamese to build up and reinfiltrate will be affected by foreign supplies, our unilateral acts, and the inspection provisions.

Let me say a word about the international machinery because it would take a professor of church law to understand this chapter. Each provision comes under two commissions, first the joint commission of the parties, i.e. infiltration monitored by a joint commission of the two South Vietnamese parties. If they disagree, the question is referred automatically to the international commission. It does not depend on international inspection alone. There are joint teams with the other side. They, of course, will disagree with your findings, but at least you have some findings. Then the matter is referred to the international commission. Each issue is either under the four powers—the GVN, the DRV, the U.S., the PRG—for those matters concerning the four powers, or the two-party commission—the NLF and you—on matters concerning the South Vietnamese parties alone, such as infiltration, replacement of equipment, and so forth. Those matters on which the joint commission disagrees are referred to the international commission. There is a two-stage process, so you would have that degree of supervision yourself.

Ambassador Lam: I would like to ask Mr. Kissinger about the international conference. Who will participate and where will it be?

Dr. Kissinger: The location is not agreed to. We would propose Geneva. The following countries are agreed to—The Soviet Union, the People's Republic of China, France, the United Kingdom, the four countries of the international commission i.e., Indonesia, Canada, Poland and Hungary—the Secretary General of the United Nations, and the four parties to the Paris conference. They proposed that the coalition government also participate, but since there is no coalition government there is nothing to participate. Those are the members. The four parties to the Paris conference, the members of the international control commission, the Secretary General, the PRC, the USSR, France, the United Kingdom. They very badly wanted India, and we kept them out.

Ambassador Phuong: What role does France have in this matter?

⁷ See footnote 10, Document 16.

Dr. Kissinger: The role of France? Obnoxious. There is no basis to exclude a country that has an historical interest and in whose capital the conference has been held. Secondly, we have a sufficiently good relationship with the French President to curb the exuberance of the Foreign Minister. A few weeks ago after I visited Paris the French President said he would back away from supporting the coalition government. When the French Prime Minister, who had not yet gotten the word, put out words to that effect, the French President at a press conference publicly disassociated himself from support of that position. I think that the direct relations between President Nixon and President Pompidou should move France toward relative neutrality. I don't wish to pretend that we will get very active support from them at the conference.

President Thieu: How long do you have to stay in Saigon? What are your plans?

Dr. Kissinger: I plan to stay three days. I will use my time at the pleasure of the President, whatever time the President has, so we can plan jointly how to proceed. I will use the time available to discuss with our commanders whatever steps need to be taken. We are determined to do this as a cooperative enterprise. The reason we have General Abrams with us is that he spent five years of his life here and so many of his soldiers died here, and he has as much interest as anybody to end the war so as to honor the sacrifices that have been made.

I am at your disposal. I have no other plans. I would like to see the President alone as soon as his schedule permits to discuss some other aspects. At any rate, I'm at his disposal.⁸

President Thieu: I propose the following schedule. I propose that we will use the interim to discuss and analyze and go over the text of the agreement and go over the specific points on which we've been exchanging. Tomorrow we will convene again, the same composition, to go over the two sides and to ask for further clarification. Thirdly, the military questions such as replacing material, do you think it is necessary for me to be present or should General Abrams and Vien, the two generals, discuss separately and then with me afterwards?

Dr. Kissinger: From our side it's entirely up to the President.

⁸ In a memorandum to the President, October 19, Haig transmitted Kissinger's summary report of the meeting. Kissinger noted that after he had argued that the agreement was an excellent one that would fully protect the South Vietnamese Government and President Thieu, "Thieu in turn naturally refused to commit himself until he can study the document [the draft agreement]. We can expect some tough probing by him and his colleagues. We certainly got our full story and rationale across and in this sense the meeting was satisfactory. I cannot yet judge whether Thieu will go along with us." (National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [1 of 2])

President Thieu: (in English) I propose another meeting between Dr. Kissinger and the generals after the political meeting. This afternoon Generals Abrams and Vien will be meeting on military questions. Tomorrow General Vien will attend the meeting, and after the political meeting the President and the Prime Minister can join Dr. Kissinger and General Abrams.

Dr. Kissinger: If I could impose on the President for just one additional meeting, if I could see him for half an hour this afternoon.

President Thieu: From 1700 to 1800.

Dr. Kissinger: Then I can go over with him . . . General Abrams can discuss everything involved with General Vien in moving equipment, and he can discuss replacement. I would like to discuss with you some additional material that we want to move in here before the replacement provision becomes effective. I would like to discuss that with you and General Abrams and General Vien.

President Thieu: We'll make it 1600.

Dr. Kissinger: I would also like to discuss with you a number of diplomatic steps.

President Thieu: 1600 and tomorrow in the morning at 9:00. And then another military meeting in the afternoon.

Dr. Kissinger: I agree.

President Thieu: After that General Vien will need more time to discuss. We'll agree now that you and I will meet at 1600 and the next meeting on the draft will be at 9:00 in the morning. And then another meeting on military matters in the afternoon.

Dr. Kissinger: Excellent.

President Thieu: The next meeting . . .

Dr. Kissinger: I can extend my stay if I have to.

I will now give you the documents, and the unilateral statements to be exchanged at the time of the document. They are not part of the document.

(He hands over the draft agreement at Tab A together with the three unilateral statements.⁹ President Thieu smiles slightly. The meeting then ended as the American and South Vietnamese parties said goodbye and the American party left.)

⁹ The three unilateral statements are not attached.

28. Memorandum of Conversation¹

Vientiane, October 19–20, 1972, 10:30 p.m.–12:15 a.m.

PARTICIPANTS

Prime Minister Souvanna Phouma

Ambassador William H. Sullivan, Deputy Assistant Secretary for Far Eastern Affairs

Ambassador G. McMurtrie Godley, U.S. Ambassador to Laos

John D. Negroponte, NSC Staff

Ambassador Sullivan began the meeting with a presentation of the broad lines of the proposed agreement with North Vietnam. He explained to the Prime Minister that in general terms the North Vietnamese had agreed to a settlement which followed the general outline of President Nixon's May 8 proposal. The agreement dealt primarily with Vietnam. But there was also a chapter on Cambodia and Laos, as well as a written understanding on the completion of ceasefire negotiations in Laos no later than 30 days after the agreement on Vietnam comes into effect.

Ambassador Sullivan then reviewed the key elements of the plan, chapter by chapter, explaining that there still remained two disagreed articles, and there would therefore have to be another meeting with the North Vietnamese before finalizing the agreement.

In addition, Ambassador Sullivan showed Souvanna the actual texts of the chapter on Laos and Cambodia and the text of the understanding on a ceasefire in Laos.

The Prime Minister's reaction to Ambassador Sullivan's presentation was generally positive and enthusiastic. His first remark after having heard Ambassador Sullivan's presentation was "They [the North Vietnamese] have been completely crushed."

The Prime Minister did however raise a number of concerns as regards the relationship between the agreement on Vietnam and the situation in Laos. First he said that, if there is a ceasefire in Vietnam, the North Vietnamese must also withdraw from Laos. Otherwise they will come from South Vietnam to attack the Laotians.

Ambassador Sullivan replied it was our view that first of all this concern may be exaggerated since the North Vietnamese would want to use what resources they have in an attempt to consolidate their posi-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [1 of 2]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at Godley's residence. All brackets are in the original.

tion in South Vietnam. Secondly, we believe that after the tremendous losses they have endured they will need to refit and recuperate their forces and it is likely that they will even withdraw some of them into North Vietnam. As regards the interval between the ceasefire in Vietnam and the ceasefire in Laos, Ambassador Sullivan assured the Prime Minister that we would provide the maximum air effort during this period, which would indeed be substantial since the ceasefire in Vietnam would free so many of our air assets.

The Prime Minister replied that the Lao would indeed need the maximum air power during this period. He said they would also like more tanks.

Ambassador Sullivan added that after the Vietnam agreement, the United States fully intended to keep its naval and air resources off the Vietnam coast and in Thailand until we were certain that North Vietnam adheres to the agreement. Moreover, we are not naive, and if North Vietnam does not keep its faith, the President fully intends to use the resources we keep in the area to crush North Vietnam.

The Prime Minister said that as far as Laos is concerned, they would have one month of difficulty immediately after the ceasefire in Vietnam. Souvanna said that the U.S. must give the Lao all the necessary means to fight the Pathet Lao. *He said they wanted more T-28s, more helicopters, and all the United States air assets that we could possibly spare.* Souvanna expressed the view that after a Vietnam ceasefire the North Vietnamese forces would leave South Vietnam to reinforce the Pathet Lao to strengthen the latter's negotiating position.

Ambassador Sullivan said he was authorized to assure the Prime Minister that we would provide maximum support during this 30-day period.

Ambassador Godley interjected that in terms of equipment the FAR had more than it could absorb. Ambassador Sullivan added that in view of developments and the prospect of an early Vietnam and Laos settlement, we could no longer need feel constrained by the Symington Ceiling.²

The Prime Minister then returned to the question of North Vietnamese forces. He said that if they leave South Vietnam they must leave by the DMZ and, if they leave via Laos, we must bomb them. Souvanna said he suspected the North Vietnamese. He was very suspicious of them because they are never frank. Ambassador Sullivan reiterated the point he had made about the continued presence of the 7th Fleet and about our forces in Thailand and that, if we are deceived after the elections, we would crush them.

² The so-called Symington Ceiling was an amendment to the 1971 foreign military sales bill that limited the amount of U.S. aid to Laos to \$350 million.

The Prime Minister remarked that if there was a ceasefire in Vietnam, and that if the ceasefire in Laos took place only one month after, the North Vietnamese could cause a lot of trouble in Laos.

Ambassador Godley said that with our air power we could resist them effectively even if they attacked Saravane and Pakse.

The Prime Minister said he was not against a ceasefire but he just did not want to be deceived by the North Vietnamese. They have lost the war, that is sure. Every little thing they had has been destroyed.

Ambassador Sullivan, referring back to the chapter of the Vietnam agreement on opening an era of new relations with North Vietnam, said that if we engage in an aid and reconstruction program in Indochina, it would give North Vietnam an opportunity to develop independence from the Soviet Union and China.

The Prime Minister said we should not give them too much aid because the Lao did not want to see the North Vietnamese come back to Laos again. He then said that our agreement still left him worried about Cambodia.

Ambassador Sullivan said that Cambodia was one of the most complex aspects of the situation and that probably something will have to be worked out with the Chinese since the North Vietnamese claim not to have full control. He expressed the belief that the Chinese want détente in the area because of the Taiwan situation and their fear of Soviet encirclement. Returning to the situation in Laos, the Prime Minister said that all he asked was for sufficient means to defend his country during the one-month period after the Vietnam ceasefire. Ambassador Godley said that during the 30-day period we could use the Thais in Pakse. Souvanna agreed adding that we should also use them in Khong Sedone.

The Prime Minister said that within the context of the internal Lao talks he was going to propose that another two countries be added to the Laos ICC. He planned to propose France and Japan. Ambassador Sullivan described the negative reaction of the DRV to our proposed role for Japan in a Vietnam supervisory mechanism. The Prime Minister emphasized that he was talking about the Laos ICC and he was thinking in terms of Japan because it is a country of substantial means.

Toward the end of the conversation the Prime Minister once again emphasized the need for maximum U.S. support in Laos during the one-month period after a ceasefire in Vietnam.

The conversation ended with a discussion of the Prime Minister's travel plans. He said that he planned to be in Washington on the 27th and 28th; but, at Ambassador Sullivan's suggestion, he agreed to stay flexible and allow for the possibility of remaining until November 1.

Souvanna then said that he had to get back to his bridge game.

29. Memorandum From the President's Deputy Assistant for National Security Affairs (Haig) to President Nixon¹

Washington, October 19, 1972.

SUBJECT

Second Meeting with President Thieu

I have just received a brief report from Dr. Kissinger on his second meeting with President Thieu, which was a private one lasting one and a half hours. During this session Dr. Kissinger presented the package of military items which we would provide to bolster South Vietnamese forces,² our diplomatic rationale and the next sequence of steps planned for implementing an agreement. President Thieu asked some very perceptive questions about the plan without committing himself. He did say that if he could agree to the plan then he would not object to a meeting in Vientiane followed by a final stop in Hanoi. Dr. Kissinger concentrated on the diplomatic context and explained our longer term domestic problem.

There will be another full dress meeting with the South Vietnamese National Security Council augmented by General Vien in the morning.

Dr. Kissinger also noted the following points of interest in his report:

—The situation in Military Region 3 is not nearly as bad as depicted in some reports and General Minh, the MR 3 commander, has become more aggressive in the last week.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX (1 of 2). Top Secret; Sensitive; Exclusively Eyes Only. The memorandum is incorrectly dated October 18; the meeting to which Haig refers took place on October 19 in the afternoon.

² A list of the number and types of military aircraft, other vehicles, weapons, munitions, and miscellaneous equipment the United States was committed to provide is in memoranda from Laird to Kissinger on October 15 and October 19. (Ibid., Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Tohak, October 16–23, 1973 (2 of 2)) In the second memorandum Laird estimated that the total cost would be approximately \$1 billion. Although much of the military assistance was initially programmed for delivery between December 1972 and July 1974, Laird, at the direction of the White House, was now attempting to see that the bulk of the material arrived via airlift no later than October 31, 1972. In the October 15 memorandum, Laird commented: "It appears that this is feasible but, as you know, will be very expensive. This would be an historical air lift."

—Ambassador Sullivan will be going to Vientiane and Bangkok to brief leaders there on the negotiations. Dr. Kissinger may join him in Phnom Penh on Saturday³ for meeting with the Cambodians.

—If President Thieu approves the peace proposal tomorrow we will plan to order commencement of the package of equipment to augment South Vietnamese forces tomorrow afternoon.

Dr. Kissinger believes it is necessary to reinforce your desire for a maximum surge air effort in South Vietnam by a Presidential order. I have made this order to Secretary Laird this morning.

³ October 21.

30. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the Air Attaché at the Embassy in France (Guay)¹

Washington, October 20, 1972, 0825Z.

WHP 74. Please transmit the following message to Colonel Guay immediately with instructions to deliver it to his customer as soon as possible.

Begin text: The following is a message on behalf of the President of the United States of America to the Prime Minister of the Democratic Republic of Vietnam.

1. The U.S. side appreciates the good will and serious attitude of the DRV shown in its message of October 19, 1972. With the two provisions for Articles 7 and 8 agreed to by the DRV side in its message, the text of the agreement can now be considered complete.² For purposes

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [1 of 2]. Top Secret; Sensitive; Exclusively Eyes Only.

² Guay's message to Haig on October 19, 1952Z, transmitted North Vietnamese acceptance of the U.S. formulation of these articles. (Ibid., Vol. XX (2 of 2)) According to Butterfield's handwritten note on Haig's October 20 memorandum transmitting the message to Nixon, Haig briefed the President orally about the North Vietnamese acceptance. (Ibid.) The point of contention in Article 8 revolved around North Vietnam's demand that the 30,000 or so Viet Cong Infrastructure civilians held captive by the South Vietnamese Government be released. The U.S. position, which the North Vietnamese had now accepted, was that the question had to be solved by negotiations between the South Vietnamese parties—i.e., by Thieu's government and by the Provisional Revolutionary Government.

of clarity and to avoid any ambiguity, the U.S. side has deleted the first clause of the second paragraph of Article 7, and the entire Article 7 as accepted by the U.S. side now reads as follows:

Quote: Article 7. From the enforcement of the ceasefire to the formation of the government provided for in Articles 9b and 9i of this agreement, the two South Vietnamese parties shall not accept the introduction of troops, military advisers, and military personnel including technical military personnel, armaments, munitions, and war material into South Vietnam. The two South Vietnamese parties shall be permitted to make periodical replacements of armaments, munitions and war material which have been worn out or damaged after the ceasefire, on the basis of piece-for-piece, of the same characteristics and properties, under the supervision of the Joint Military Commission of the two South Vietnamese parties and of the International Commission of Control and Supervision. End quote.

2. There remains to be settled, however, the matter of unilateral declarations by the two sides. In order to avoid starting a new relationship on the basis of misunderstandings, clarification of these statements is absolutely necessary.

A) With respect to the question of prisoners, the U.S. side has stated on innumerable occasions that under no circumstances can it sign an agreement that does not unconditionally guarantee the return of all its military and civilian prisoners throughout Indochina. Accordingly, the formulation in the DRV unilateral statement handed over on October 17 which makes the return of prisoners in Laos conditional on a Laotian settlement and makes no mention of prisoners in Cambodia is unacceptable. The U.S. side has proceeded on the assumption of the assurances given by Special Advisor Le Duc Tho that the DRV will make itself responsible for the return of all U.S. military and civilian prisoners held throughout Indochina. Therefore the U.S. side requires a DRV unilateral statement along the lines of the text handed over on October 8, 9, and 12, 1972, to read as follows:

Quote. With respect to U.S. military men and civilians held in Indochinese countries outside of Vietnam, the DRV undertakes to make arrangements for their identification and return to United States authority in accordance with the same schedule established for the release of U.S. military men and civilians detained in Vietnam. The DRV will also assure that the provision in the overall agreement for verification of those U.S. military men and civilians considered missing in action will be applied also in Laos and Cambodia. End quote.

B) With respect to Laos, the U.S. side accepts the version handed over by the DRV side on October 13, 1972, conforming to the U.S. text handed over on October 12, 1972, as follows:

Quote: On the basis of respect of the principles of the 1962 Geneva Agreement on Laos, the Democratic Republic of Vietnam and the United States welcome the current negotiations between the two concerned Lao parties, and will actively contribute toward rapidly bringing these negotiations to a successful conclusion, so as to make possible a ceasefire in Laos within one month after the "Agreement on Ending the War and Restoring Peace in Vietnam" comes into force.

After the ceasefire in Laos the foreign countries in Laos will arrange the modalities of implementing Article 15 (b) of the "Agreement on Ending the War and Restoring Peace in Vietnam." End quote.

C) With respect to Cambodia, the U.S. side operates on the basis of the following statements made by Special Advisor Le Duc Tho at private meetings with Dr. Kissinger on September 26 and 27 and October 8 and 11, 1972:

Quote:

—The questions of the war in Vietnam and Cambodia are closely linked; when the war is settled in Vietnam, there is no reason for the war to continue in Cambodia (September 27);

—Once the Vietnam problem is settled, the question of Cambodia certainly will be settled; and the end of the Vietnamese war will create a very great impact that will end the war in Cambodia perhaps immediately (October 8);

—It is an understanding between us that the DRV will abide by the principle that all foreign forces, including its own, must put an end to their military activities in Cambodia and be withdrawn from Cambodia and not be reintroduced (September 26);

—The DRV will follow the same principles in Cambodia that it will follow in South Vietnam and Laos, that is, it will refrain from introducing troops, armament, and war material into Cambodia (October 11); and

—As Article 18 states, the obligations of this agreement come into force on the day of its signing (October 11).

The United States reiterates its view as expounded by Dr. Kissinger on October 11, 1972, that if, pending a settlement in Cambodia, offensive activities are taken there which would jeopardize the existing situation, such operations would be contrary to the spirit of Article 15 (b) and to the assumptions on which this agreement is based. End quote.

3. With respect to other unilateral statements handed over by the DRV side on October 17, 1972, the U.S. position is as follows:

A) With respect to economic relationships between the U.S. and DRV in the post-war period, this matter will be discussed during Dr. Kissinger's visit to Hanoi and can be settled satisfactorily.

B) With respect to reconnaissance activities, the U.S. side confirms that with the coming into effect of the agreement, reconnaissance activities against the Democratic Republic of Vietnam will cease.

C) With respect to U.S. aircraft carriers, the U.S. side cannot accept any restrictions regarding the transit of aircraft carriers, as was pointed out by Dr. Kissinger to Special Advisor Le Duc Tho on October 11, 1972. Thus the understanding on this question refers only to the stationing of U.S. aircraft carriers.

D) With respect to internal developments within South Vietnam, the matter referred to in the DRV statement was being discussed in the context of the U.S. proposals of September 26 and 27, 1972. These proposals are superseded by the agreement now being completed. The U.S. side takes the view that the question of internal developments in South Vietnam is sufficiently covered by Article 9 of the draft agreement and that no additional understandings exist.

4. As soon as the DRV side confirms these understandings as set forth in paragraphs 2 and 3 above, the agreement can be considered completed.

5. On the assumption that the question of the unilateral statements will be satisfactorily settled, the U.S. side proposes the following schedule which would not involve more than a 24-hour change in the time of the signing of the agreement.

A) Because of the delay caused by the need to receive replies on remaining matters, the U.S. side proposes that Dr. Kissinger arrive in Hanoi on October 24 at the time agreed upon and leave on October 26.

B) There would be a joint announcement of the agreement in Washington and Hanoi on October 27, 1972 at 2100 Washington time.

C) The signing of the agreement would take place on October 31 in Paris.

D) While the agreement would not go into effect until its signature, in order to show its good will the U.S. side is prepared to observe a ceasefire as of October 28, noon, Washington time and arrange for similar action by the forces of the Government of the Republic of Vietnam.

E) Assuming the DRV side agrees to this modified schedule, the U.S. would stop bombing north of the 20th parallel on the morning of October 23, 1972, and all bombing, shelling and mining of North Vietnam on the evening of October 23, 1972.

F) The U.S. side requests urgent confirmation with respect to the understandings in this message. The U.S. side also requests the DRV side to confirm the arrangements regarding publicity of Dr. Kissinger's visit to Hanoi set forth in the paper handed over to Minister Xuan Thuy by Dr. Kissinger on October 17, 1972. As soon as these confirmations

are received the DRV side can count on the U.S. side proceeding with the schedule proposed above.

G) The U.S. side regrets the 48-hour delay in carrying out this schedule, but considers this is unavoidable because of the complexity of the subject and the need for precise mutual understanding. It does not believe that now that two sides are so close to the completion of so long a conflict the DRV side would proceed on the basis of threats.

H) The U.S. side reiterates its conviction that the end of the war, now so imminent, should usher in a new era in the relationship between the U.S. and the DRV.

End text.

31. Transcript of a Telephone Conversation Between the Chairman of the Joint Chiefs of Staff (Moorer) and the President's Deputy Assistant for National Security Affairs (Haig)¹

Washington, October 20, 1972, 1:55 p.m.

1355—Secure Telecom/Out—MG Haig—Fri 10/20/72—1355

CJCS—I know you are busiest man in town and I don't want to take too much of your time but sometime I'd like to talk to you more about this. I don't know what got into Weyand when he caused all that flail yesterday. He has got almost 100 sorties under what was planned for him and has never asked for any more and has never said anything about it and was told by Gayler the day before yesterday he could have every sortie in SEA any time he needed it. I don't know what the problem is.²

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Secret.

² In a diary entry the previous day, Moorer reflected on a telephone conversation he had had with Weyand about sortie availability: "I don't think he is exactly sure of what he does need and I don't think that he could use all of the sorties that we could provide if we gave them to him. Weyand apparently spilled his problems to Kissinger at a cocktail party which is worst thing that he could have done. He should have talked to me if he had a problem. Now he has the whole White House in an uproar." Kissinger was in Saigon to meet with Thieu. (Diary entry, October 19, 12:06 p.m.; *ibid.*) On October 20 Weyand sent Moorer a message summarizing his view on the question of how many sorties were required to support South Vietnamese operations, concluding: "On our side, therefore, we continue to require fairly massive tactical air support with a surge capability to respond to crisis point situations." The daily number he thought necessary was

Haig—I have a feeling he has been led down the trail by our friend. I have been having real problems with HAK here. I talked to Murphy on Friday about it and on Sunday he blew up when he read the sortie levels because I called Dan then again and Dan called back and said he had more than he needed.

CJCS—He does you see he has never gone up to 200. I will even let you read a telephone conversation I had with him yesterday and I talked to him for 30 minutes and I told him to talk to HAK and tell him that we were all set and that he had what he needed.³ Then the same thing about Laos. I have been watching that every day and they had 83 sorties up there and I have given almost without exception everything Godley has asked for.

Haig—Laos thing came from Sullivan.

CJCS—Of course, I have been shadowboxing with him on Laos since 1964. But I have got a list right in front of me and yesterday for instance he had 32 strike, 35 support and 12 Arc Light plus 4 gunships and 83 planes in the air. Day before 99—day before 89—day before 63—day before 74—day before 97. They have been getting all they can use up there.

Haig—I think there is a little syndrome underway. I know in this case HAK is uptight as a drum and about what he is doing.

CJCS—Please let me tell you what happened. When I saw him at McCain's change of command ceremony he was giving me hell that we weren't doing enough up north and I call . . .

Haig—That's right.

CJCS—I called Gayler and the Component Commanders and told them exactly what we wanted and laid out formally and that he should go out to Saigon immediately. Gayler should talk with Weyand and not to put out anything until everybody was on board—Weyand, Meyer—everybody involved when he was about to put out his message I said we will work in short increments and put out a goals objective and until you finish that period which he chose as 12 days and then we can see what we have accomplished or not and change every 12 days and leave the caveat in there that anytime Weyand needs any sorties he has total priority over everything and he got exactly what he had requested and repeated to Weyand day before he got there.⁴

366. (Message 54191 from Weyand to Moorer and Gayler; *ibid.*, Records of Thomas Moorer, Box 64, COMUSMACV Messages, 16–31 Oct 72)

³ The transcript of a telephone conversation between Moorer and Haig is attached to Moorer's diary for October 19; *ibid.*, Records of the Chairman, Moorer Diary, July 1970–July 1974.

⁴ The idea was that the senior commanders at CINCPAC and MACV would agree to a bombing program against the North that could be flexibly implemented in 12-day increments.

Haig—He really sent in, sent in, something yesterday but I feel exactly like a fool because I have been taking the brunt of this for about a week now and I told him to tell him.

CJCS—This jumps the track. I have been watching this every day very carefully to see whether Weyand came close to even making a factor which he didn't use 100 sorties short of what he expected him to fly. The Air Force is only about flying less than their planned sortie level and, of course, up there up North about a carrier and a half of sorties immobile because of the reduction to 150 more sorties than he ever used in that type of activity beginning on right now mining abus[?] not like the major part of Quang Tri operation, fire whole bunch of sorties on isolated targets. As soon as I get back I want to talk to HAK one minute he is pressing and the other going in one direction then the next thing . . .

Haig—No doubt that he changed that.

CJCS—I have been following this mission daily. So I just don't know what gotten into Weyand.

Haig—I don't either. I am not sure he was the sole culprit there in fact I am sure he wasn't.

CJCS—I didn't want to bother you about it but to reassure you not the time to disturb the President over something that is not a problem.

Haig—I haven't taken it to the President at all and he is not aware of it but he is aware that he ordered it . . . The President is not aware of this I didn't take it to him at all but I did call Murphy right away and he has no knowledge of it other than fact that he wants and I told Dan on Monday I wanted maximum effort in this pre-Ceasefire situation. Where we attrite as much as we can on battlefield.

CJCS—We understand that. All Weyand got to do is frag them we could pull the carriers down there and do that much more if he wanted to.

Haig—I don't know if this thing going to cork this morning emergency resupply.⁵

CJCS—We are going ahead on that now it's quite a job.

Haig—Totally premature.

CJCS—Anyway I'll talk to you about this when you got different problems. Really no problem when you come down to it because there is plenty out there for him.

Haig—I have a feeling he was sandbagged by a fellow, no matter what you tell him he doesn't believe it.

⁵ A reference to the American program—called Enhance Plus—to militarily resupply South Vietnam. See footnote 2, Document 29.

32. **Memorandum From the President's Assistant for National Security Affairs (Kissinger) to the White House**¹

Saigon, October 20, 1972.

I met with Thieu and the National Security Council, augmented by General Vien, for three and a half hours.² There was considerable emotion at both sides of the table and skepticism, but it was not a confrontation. They raised a long series of problems and points for clarification. These were represented as inequities or difficulties, but the plan itself was never rejected. Neither was it accepted.

It was clear from the sober, somewhat sad, mood of the session that they are having great psychological difficulty with cutting the American umbilical cord. They probably realize that the deal is a good one by American standards, but their focus is on remaining North Vietnamese forces and the likelihood of violations of the agreement. While they showed pride in the talents of their generals, they continued to exhibit awe of Communist cunning and a lack of self-confidence. They undoubtedly feel they need more time, but one senses they will always feel that way. They know what they have to do and it is very painful. They are probably even right. If we could last two more years they would have it made.

Against this mood I did my best to underline their inherent advantages, draw out their self-confidence and assure them of US backing, both during an agreement and in the face of violations. I was partly, not totally, successful.

I have the sense that they are slowly coming along and are working themselves into the mental frame of accepting the plan, but their self-respect requires a sense of participation. I am meeting tomorrow morning with a task force from the Council, including the Foreign Minister and Ambassadors Lam and Phuong, to go over the provisions of the text. I shall meet Thieu and the National Security Council tomorrow afternoon. The prospect is that we will probably have to go back to the North Vietnamese with some more changes.

Their objections and questions, none of them capricious, centered on North Vietnamese forces remaining in the south; clarifications on the infiltration and replacement provisions; questioning of the three

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [1 of 2]. Top Secret; Sensitive; Exclusively Eyes Only. Kissinger's memorandum is attached to an October 20 covering memorandum to the President.

² A memorandum of conversation of the meeting, October 20, 2:10–5:35 p.m., is *ibid.*

equal segments for the Council; and probing for US response if the agreements were to break down.

I believe I made some headway in my answers to these and the other questions. My general point was that unity between our countries, vigilance concerning the agreement, and the self-determination and assurance of the South Vietnamese would prove to be the crucial ingredients. The remaining NVA forces were certain to be reduced in strength. In the absence of reinforcements, I pointed out that the NVA forces were greatly weakened and could not be reinforced, and that reductions under the demobilization provision would work to the GVN's advantage because of its larger base. I explained that with their much larger army and the equipment augmentation that we have planned before the agreement the replacement provisions would also work to their advantage. On the political issues I stressed the Communists' complete collapse and how a self-confident, determined political effort by the GVN should gain them predominance in the coming political struggle. The southern Communist cadres should be totally demoralized by this agreement. And I emphasized that if the agreements were violated the President would take strong retaliatory action, citing his past record in a much more difficult election year. I explained the Communists could follow two roads. If they tried another offensive next spring we would certainly react strongly. If on the other hand they were genuinely opting for reconstruction in the north, this fact plus the non-reinforcement provisions would probably produce unilateral NVA withdrawals from the south.

Overall I think we made some progress. We now face the delicate task of giving the GVN a sense of participation without at the same time upsetting the apple cart in Hanoi.

Abrams who was silent the first day, made a very useful intervention today and has generally been very helpful.³

Although Thieu has not yet agreed to the settlement, I believe it is essential that we start moving equipment immediately since I think we

³ According to the memorandum of conversation, Abrams said: "When President Nixon on Monday afternoon of this week called me to his office with Secretary Laird and asked me what I thought about this, I told him in looking back for a long time, before I even came to South Vietnam, the whole role and what had happened here and the development of the effectiveness of the government and the effectiveness of the armed forces, the effectiveness of the military forces, I told him that I thought it was time to take the next step. It was a difficult step to make the first withdrawal [of American troops] and each subsequent one, but as confidence and capabilities and skill developed, it became practicable. So more and more as time has gone on, the defense of South Vietnam has been by the South Vietnamese themselves. I have always had great respect and admiration for the South Vietnamese people and military, but I have always believed from the beginning that the day had to come for you and for your own pride and your people when the security and the political strength was all yours, with eventually our air power standing in the wings and our equipment and supplies coming into your ports. (Looking towards Dr. Kissinger) I think that's it."

must have it all here by November 1 local time. If the deal should come apart at the last moment we could still stop the shipments and all we would have done is to strengthen the South Vietnamese a little prematurely. Accordingly I recommend putting the operation into high gear with Dan Murphy.

I talked to Weyand and Abrams about moving our equipment out of here within 60 days and relocating essential equipment in Thailand and elsewhere. I am totally persuaded that one man has to be in charge of this operation and that it should be Abrams. Weyand agrees. If we permit the JCS to study the problem, we will have the same fiasco as with the bombing, all the more so since Admiral Gayler is hopeless. Please talk to the President and get an order issued which will give Abrams complete charge of this operation. I believe we can relocate essential installations and Headquarters so as to give ourselves a substantial capability if we have to react to Communist violations of the agreement.

Warm regards.

33. Memorandum for the President's Files by the President's Deputy Assistant for National Security Affairs (Haig)¹

Washington, October 20, 1972.

SUBJECT

Meeting between President Nixon, General Westmoreland, and General Haig, at 10:00 am, October 20, 1972 (The Oval Office)

President Nixon stated that he had asked General Westmoreland to visit him² so that he could get General Westmoreland's views on the

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 996, Alexander M. Haig Chronological File, Haig Chron, October 1–23, 1972. Top Secret; Sensitive.

² In a briefing memorandum sent to Nixon before the meeting, Haig wrote: "General Westmoreland has great symbolic importance with regard to Vietnam and is one of the few key figures who potentially could be somewhat disaffected. A preemptive discussion with him would help ensure that he views a possible settlement in the most favorable light possible. It also would be valuable to have his professional judgment on both the internal political situation and military aspects before you make a final decision." (Memorandum from Haig to Nixon, October 18; *ibid.*, Kissinger Office Files, Box 7, HAK Administrative and Staff Files, Memoranda Dispatched from WB, June–October 31, 1972) Westmoreland had retired from the Army in June.

current state of negotiations related to a possible settlement of the conflict in South Vietnam. It was only appropriate that General Westmoreland, who had contributed so much to this effort, should have an opportunity to participate in what may be the final days of the war. No one was as familiar with the situation in South Vietnam as he, and it would be most helpful to the President to have the General's assessment of both the military and domestic situation.

The President noted that General Haig had briefed General Westmoreland on the broad outlines of the proposed settlement. General Haig interjected that the briefing had been rather abbreviated but that General Westmoreland had had an opportunity to get a grasp of its overall framework.

General Westmoreland stated that in his view the major difficulty with the settlement was the ceasefire in place³ and the lack of any mention of specific commitments with respect to the North Vietnamese divisions in the South. He pointed out that the political framework provided for a ceasefire in place without withdrawal commitment, and this amounted to a de facto cessation by Thieu of sovereignty over substantial portions of South Vietnamese territories.

General Westmoreland stated that in his view President Thieu could not accept such a settlement and would likely reject it. One of Thieu's major problems was the requirement that he at least retain the image of being the master of his own fate. Any inference that this was an imposed settlement could prove fatal to Thieu's own political base. General Westmoreland had known Thieu personally and officially for a number of years. He was probably better acquainted with Thieu's idiosyncrasies than any other American. Thieu was an extremely suspicious man who was devious, capable of sharp turns, and had a conspiratorial outlook that had enabled him to survive through many difficult years. It was essential that the United States work patiently with Thieu and recognize the difficulty that the relinquishment of his territory would pose. Further, the international control mechanism contained in the plan appeared to be without teeth, and contained no specific provisions for insuring that violations did not occur.

The President stated that in his view no control mechanism would ever provide assurance against cheating if the will existed to do so. General Westmoreland agreed but stated that he was concerned that the plan was not adequate for the realities of the situation. In effect, the

³ Commenting on this meeting, Kissinger recalled that the General had "suddenly surfaced objections to the very concept of a cease-fire in place. This was amazing, since a standstill cease-fire had been part of our position since October 1970 and had been endorsed then by the Joint Chiefs of Staff, of whom Westmoreland was one." (*White House Years*, p. 1377)

United States was now in a strong position which had been brought about by the President's courageous decision to bring the war to the North. Had it been done six years earlier, the war would have been long since over. Now that the North was hurting, we should not move precipitously to take their first proposal.

President Nixon emphasized that he had no intention of being stampeded in this situation and that he recognized the strength of our position. Above all, he would do nothing which would dishonor the sacrifices of the 45,000 American dead. However, he had reviewed the plan and if President Thieu could wrap himself around it with confidence and in an air of optimism and victory, he felt it offered a fair chance to the people of South Vietnam to retain their freedom. Within this framework, the United States would do all that was necessary by way of support, including strong military action if required, should violations occur.

General Westmoreland stated that he agreed with these provisions but noted that he was very skeptical that Thieu would receive the plan optimistically. The President thanked General Westmoreland for his views and informed him that he would keep him apprised of the situation. General Westmoreland indicated that he was greatly reassured and very much appreciated the opportunity to discuss the matter with the President.

34. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Saigon¹

Washington, October 20, 1972, 1608Z.

Tohak 59/WHs 2258. Deliver upon receipt.

I have apprised the President of the results of your discussions with Thieu. He has directed that I pass to you the following message from him.

Quote As you continue discussions with Thieu, I wish to reemphasize again that nothing that is done should be influenced by the U.S. election deadline. I have concluded that a settlement which takes place

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Tohak, October 16–23, 1972 (1 of 2). Top Secret; Sensitive; Exclusively Eyes Only. Sent via Lord.

before the election which is, at best, a washout has a high risk of severely damaging the U.S. domestic scene, if the settlement were to open us up to the charge that we made a poorer settlement now than what we might have achieved had we waited until after the election. The essential requirement is that Thieu's acceptance must be wholehearted so that the charge cannot be made that we have forced him into a settlement which was not in the interest of preventing a Communist takeover of a substantial part of the territory of South Vietnam.

As I outlined yesterday, we must have Thieu as a willing partner in making any agreement.² It cannot be a shotgun marriage. I am aware of the risk that Hanoi might go public but am confident that we can handle this eventuality much easier than we could handle a preelection blowup with Thieu or an agreement which would be criticized as a pretext for U.S. withdrawal Unquote.

The President appears to be more concerned today than he has been with respect to the actual security arrangements resulting from a cease-fire in place which can neither be policed nor enforced and which might leave the Communists in control of a substantial portion of South Vietnam. I sense no weakening in his desire to cut the ties with Thieu if this be necessary but to do so only after the election. He was very strong in his discussion with me that the only way this can succeed in a preelection environment is if Thieu wholeheartedly wraps himself around the advantages of the settlement in both a public and private sense. The President believes he may, in fact, be doing this, noting the press releases coming from the Palace. On the other hand, he is concerned that he may tacitly acquiesce and then unleash a public reclama that will leave us in an isolated preelection position.

Warm regards.

² In backchannel message Tohak 45 to Kissinger, October 19, Nixon wrote: "Above all, I want you to reassure President Thieu of my all-out and continuing support for him and the Government of South Vietnam. Your mission should in no way be construed by him as arm-twisting or bulldozing which might have been undertaken in conjunction with my own domestic election." (Ibid., Box 104, Country Files, Far East, South Vietnam, HAK's Saigon Trip, Hakto & Tohak Cables, October 16–23, 1972 (1 of 2))

35. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Saigon, October 21, 1972, 0904Z.

Hakto 26/204. White House Situation Room: Deliver this cable to Haig at opening of business. Make sure he reads it before talking to the President.

1. I would like to make clear my views on where we now stand and my recommendations on how to proceed.

2. The first thing to keep in mind is that we have an excellent agreement within our grasp:

—There are some soft spots which are inevitable in any negotiated settlement short of total victory. But it is clear to us, and will be clear to the public, who made the major concessions.

—I do not doubt we will be exposed to the usual nitpicking about certain aspects of the settlement, but we should be able to override it fairly easily. It will far exceed the expectations of the American public. We should be greatly bolstered by the support of people like Souvanna Phouma and the Thai leaders, who seem to be enthusiastically aboard.

—I think you will recognize better than anyone the tremendous movement that has occurred in the North Vietnamese position. On top of their retreat on political issues, and some marginal movement overall on October 17, they have now caved in completely on Articles 7 and 8, in effect leaving 40,000 of their people in South Vietnamese jails. If they now confirm all the understandings I cabled to them yesterday,² their collapse will be total.

—There is no conceivable way to make the GVN enthusiastic about the withdrawal of American forces and the beginning of a political contest that they have been dreading for many years. It is in Thieu's interest, and I have so told him, that if and when he finally agrees to the settlement, he take a public position of strong support and claim it as a victory. The agreement yields him many inherent advantages. Half the battle will be for the GVN to act confidently and boldly in political and psychological terms.

—There is no possibility of Thieu blowing; the real danger is that he will stall without giving us an answer.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Hakto, October 16–23, 1972. Top Secret; Sensitive; Exclusively Eyes Only.

² See Document 30.

—There is no question of making the deal if Thieu refuses or stalls. In that case we must decide how best to accomplish the stalling.

3. It is against this background that we must consider the final leg. Assuming the other side agrees to all the understandings, I believe our best course is to proceed with the itinerary. I recognize the arguments against going. But in cancelling now we would pay the almost certain price of a public confrontation with Hanoi and being put on the defensive publicly. In going ahead we might get the agreement now or within weeks. Thieu does not object and our domestic opinion could be handled.

More specifically the following are my reasons for moving ahead with the trip:

—In the context of a near total collapse by the other side, to cancel the final leg when they no doubt have informed many of their friends about it would almost surely be construed as an intolerable loss of face as well as proof of U.S. duplicity. We are already stretching the fabric with our several postponements of the schedule. They are apt to consider a last minute cancellation a deliberate stall to get past November 7 and will move violently to forestall an onslaught.

—Cancelling the trip now could well have a backlash in Moscow and Peking as well.

—Thieu has no objections to the final leg and in fact it seems to be one of the easiest parts of the scenario for him. He has already told me that he has no problem with a trip that concluded an agreement he could live with. I am confident as well that he would have even less difficulty with a trip that failed to consummate an agreement.

—To cancel the trip now would not only pay a maximum price with our hosts, but also maneuver Saigon into becoming the clear target for having blocked an agreement.

—If we want to delay to bring Saigon aboard after the election the last leg of the trip could enable me to position our hosts. The only alternative is an approach through the Soviets which is much less reliable.

—If the South Vietnamese objections are not too extreme I will be prepared to take them with me to the final stop after warning the hosts ahead of time of their nature. This would no doubt produce some static, but I have never guaranteed them verbatim acceptance of the text by Saigon. If the other side accepted the GVN changes, we would have a completed agreement, and the GVN would have had a sense of participation. If the other side refused reasonable changes, we would be merely carrying out the President's oft-stated commitment not to impose a solution on our ally. We could return to Washington and aim for another round after the election.

—In short, if I am allowed to go to the final stop without being under an absolute Washington mandate to settle, we might just pull it

off, and in any event this course would be much less risky than cancelling the trip.³

—As for the bombing we would have to resume after my return at a reduced rate.

6. In recent weeks we have played a tough, ruthless game of using our election deadline as blackmail against the other side. In this process we have obtained concessions that nobody thought were possible last month, or for that matter last week. We cannot turn away from that course now which, while still precarious, holds such great potential promise. Washington must understand that this is not a Sunday school picnic. We are dealing with fanatics who have been fighting for 25 years and have recently lost the cream of their manhood in the war. They have taken very painful decisions to make the major concessions they have. We cannot be sure how long they will be willing to settle on the terms that are now within our grasp. To wash out the final leg could cost us dearly. To carry through with it is not incompatible with our need to get the GVN aboard as enthusiastically as possible.

Every major decision on Vietnam has involved high risks. And every time we have acted boldly, we have succeeded.⁴

End of text.

³ In backchannel message Tohak 65/WHs 2262 to Kissinger, October 21, 0516Z, Haig stated: "we have always discussed the final leg in the context of a settlement, never in the context you now pose. Were you to go there to keep the North on board with the view toward settling after election with a presumably reluctant or even an intransigent Thieu, then given the rampant speculation already running here I believe that on the surface the trip could be undertaken without undue risk." Later in the message, however, Haig concluded: "In my view it would be a mistake which would pose us with more serious dilemmas than we are now faced with. The specter of your trip combined with a halt in the bombing while fighting continues in the South is anything but comforting." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Tohak, October 16–23, 1972 (1 of 2))

⁴ In backchannel message Tohak 70/WHs 2266, October 21, 1415Z, Haig responded: "In the last paragraph of HAKto 26 you quite correctly recall that every decision on Vietnam has involved high risks and that every time we acted boldly we have succeeded. I would suggest that every time we have acted correctly we have succeeded." Haig concluded: "This has been a searing experience for all of us. We have moved mountains and can continue to do so if we don't lose sight of our overall position of strength." (Ibid.)

36. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Saigon, October 21, 1972, 1107Z.

Hakto 28/206. 1. I am sending you this message on a contingency basis to bring you up to date on the situation here and to get your opinion on what our planning should now be. You already have my views regarding the final leg of the trip. Now let me put the issues in a more general context in light of today's events. After reading this and my earlier message² please Flash me back your views.

2. Situation here is as follows: I had four hour meeting with a GVN working party headed by the Foreign Minister. This was to be followed by another meeting with Thieu and the National Security Council at 1400. I had also requested a private meeting with Thieu immediately after that session and informed him that the additional military equipment was moving.

3. The meeting this morning was extremely well tempered.³ The GVN proposed 23 changes in the draft agreement, and we accepted 16 of them, many of them minor and probably manageable. The 7 unacceptable changes, however, concerned their more basic problems with respect to North Vietnamese forces and the political provisions. They wanted to write into the agreement specific provisions regarding the withdrawal of North Vietnamese forces by name. In the political section they wished to emasculate paragraph 9(g) and drop paragraph 9(h), which as you will recognize would result in the absence of any real political section at all. I explained that North Vietnamese forces in the south, already weakened and deprived of reinforcement, could not but wither away, a point that Abrams made yesterday as well. On the political side I explained that the specificity with regard to the Council underlined its essential absurdity and thus was a protection rather than a handicap for the GVN. The meeting ended on a cordial note.

4. Nevertheless the meeting with Thieu was first moved from 1400 to 1700 and has now been cancelled altogether. Nobody at the Palace answers calls from Bunker, the line being that Nha has left and cannot

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Hakto, October 16–23, 1972. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² Document 35.

³ A memorandum of conversation of the meeting, October 21, 10:16 a.m.–1:10 p.m., is in the National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [1 of 2].

be reached. A familiar pattern is beginning to emerge. This puts us into an enormously precarious position. If Hanoi caves again on our latest message and I then refuse to make the trip, they will clearly know what the difficulty is. They would then have every incentive to go public and demand that we sign a settlement to which we have already agreed. They would be trying to lock us for the post-election period, probably give McGovern a last-minute shot and finish off Thieu.

5. It seems to me that we have three basic possibilities. First there is the chance that Hanoi will turn us down on the basis of our latest message.⁴ If they did not make a final break we could try to nurse the negotiations along and get Thieu aboard under a less frenzied schedule.

Secondly, we could proceed with the game plan from my last cable,⁵ i.e. go ahead with the trip and try to get sufficient changes to make the agreement acceptable to the GVN.

Third, I could leave here and return directly to Washington. I would do so no later than Monday.⁶ Under this option, you would in the meantime get in touch with the Soviets and Chinese with the following message. You would explain to them that we are very near agreement but there are a few issues such as our prisoners in Laos and Cambodia, the presence of North Vietnamese forces in other countries, and the timing of the ceasefire which consultations have convinced us cannot be solved immediately. However, we are determined to bring them to as rapid a conclusion as possible. We would assure Hanoi, and reinforce this undertaking vis-à-vis Chou and Brezhnev, that we would complete an agreement during the month of November. I would be prepared to meet with Le Duc Tho any time during the week of October 30 to resume negotiations which should not be too complex. To show our good will we would further reduce the bombing of North Vietnam—I have in mind about 100 sorties and no B-52 raids.

Under this approach we would under no circumstances plead Thieu as an obstacle because this would give Hanoi the maximum incentive to go public. It would be better for us to take the rap, painful as it is.

6. I have requested an appointment with Thieu this evening to determine his intentions. Clearly we cannot wait much longer to make our choice since we are rapidly becoming prisoner of events. In retrospect, it is now clear that I made a mistake in agreeing to a fixed date for the final leg. Doing so got us more concessions than any of us thought possible, but it is clearly making us pay at this end. That is water over

⁴ Document 30.

⁵ Document 35.

⁶ October 23.

the dam. I think when you read the records of our talks here you will find that we have been extremely patient with Thieu. In our meetings so far, as I have reported, mood has not been one of confrontation. Also when I told Thieu about the possible Vientiane and final leg prospects he did not object and indeed pretended to welcome them.

7. As usual I am counting on your steadiness back there to keep everyone calm. This is as complex a situation as we have faced during these four years. We cannot allow judgments now to be panicked by electoral considerations. I look forward urgently to your views.⁷

8. Subsequent events, i.e. Hanoi's apparent publicizing of our agreement through a de Borchgrave article,⁸ have overtaken this message, but I am sending it along anyway as a useful summary.

Another message follows.

Warm regards.

⁷ In backchannel message Tohak 75/WHS 2272 to Kissinger, October 21, 2009Z, Haig conveyed three basic contingencies and their policy ramifications that he and NSC staff members had developed. The element common to all three was the assumption that Thieu would not accept the schedule for completion of the settlement worked out by Kissinger and Le Duc Tho in Paris. (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 104, Country Files, Far East, South Vietnam, HAK's Saigon Trip, Hakto & Tohak Cables, October 16–23, 1972 (1 of 2))

⁸ Arnaud de Borchgrave, a senior editor at *Newsweek*, interviewed Pham Van Dong in Hanoi on October 18. Shortly afterward de Borchgrave made a copy of the interview available to Kissinger. *Newsweek* released the story in Washington late in the day on October 21, and the magazine published de Borchgrave's extended article, "Exclusive from Hanoi," on October 30.

37. Transcript of a Telephone Conversation Between President Nixon and the President's Deputy Assistant for National Security Affairs (Haig)¹

October 21, 1972, 5:10 p.m.

GH: Mr. President. We have the DRV response as we predicted that completely met our request.²

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 998, Alexander M. Haig Chronological File, Haig Telcons, 1972 (1 of 2). No classification marking. Nixon was at Camp David; Haig was in Washington.

² Guay conveyed the North Vietnamese message to the White House via Haig on October 21, 1945Z. (Ibid., Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [1 of 2])

RN: They have? Everything?

GH: Everything—written assurances on Laos and Cambodia.

RN: Except the assurances on Laos and Cambodia?

GH: No, they have given us that, and they said again in the interest of good will in settling the war they have met our demands.

RN: Uh, huh.

GH: And that they also accept the 48 hour delay in what they call the work schedule.

RN: Yeah.

GH: So we are in a damn tight bind here with Thieu being really the only legitimate obstacle.

RN: Hum.

GH: And I think we are going to pay a hell of a price with the Soviets on this thing. Dobrynin came in with a message from, oral message for me for you.³

RN: Yeah.

GH: In which he said the DRV has notified them urgently that they are beginning to suspect that we are not sincere and that if this opportunity is not grabbed, the chances of the war being prolonged are serious.

RN: Right.

GH: Of course, that's the initial pressure.

RN: Yeah. What?

GH: The initial pressure from the Soviets. Henry meets at 8 with Thieu,⁴ and of course if we had Thieu happy and on-board we would be in clover. So we are faced now with his not being on board and giving Henry some finely-honed guidance with respect to this meeting. And I think he will probably want some to know just how sure he can be, how tough he can be on Thieu, and my instincts would be to be pretty tough.

RN: That's fine. Incidentally, have you been in any correspondence with Rogers at all on this stuff?

GH: He's been out of town. I've kept Alex Johnson fully abreast except with this latest event.

RN: Yeah.

GH: If Thieu won't go along, we have no agreement, in effect because his cooperation is an essential aspect.

RN: We have to deliver that, do we?

³ See Document 40.

⁴ In the morning of October 22, Saigon time.

GH: We have to deliver it.

RN: And if we can't deliver it maybe we could . . .

GH: We just have to go back and tell the Soviets and the other side that we will have to work out a new arrangement, and we'll do it bilaterally after November 7th. We don't want to use that benchmark, but . . .

RN: Just say in two weeks. I'd say by November 15th.

GH: Right. No, I think that's what we have to reckon with here.

RN: Yeah.

GH: Discounting Hanoi under any circumstances.

RN: What's that?

GH: He shouldn't go to Hanoi under any circumstances, I don't think.

RN: No, he can't do that—unless Thieu just folded, then I suppose he could.

GH: Yeh, he could if Thieu folded.

RN: But that isn't going to happen.

GH: No, it's not.

RN: So—

GH: So I think the best way to do it is to play it straight from the shoulder with these guys—as hard as we can—it has had plenty of time to think about it now and we've been very cooperative with him and we haven't had a real confrontation.

RN: Time has come for it.

GH: Yes, I think so.

RN: Incidentally, to come back to this—you remember our talk with Westmoreland.⁵

GH: Yes, sir.

RN: I personally think on reflection on that that he's being just hardlined for—

GH: He has no responsibility.

RN: He has no responsibility and there is another point that should be made too. You know he talks about the fact that we have to tell them that if they don't comply then we'll resume this and that. There's no credibility to that. Do you realize that?

GH: Yes sir.

RN: We of course—talking that way and so forth, but what I mean is that when Westmoreland is sort of acting as if there is you could really do these in a political vacuum—do you get my point?

⁵ See Document 33.

GH: Exactly.

RN: That's why when you talk about whatever we're doing now, we cannot give anything up now and expect to resume it Al. It's not going to happen. That's why we have to be very tough now in what we give up.

GH: Well—right sir. What I'd like to do now with your permission is to tell Henry to be tough as hell, to give him a message from you—⁶

RN: Yeh. I think the message should come this way—that in view of the fact that they have now complied with—give me a little bit—I don't know whether there is enough substance to what they've complied with to make it worthwhile.

GH: Well, they have committed themselves to an end of the war in Laos within the month of November—the return of our prisoners in Laos—of course they don't care about that and termination of the war in Cambodia and a withdrawal of their forces from Cambodia, in writing.

RN: Hm huh. And withdrawal of their forces—but not withdrawal of [from] South Vietnam?

GH: No, it's reciprocal—we have to take—no not South Vietnam.

RN: What do they commit on with withdrawal from South Vietnam?

GH: Well, all they have in—both sides should reduce their forces and they said that means if Thieu reduces some of ours they'll go home.

RN: Yeh. yeh. Well my view is that now that they have come through with this without much of a concession that we are in a position where we can't—can't really do anything else but say all right, this is it—.

GH: He's got to do it—now he won't so then we have to tell him—we don't want to leave him so bruised that he'll perhaps go public—I don't think he will but leave him just enough sure that he knows that we're going to work without him. The trouble is that goddamn—the north can't have the kind of settlement they want without the cooperation of Thieu.

RN: Let me do a little thinking—what time do you have to send this message? It's 5:30 now—

GH: It's a quarter of six.

⁶ In backchannel message Haktó 30/208 from Saigon, October 21, 1215Z, Kissinger wrote to Haig: "It would be very helpful if you could generate a strong message from the President to Thieu to help keep him in line. I'll need it for the 8:00 [a.m.] meeting." (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File)

RN: So you have to get one off perhaps in the next five or ten minutes. I'll call you back—I just want to make a couple of notes.⁷

GH: Fine sir. Good.

⁷ See Document 38.

38. Transcript of a Telephone Conversation Between President Nixon and the President's Deputy Assistant for National Security Affairs (Haig)¹

October 21, 1972, 5:18 p.m.

H: Yes, Mr. President.

N: Seems to me that if they have accepted those—those proposals² were the ones that Henry developed after the last deal, in other words, he just laid down all these conditions right?

H: That's right sir.

N: Now let's examine it now for a moment in terms of that. Did Abrams say take it?

H: Yes, he's already said take it.

N: Even without this?

H: Even without it.

N: With this he would say it even more so, would he?

H: I am sure of it.

N: What would you say?

H: I would say no question how I felt about it and that's to take it. I think we are taking some risks in doing it, but I think it's acceptable. But again I've always done this with the assumption that we could get Thieu to come along, while at the same time being skeptical about that. Now as it turned out he's been goddamn tough.

N: Well Al, when you say that he is not going to take it, I would say—is there a meeting tomorrow with him alone?

H: Just Henry. Private.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 998, Alexander M. Haig Chronological File, Haig Telcons, 1972 (1 of 2). No classification marking. Nixon was at Camp David; Haig was in Washington.

² See footnote 2, Document 37.

N: And you would say that Abrams has already worked him over, huh?

H: Yes, he has. Henry said he made a very good case. And I think he can make one given especially now with these new assurances on Cambodia and Laos, my God, there—

N: I think the message to Henry should be now that I—in view of this that I am convinced that Thieu should take this and that—you want to put it in that context so that he just hands it to Thieu and that's in effect a confrontation now, that's one way.

H: No, I think that's the best way of doing it—

N: Yeh, then if he says well no, then what do you say?

H: Say this cannot but have a most serious effect on our ability to support him from this point on.

N: Don't you think he has to say that to him?

H: Yes sir.

N: No way you could work out a further delay of a week.

H: Well, I think we can. But I think we have to have a game plan that's firm in doing so. Christ we have gone back three times to these people and they've met each requirement.

N: That's right.

H: So if they go public, we are going to look pretty damn foolish.

N: Yeh, that's the point.

H: On the other hand—

N: Wait just a second. Yeh, on the other hand—

H: On the other hand, if Thieu doesn't agree the provisions of the agreement are meaningless because it requires him to cooperate with the DRV in a series of measures and without that cooperation we've got no agreement.

N: Hm, huh.

H: So the only alternative would be if he goes—if he refuses to do it, then for us to turn around and work out a bilateral arrangement with Hanoi which I think he must know we will offer to do, if he can give us no hope.

N: Yeh. We would put it this way—well if you don't want to go along, then we will have to work out a—go on our own—that's in effect what we would say to them, right?

H: That's right and not only do that, but he's going to be without our support.

N: Yeh. And that we, well, when you say that, what does he do?

N: I don't think he's got a [choice but to?] cave. What the hell can he do?

H: He's got to cave or commit suicide. He might decide though that he can blow. He might go public and just say he's not going to be forced into this and hell or high water he'll fight it out on his own. This means that Henry has got—

N: Can we just say this—tell Henry that I realize that there's a risk in how he's going to handle this—not being there I cannot judge from here, what he should do, but that I think that he should make the strongest possible statement indicating that I now have personally examined it and believe that if this goes public, which it will, if he doesn't take it, that there will be enormous demand in this country that we go unilaterally and that we dump Thieu. I think that he should say that we cannot handle it here, if this offer gets public. How does that sound to you?

H: I think it's fine.

N: That there is a grey [*grave*] risk of that, that under the circumstances I feel that we should—now the thing that he is insisting upon are what—what are the things?

H: Well Thieu wanted some changes which got the troops out of the South—

N: Well we can't get that.

H: And which deleted some of this tripartite thing so he really wanted to emasculate the whole thing.

N: What is your reaction to what he'll say when that's put to him that way? Of course it's the total truth—we are simply saying I think he should know that the risks we have here is that if this—they are likely to go public with it.

H: We should put it not as a threat from you but as a reality. When—

N: Right as a reality—and when it does [become public] there will be an enormous demand to drop him and accept—

H: Right, exactly sir. I think that that's the best he can do.

N: Tell him (Henry) he has the most liberal ground rules and play it as best he can and I'll back him whatever the judgment is. I mean if it doesn't turn out we understand.

H: Right.

N: The only thing I could think of of course is the possibility of delay I mean—but really the best of all worlds Al is to put this damn thing off until the day after the election.

H: Um, God yes.

N: And tell the—that I think they have to be told that now—the North—

H: They do. They must be told and the Soviets must be told.

N: All right, it's a deal, but that they must be told that if it blows we'll deny it. They have a commitment, that's the way I think I'd do it.

H: Right. The real problem now is to get him through this next meeting and I think this is right—he's got a damn good feel—he's got to know that you are going to back him, that he can use as much pressure as possible—

N: In view—yeh. In view of these latest concessions—use all the pressure that he can—okay and that that's a personal message from me. Tell him I have studied it all day here, thought about it, examined it from one end to the other and no deal is perfect but that he has our continued assurance that we'll see that the deal is kept. Okay?²

H: Fine sir.

N: Good.

² See Document 39.

39. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Saigon¹

Washington, October 21, 1972, 2235Z.

Tohak 79/WHS 2276. Deliver immediately upon receipt.

Quote

It now appears that your meeting with Thieu is a decisive one. I have discussed the latest DRV concessions with the President and he believes that you will have to use this meeting with Thieu to make the utmost effort to bring him aboard. Attached is a message to Thieu from the President which has resulted from his study of the latest DRV message. The President believes, and I agree fully, that this latest concession if made public by the North along with the rest of the negotiating record will pose the most serious difficulties for us. Consequently, he wants you to use your best judgment in pushing Thieu up to the limit of not forcing him to break publicly with us before November 7. On the other hand, he should understand clearly that if he persists in resisting

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Tohak, October 16–23, 1972 (1 of 2). Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Lord.

all efforts to settle the conflict in what we consider to be just to both sides, we will be forced to work out bilateral arrangements with the Democratic Republic of Vietnam which could risk all that we have worked so diligently to achieve. The President wants you to know that he has full confidence in your judgment on this issue. He would, of course, prefer some viable course which would permit us to delay a settlement until after November 7 and hopefully to prevent a blow from either the North or the South before that time. In the context of these broad goals which may prove unachievable, he wants you to be sure that you have his full backing for whatever course you pursue and whatever outcome that course generates.

From my perspective, the chances of getting Thieu to acquiesce are very slim, and we will have to consider immediately after your meeting what kind of response we should give to the DRV and Moscow especially. I think the President would be perfectly comfortable with our telling them that despite all efforts we have been unable to bring Thieu along and therefore it is essential that we meet with them urgently in Paris to work out alternate arrangements which might not include the South Vietnamese. We can lace this with other concerns about their going public since I notice the de Borchgrave story is already on the wires.²

Warm regards.

Unquote

Attachment:

Dear Mr. President:

I have studied with utmost care all of the provisions of the proposed agreement as they now stand, including the most recent concessions by Hanoi concerning Laos and Cambodia. Based on my study, I consider this agreement to be acceptable in all its ramifications and therefore urge your most careful consideration and acceptance of it.

Were you to find the agreement to be unacceptable at this point and the other side were to reveal the extraordinary limits to which it has gone in meeting demands put upon them, it is my judgment that your decision would have the most serious effects upon my ability to continue to provide support for you and for the Government of South Vietnam.

I can assure you that if you proceed with us under the conditions which now have been outlined, you will continue to have my fullest support.

² See footnote 8, Document 36.

This would include whatever military actions might be necessary in the event of an abrogation of the agreement by the other side.

Sincerely,
Richard Nixon

40. Telephone Conversation Between President Nixon and the President's Deputy Assistant for National Security Affairs (Haig)¹

October 22, 1972.

Haig: Hello?

Nixon: Hello.

Haig: Mr. President?

Nixon: Yeah? I had one thought that in view of Hanoi as having, you know, totally broken their word with regard to publicity and so forth—²

Haig: Right, sir.

Nixon: —don't you think Henry ought to—I mean insist on [unclear] that said we—he'd meet them in Vientiane. You know that the Hanoi ploy I'd—I think they really [unclear] so much that—I know how passionately he wants to go there, but, you know, they've really handled this in a very shameful way.

Haig: Well, let me tell you what I've done, sir. Dobrynin was in here this afternoon with a strong message from Brezhnev.³ He called me at about 10.

Nixon: Yeah?

Haig: I just called him and laced it to him. I said, "You tell your goddamned people in Hanoi that they have broken our agreement,

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Conversation 151–7. No classification marking. Nixon was at Camp David; Haig was in Washington. According to the President's Daily Diary, Nixon and Haig talked from 12:22 to 12:27 a.m. (Ibid., White House Central Files) The editors transcribed the portions of the conversation printed here specifically for this volume.

² See footnote 8, Document 36.

³ In backchannel message Tohak 77/WH 2274, October 21, 2120Z, Haig informed Kissinger of his meeting with Dobrynin. (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Tohak, October 16–23, 1972)

which we considered sacred, that if you want to be helpful in getting this thing settled, you insist to them that there'll be no more of this, and that we expect them to be flexible, or we cannot have a repeat of the '68 situation, and that we may have some additional requirements that they have to understand and meet because we have a very difficult problem."

Nixon: Um-hmm.

Haig: Now that they have breaked—broken—

Nixon: Because they—because they broke it? And did he—

Haig: That's right.

Nixon: What'd he say?

Haig: For the first time he was very much on the defensive. He was shocked. He said, "This is inexcusable." And I told him who did it—it was the Prime Minister—and who they gave the leak to, and it's all over the press. And I said, "It's given us an incredible problem, which could sink, delay this thing and require additional negotiating."

Nixon: Right. Good.

Haig: I've done that to safe-side it.

Nixon: Yeah.

Haig: And I think we ought to wait on—on the Hanoi—

Nixon: Yeah. Well—

Haig: —thing, until we get Henry's—Bunker's assessment—

Nixon: Is he going to go from Phnom Penh to Hanoi?

Haig: No, no. No, he'll come back to Saigon.

Nixon: Oh.

Haig: And then we have, in effect—

Nixon: Um-hmm.

Haig: —all day tomorrow.

Nixon: Oh, good—

Haig: He'll be in Saigon.

Nixon: Debating with Thieu some more?

Haig: That's right.

Nixon: Oh, good.

Haig: And then he would leave Monday our time.

Nixon: Well, when he says he thinks he has braked for them he's still got a day's work.

Haig: I think so.

Nixon: Yeah. Yeah—

Haig: And I wouldn't add this burden to him now, until he gets to—

Nixon: I get your point.

Haig: —[unclear]—

Nixon: Yeah, yeah, yeah. Okay. That's good. Well, since you've taken that, but you see what our thinking is that—?

Haig: Oh, absolutely.

Nixon: —that we can't get sucked into this now, Al, on any—and then have it broken off on something.

Haig: No, if this is a locked agreement, with Thieu on board—

Nixon: Yeah?

Haig: —I don't think the Hanoi thing's bad at all for us. I think it's damned—

Nixon: No.

Haig: —good.

Nixon: No.

Haig: It's positive.

Nixon: No.

Haig: And end on a high, a very high note.

Nixon: I agree. I agree.

Haig: Now, I've called Bill Rogers and told him that it looks much better.

Nixon: [chuckles]

Haig: Just to keep him abreast of anything all day, too.

Nixon: But you told him for—did you tell him where we've laced Dobrynin? Or you didn't?

Haig: No, I didn't—

Nixon: Well, you didn't need to. But you just told him it looks better and that's that, huh?

Haig: That's right.

Nixon: But told him to keep shut? I mean—

Haig: Absolutely. That's why I—

Nixon: Let's don't sound better because, Al, this thing may still blow. You know?

Haig: Oh, it could still blow.

Nixon: Yeah.

Haig: He—you see, we've had them working full bore on getting this equipment out there, getting aircraft back from the Koreans—

Nixon: Yeah?

Haig: —in with the Thais—

Nixon: Right.

Haig: —and then there's the ChiNats—

Nixon: Right.

Haig: —and the Iranians. And they've been working like hell over there.

Nixon: At State?⁴

Haig: Yes, sir.

Nixon: Well, they must be pleased. Oh, I know we had to tell them, but I just wanted the—I just want them, they ought to know that we don't want to—

Haig: Well, he doesn't have any of the details.

Nixon: We don't want to leak anything to the—to *Time* or the—or the *Washington Post* or something. Then, well—

Haig: Oh, no.

Nixon: You know the whole settlement thing is just—if they leak it, that's one thing, but when we do it, it's inexcusable.

Haig: Well, we've held the line very strongly since this—

Nixon: You understand the reason that I don't want this leaked is not because of the goddamned enemy. The reason I don't want it leaked is because it might hurt us.

Haig: Very much so. That's right.

Nixon: Um-hmm.

Haig: But there's going to be a lot of stories tomorrow on this Hanoi story.

Nixon: I understand—

Haig: They all have it. They spread it all over town this afternoon.

Nixon: Sure. Sure.

Haig: But it's really turned out to be a damned good help to us because we can really bludgeon Hanoi for whatever additional nickels we need.

Nixon: Yeah. But doesn't it say "coalition government"?

Haig: Uh, not really. It says the—

Nixon: What is the story hit at? Yeah?

Haig: It, essentially, it has the outlines of the political settlement. It's heavy on that Thieu will stay in power, there'll be two governments, and they'll negotiate what will ultimately be a coalition, which is true. We wouldn't put it that way ourselves.

⁴ The Department of State negotiated and handled the paperwork involved in the attempt to obtain some of the equipment, mostly military jet aircraft, previously sent to allied nations (among them South Korea, Thailand, Republic of China, and Iran) that the United States wished to send to South Vietnam as part of Operation Enhance Plus.

Nixon: Yeah. But now Henry understands now, Al, that that word, as I said, cannot be used.

Haig: Oh, no.

Nixon: In fact, or, you know—

Haig: We'll never use it—

Nixon: —or appearance.

Haig: —in our briefings or—

Nixon: Right.

Haig: —or discussion of it.

Nixon: Right. Right. Okay.

Haig: Fine, sir.

41. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Saigon, October 22, 1972, 1105Z.

Hakto 37/215. Deliver immediately.

Thieu has just rejected the entire plan or any modification of it and refuses to discuss any further negotiations on the basis of it. He insists that any settlement must contain absolute guarantees of the DMZ, total withdrawal of North Vietnamese forces, and total self-determination of South Vietnam without any reference as to how this is to be exercised.²

I need not tell you the crisis with which this confronts us. Before you talk to the President, please Flash back your own quick assessment. I will in the meantime collect my own thoughts.

Warm regards.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² See Document 49.

42. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Saigon, October 22, 1972, 1152Z.

220. Ref: Hakto 32.²

1. Two hour meeting with Thieu, which began at 0800, was postponed from yesterday and followed his emotional telephone call last night in which he accused members of Kissinger's and Haig's staffs and Embassy personnel of leaking statements concerning peace proposals to political personalities here. Meeting began with Thieu in tense and highly emotional state. He spoke in Vietnamese with Nha acting as interpreter. The frankness of the discussion on both sides, however, brought the problems and issues more clearly into focus and Thieu's attitude became more relaxed as we examined the alternatives before us. We both left with impression we had finally made a breakthrough.

2. Dr. Kissinger began by expressing his amazement at Thieu's telephone call the previous night, and fact that Thieu should have suspected that he and General Haig had incited their staffs to undermine Thieu's position in the light of the support which Thieu had been given by the President, Dr. Kissinger and General Haig despite the strongest kind of bureaucratic, Congressional, and public opposition. Never had he, as a representative of the President, been subjected to such treatment as he had experienced here in the last four days—nor as indeed the Ambassador had experienced in the last month. We believe that in our support of President Thieu and the GVN we have together achieved great success. We have gone to great lengths to secure planes—to Iran, to Korea, to ROC—and we are providing additional equipment to ensure the survival of the GVN and Thieu himself. Our purpose is to make peace together, to work out an agreement to this end and to determine a common strategy.

3. Dr. Kissinger read the message which he had received from the President in which the President said that after close study of the agreement he believed it was in the best interests of both of us to accept it;

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 413, Backchannel Messages, From Amb. Bunker, Saigon, Sept. thru Dec. 1972. Top Secret; Immediate; Sensitive; Exclusively Eyes Only.

² In backchannel message Hakto 32/210 from Saigon, October 22, 0240Z, Kissinger wrote to Haig: "We have just finished two-hour meeting with Thieu that was tense and highly emotional. However, I think we finally made a breakthrough and can keep original schedule with his support. Bunker will send you a full account." (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File)

gave assurance of his support to Thieu; welcomed a joint meeting after our elections; and said that he believes the current proposal offers the best chance for peace and the opportunity in the spirit of Midway to go ahead together.³

4. Dr. Kissinger said he had not read the President's message earlier in order to avoid the appearance of pressuring or armtwisting. While it is true that we have moved at a somewhat accelerated pace, we have done so to avoid having Hanoi present a plan which we would have been forced to accept. The idea that we would come here to undermine Thieu or the GVN is simply beyond comprehension. Dr. Kissinger had agreed to the schedule which he had mentioned to President Thieu at the first meeting⁴ and to continue discussions in Hanoi because he believed it would induce Hanoi to make concessions. This had, in fact, occurred. Hanoi's interview with de Borchgrave was admittedly a breach of confidence and the fact is that we have no more trust in the Communists than Thieu. As a result of developments here and in Hanoi, however, Dr. Kissinger has cancelled his earlier appointment. We now face two alternatives:

A) We can work during the next two days on changes which seem practicable; in this case he would send a message to Hanoi pointing out that some changes are needed, or

B) He can return to Washington in which case Hanoi will undoubtedly publish the full plan.

We can delay matters by attributing our delay to technical problems which still require to be worked out, but the main problem this poses is that a settlement which can now be claimed as a victory will then be distorted as having been dragged out of us.

5. President Thieu responded by saying that last night when he telephoned, he was holding a Cabinet meeting to issue prompt directives to cope with the flagrant activities of the Communists in the countryside. [garble—The] Communists knew of the agreement and some members of the opposition were spreading rumors and leaking some essential points about it. He had confidence in the accuracy of his intelligence. The interview by de Borchgrave was proof that Hanoi did not respect their agreement with us, and were in fact paving the way for a coup or an offensive immediately after a cease-fire. Some Americans here might be acting for their own motives or perhaps had been bought off.

³ See footnote 2, Document 34.

⁴ See Document 32.

6. He (Thieu) had appointed a task force to present the GVN suggestions to us. Subsequently the Vice President⁵ had convened the National Security Council to study the points presented by the task force and our response to them at the morning session. Today Thieu plans to convene the National Security Council to hear a complete report on the status of the proposals.

7. To Dr. Kissinger's query as to which course Thieu believed we should pursue, the latter said he would answer in a direct, frank manner. He does not know the needs of the United States or the facts of our relations with the Soviets or China, nor does he know all that went on in Paris. He is understanding of our problems but there are two things which the GVN and the people of South Viet-Nam cannot accept: 1) The presence of North Vietnamese troops in South Viet-Nam. They will be considered a Trojan Horse available for military and political action against the South Vietnamese people, and 2) While under the proposed agreement it can be said that internal political matters are left to the South Vietnamese people and the GVN can agree to the National Council of Reconciliation and Concord, it cannot agree to a composition of three equal segments. If Hanoi chooses to publish these proposals, everyone in South Viet-Nam, except a small minority, will oppose them—but the minority will be eliminated.

8. The issue is the life and death of South Viet-Nam and its 17 million people; in the U.S., the issue is to support President Thieu or to abandon him. We should not pay attention to his own personal position, but he does not know how he can accept these two points as they stand. He must abide by the Constitution; if he accepts the two points he is sure the people will not accept them.

9. Dr. Kissinger pointed out that the North Vietnamese forces have been greatly reduced in number, can easily be dealt with by the numerically vastly superior GVN forces which outnumber the enemy by at least a ratio of 11 to 2, that infiltration is prohibited and that the enemy forces will be reduced by attrition. Moreover, Pham Van Dong himself has referred to the NCRC as an "electoral commission" and it should be treated with irrelevancy. Dr. Kissinger said that we are conscious of Thieu's great patriotism and are committed to the preservation of his Presidency. The attraction of the proposed agreement is that it will do this whereas we are now fearful that he is embarked on a course which leads to great danger.

10. We have obtained concessions from Hanoi which we had heretofore believed impossible. For example, they have accepted our proposals on Cambodia, including withdrawal; Thieu's resignation has

⁵ Tran Van Huong.

been superseded by the present agreement; our draft concerning prisoners in Laos and Cambodia has been accepted; and we believe there is a 50–50 chance that they will accept a change in the tripartite composition of the NCRC. The tragedy we now face, however, is the fact that if the plan becomes public, Congress will certainly cut off aid. We are already \$4 billion and by January will be \$6 billion in the hole because of added costs of the war. We believe that if we present this proposal as a victory we can prevail; if not all that we have striven for will be lost.

11. Dr. Kissinger received at this point text of the President's letter (which he read to President Thieu) in which the President urged Thieu to give his most careful consideration to our proposals—that rejection would have the most serious effect on the President's ability to provide support.⁶

12. Thieu asked about the replacement of weapons. Dr. Kissinger pointed out that in Article 7 "equality" had been rejected by us and that we had also deleted "for purposes of peace". Both of these changes had been accepted by the other side. Hanoi had also dropped their position on the release of all civilian prisoners; dropped the provision for formation of the NCRC in 15 days, and for the holding of elections in six months.

13. We are taking other measures to back up the GVN, such as keeping our entire air force in Thailand and propose destruction of the Chup plantation in order to destroy the enemy's base area; and to speed up our expenditures in Laos.

14. Dr. Kissinger reiterated that we want to preserve him (Thieu) because we think he is essential to the future of South Viet-Nam. The contradiction we now face is that the North has lost the war and acts as if it has won, while the South has won the war and acts as if it has lost. We must give the impression that we are dominating events; that we have achieved politically our January 25 proposals and militarily our May 8 proposals.

15. Thieu replied that he had considered all that Dr. Kissinger had said and will now have to report to the National Security Council. He cannot give a definite answer to the question of what strategy Dr. Kissinger should pursue because he does not know all U.S. interests—this he must leave to President Nixon.

16. In Viet-Nam the timing of a cease-fire is not as important as its terms. If there is no provision concerning withdrawal of North Vietnamese troops, Thieu said that he could sign the agreement and then attempt to force the National Assembly and the military to accept it. He could not, however, sign without notifying the National Assembly and

⁶ See the attachment in Document 39.

the military. Under the GVN Constitution the National Assembly must agree to any peace settlement. He does not know just how to solve this problem.

17. Dr. Kissinger responded that he is convinced there is no possibility of doing anything about the withdrawal of NVN forces. Thieu, however, can give the provision (9 h) a unilateral interpretation stating that the GVN reserves its rights with respect to the North Vietnamese forces. He believes, however, there is a 50–50 chance of getting agreement on the composition of the CNRC. Dr. Kissinger said that he would now send a message to Hanoi saying he is in Phnom Penh and cannot give an answer regarding his arrival there. This will provide 12 hours grace. Dr. Kissinger repeated that if he does go to Hanoi it will be with a minimum of publicity; he will meet with no one except leaders and Thieu should announce that he has gone with Thieu's concurrence. We should also issue a statement to the press saying there is no disagreement between us.

18. On the other hand, if he returns to Washington he will have to spend all his time explaining why we have rejected the agreement. In the meantime, all of the additional equipment we have promised is moving. In announcing our agreement to the peace proposal, we would say again that we recognize only the GVN as the legitimate government in South Viet-Nam, our support of President Thieu, and that President Nixon has invited him to meet with him after our elections. President Thieu can declare the cease-fire subject to the National Assembly ratification. On the other hand, if Dr. Kissinger returns to Washington and we attempt a holding action, it can be for three weeks at the most and we would then face a worse situation.

19. Thieu replied that he has been trying to avoid the kind of situation that we ran into in 1968. He has convened members of the National Assembly and politicians to inform them of developments in order to avoid a confrontation. He has been asked provocative questions which he has avoided answering and hopes that we can have some influence on the foreign press. Dr. Kissinger reiterated that none of us have talked to the foreign press, that the press is violently opposed to President Nixon and to President Thieu, that the American press has a vested interest in defeat in Viet-Nam. One reason we want an agreement is to confound the attitude of the press and liberal opinion in the U.S.

20. Thieu then said we would meet again at 1700 this afternoon. There is little question that Thieu is more keenly aware of the dangers of a confrontation with us and that a meeting of the minds is essential. We both left the meeting more encouraged that Thieu will be trying to find a way through his problems.

21. I know that there has been concern about the enemy's intentions to mount a high point during October. There is, however, a large gap between the enemy's intentions and his present capabilities. We have reviewed the situation countrywide with each of the OSA regional chiefs and with OSA Director. We have also reviewed the situation with General Weyand. Our conclusion is that despite Communist instructions and efforts by the enemy to carry out these instructions, he has been unable to do so effectively and has suffered heavy casualties in the effort.

22. Warm regards.

43. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Saigon, October 22, 1972, 1306Z.

Hakto 41/219. Deliver immediately.

1. It is hard to exaggerate the toughness of Thieu's position. His demands verge on insanity. In addition to the points I mentioned in my previous message,² he stated that we have been colluding with Moscow and Peking for months against him and that there has been an organized press campaign in America against him. He insisted that he would settle for nothing less than a document which legally recognizes the two Vietnamese states with the DMZ as their border. He is totally oblivious to the score of DRV concessions, the massive amount of equipment we are moving for him, the various Presidential guarantees, or the ramifications of the course he has chosen.

2. We are in the difficult position that to take him on publicly would demonstrate that our opposition was right all along. At the same time, we are running up against the deadline of the final leg. I see two choices as follows:

3. The first choice is for me to go through with the final leg, discuss our difficulties with the North Vietnamese leadership there, and offer

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² Document 41.

to immediately negotiate a bilateral agreement which we would sign after the election.

This course has the following advantages. First, it would give us the maximum amount of time since Hanoi could not act until we were actually there. Second, it would give us the best opportunity to present our own case directly to Hanoi. Third, it would give us a face saving formula for stopping the bombing which I believe was to be an inevitable part of any scenario. Further it would give us a big boost in American public opinion.

The major disadvantages are as follows. Hanoi might present us with a draft agreement right there which would be difficult to handle. Secondly, given Thieu's present state of mind, it is not at all certain that he would maintain his outward balance, and my trip might just push him over the edge. Third, it might lead to a total humiliation for the U.S. in being held up by both Vietnamese governments.

4. The second choice is for you to get in touch immediately with Dobrynin and hand him a Presidential letter to Breshnev to the following effect:

—We have encountered nearly insuperable obstacles in Saigon.

—We have always said that we would not impose a solution on our allies. Here you would add orally that, of course, the November 7³ considerations must weigh very heavily.

—We are honor bound to present our allies' objections to the other side.

—If the other side proves unable to meet these objections we would be prepared to work out a bilateral arrangement with them along the lines of the draft agreement.

—We, therefore, propose a meeting with Le Duc Tho in Paris at any time of his choosing.

—The rest of the scenario with the DRV would remain the same.

—The de Borchgrave interview was a breach of faith and terribly exacerbated the situation.

—In order to show our good faith we will stop our bombing of the North and significantly reduce air activity in the South while this situation is being worked out.

The advantages of this course are that it makes us least vulnerable to public pressure, is most honorable toward Saigon, and is one which we can best surface publicly. The major disadvantage is that it may run us right up against a deadline, and I have not yet figured out how to keep Hanoi quiet long enough in order to get it implemented. You

³ The date of the upcoming Presidential election.

would give the solemn assurance of the President to Brezhnev that this was not a stalling maneuver and that all provisions of the agreement that could be implemented in bilateral fashion would be done as soon as possible after the meeting with Le Duc Tho. You would add orally to Dobrynin in the strongest possible fashion the imperative that there be no public outcry. If North Viet-Nam were to go public we would have to stand by Saigon's objections, which as we have mentioned concern primarily the withdrawal of North Vietnamese forces and there would be another round of war.

5. I know the President's objections to ending the bombing, but I do not think they apply to the present situation. Ending the bombing would support the public impression that an agreement is near. Failure to end it would ask Hanoi to endure several more weeks of punishment because of a refusal by Saigon to go along with any agreement in which the DRV made almost unbelievable concessions.

Obviously I favor the second course, but have offered the first one for intellectual completeness.

Warm regards.

44. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Saigon¹

Washington, October 22, 1972, 1350Z.

Tohak 82/WHs 2280. Urgent deliver immediately. Ref: (A) Hakto 37, (B) Hakto 38.²

Reference Hakto 38, have alerted Dobrynin. He is standing by.

Reference Hakto 37, Thieu has performed identically with previous pattern he employed on me. Major problem now is not to kick the traces of the cooperation we have been able to achieve thus far from Moscow and Peking and to limit the damage to the degree possible in

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Tohak, October 16–23, 1972 (1 of 2). Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Lord.

² For Hakto 37, see Document 41. In Hakto 38/216 from Saigon, October 22, 1132Z, Kissinger told Haig to have Dobrynin stand by for an "urgent message." (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File)

pre-election period here. There seems to be little hope that we now can ever bring this off in the framework in which it has been conceived. The difficulties of working bilaterally with Hanoi for the purpose of working out a purely military extraction achieves viability only to the degree that we are willing to cut off Thieu's water and increase the risk of Communist takeover in the South or jeopardize his incumbency.

You should look carefully at the contingency plan we prepared which we considered to be the most likely; i.e., Hanoi's acceptance of our demands, Thieu rejects, Hanoi goes public and we are confronted with a massive challenge in both the diplomatic and public areas.³ I believe we will have to tell Hanoi that if they blow, we have no alternative but to take them on publicly and to employ maximum military pressure. In the case of the Soviet Union, we must emphasize the impact that Hanoi's breach of faith had in the final crucial moments of our work in Saigon. This is, of course, a weak reed, but I set the base for it last night. We must also in my view level completely with Dobrynin that the cause for the current collapse was Thieu's unwillingness and subjective inability to shed even temporary sovereignty to the NLF.

As the first order of business, I believe it is equally essential that we consider carefully whether we should turn off the expedited flow of material to Thieu which will only serve to feed his intransigence.⁴ Except for last night's false start,⁵ I believe the President has been well prepared for this contingency. It is essential that he be advised as soon as possible and that Bill Rogers and Mel Laird be informed and brutalized in the context of security. In our message to Hanoi, we should agree to maintain the reduced level of air activity against the North until we have had an opportunity to meet again in emergency session in Paris following a discussion between you and President and mutually explore what additional measures might be undertaken to arrive at a cessation of the hostilities. In this same message, we should urge Hanoi to refrain from vitriolic reaction and warn them clearly that were this to occur in the face of this setback that we would be forced to adopt stringent measures which would be totally counter-productive to all that we have labored to achieve.

With respect to the PRC, I believe we should follow much the same line as we use with the Soviets although perhaps we can afford a degree

³ See footnote 7, Document 36.

⁴ In Haktó 40/218 from Saigon, October 22, Kissinger suggested "slowly" and "inconspicuously" turning off the movement of equipment to South Vietnam; in Haktó 39/217 from Saigon, October 22, he discussed stopping all American bombing north of the 20th parallel. (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical Files, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File)

⁵ See footnote 2, Document 42.

less urgency since we have been less intimately involved with them in the hour-by-hour manipulation of the project.

I know you will be strongly inclined to proceed with the Hanoi leg in the light of events and in an effort to limit the damage with Hanoi while taking advantage of the continuing momentum it would suggest in the context of the current round and in an effort to keep things together up to November 7. I see the following complications with respect to this course:

(A) The President will be adamantly opposed and difficult to manage on this issue.

(B) It is probable that Thieu will make clear to all concerned the position he has taken and you will be in Hanoi in the context of a major break with Thieu with all of the disturbing implications this will have here in the United States and with our Asian friends.

(C) The bombing will have to be temporarily stopped and the let-down resulting from its resumption could peak off just before the election here, resulting in a sharper crystallization of the hawk-dove split which events thus far have served to erase.

(D) You place yourself in a high-risk position in which the North who will have the capability of depicting your visit in a weak and plaintive context with their conduct during and following your visit being fully amenable to their whims and propaganda apparatus.

I believe we now have no alternative but to avoid sharp over-reaction to what is a devastating disappointment to all who have worked so tortuously over the past eight weeks. Above all, we cannot lose perspective of the realities of our relative strengths. There may be some hope for a purely military solution. Certainly if Hanoi were willing to abandon the main outlines of its political demands, it may be in the final analysis equally susceptible to paying the price to obtain a cessation of U.S. actions against the North. Any course of action which you consider will have to give appropriate weight to this remaining bluechip which is the only viable pressure-point we have to obtain the release of our prisoners and the honorable extraction of our remaining forces.

Warm regards.

45. Telephone Conversation Between President Nixon and the President's Deputy Assistant for National Security Affairs (Haig)¹

October 22, 1972.

[Omitted here is discussion of the President's schedule.]

Nixon: Have you done any further thinking on—

Haig: Yes. I figured—

Nixon: Have you talked to Dobrynin again or not? Or—

Haig: I've got a call in to him. He went out for [unclear]—²

Nixon: Now, the other thing, the only thing that I was thinking there, if you want to play it at a higher level, I almost think I might have to talk to him at this point, in other words, to keep this lid on.

Haig: Yes.

Nixon: And I will do it. I mean I have a—what I have in mind is this: I think we just simply have to tell him, "Mr. Ambassador, we've—because of what happened in Hanoi, because of what—of your people blowing this, I mean, and then show him the papers—that this is—Thieu has reacted as we would expect: negatively. We had it all set, because, that is, he was provided, you know, that so he could play a part in it. But they were going to have a victory celebration, they've played this, he put the whole thing out and now he's thrown up his hands. Now, we do not think this permanent. We think we can handle it, but the main thing is that—two things: One, we will settle on the basis that we have described; two, we have to have a time to settle and you must not push us; but that, but—and, three, you need not be concerned about the election deadline." Remember? Because he knows that—

Haig: Um-hmm.

Nixon: And that's a total commitment that you can pass on.

Haig: Well, I'm not sure I would—

Nixon: Go far?

Haig: —make a commitment to go along the route outline, because he knows that without Thieu there is no commitment.

Nixon: Well—oh, I see your point—

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Conversation 151–11. No classification marking. Nixon was at Camp David; Haig was in Washington. The editors transcribed the portions of the conversation printed here specifically for this volume. According to the President's Daily Diary, Nixon spoke with Haig from 10:10 to 10:16 a.m. (Ibid., White House Central Files)

² Despite Haig's call, Dobrynin did not make himself available until 8 p.m. that evening. See Document 56.

Haig: Well, I think that's the—

Nixon: I mean, that'd be dumping him. Yeah, yeah. Tell him we've got a—we will say that basically, on all the military sides and so forth and so on, that's a deal. And we're ready to—

Haig: Right. So he's not worried we'll stay—

Nixon: Yeah. And we'll see—and we'll work with you to see what we can work out.

Haig: Right. That's sensible—

Nixon: We have to—we may have go our own. We understand that we'll have to go our own way, but we haven't given up on Thieu. We're still working on it.

Haig: That's right. That's right.

Nixon: We're still working on it, but we've got to put the lid on this thing and hold it.

Haig: That's right. And we need them to—

Nixon: And we need you—and just say our relations, the two great powers, must not be affected by the fact that these two pipsqueaks are acting the way that they are. And that, now, let's keep our heads. And you keep theirs down and we'll keep his down, but that's the responsibility. I really feel that I had—that if I told him that that could have quite an impact on him.

Haig: Yes, sir. I do, too. I do, too.

Nixon: So, you think about it and I'll be there at 12:15.³

Haig: Okay.

Nixon: And if we think well of it we'll call him in and just lay it out like that. But we'll talk it through first.

Haig: All right, sir.

Nixon: Fine. Good. But you had no other thoughts since we've talked? The other thing is that I—I just had lunch with it, doing a little more thinking about one thing: I am just really adamant on Henry not going to Hanoi with this thing in mind because, basically, the way it will look is a complete surrender.

Haig: Yep.

Nixon: You know what I mean? It'll be played that way. And also it'll look like Ramsey Clark, going to Hanoi, hat in hand, making their deal. Sure, we're going to get the prisoners back and sure, you know, but they'll say, "What the hell have we fought for? The prisoners?"

³ According to the President's Daily Diary, Nixon arrived back at the White House at 12:09 p.m. (National Archives, Nixon Presidential Materials, White House Central Files)

Haig: I agree.

Nixon: You see the problem?

Haig: Oh, absolutely. I do.

Nixon: His going to Hanoi can do it now. To do it, I think, another—however, a part of the game plan, he can make a commitment to go to Hanoi later.

Haig: Later?

Nixon: Yeah. You know, say, “All right, let’s meet in Paris.” And then he’ll come to Hanoi later.

Haig: Exactly.

Nixon: And then we can. Then there’s no problem, but it must not be before the election. It must not be. Third point is this: I strongly feel that if we could make the case that we really would prefer not to do this before the election, I mean not just politically, but not to do it because, basically, one hell of a lot of people in this country and, frankly, in Vietnam—the South, particularly—think that we are doing it, doing the wrong thing, because of the election.

Haig: Exactly.

Nixon: And I think we just ought to say, you know, we—we’re just not going to be able to do it, but I think that point has just got to be made, that this isn’t the right time.

Haig: That’s right. No, this is right and in many respects this has pulled us back from what could have been a more troublesome [unclear]—

Nixon: Yeah. Yeah. Who knows? [chuckles]

Haig: Right, sir.

Nixon: But we’re going to work it out in the end. The main point is we’ve come a long way on these negotiations, as you well know. The war has got to be ended, Al, and we’re now at the point where we’ve got a basis for ending it. We know that the enemy’s hurting, or they wouldn’t be talking. The Soviets—

Haig: That’s right.

Nixon: The Soviets helping. In other words, they haven’t got all the cards either. And we’re still bombing. And that’s the way it’s going to be. And so, therefore, we’ll end it. But, I think, the sad part of it is that I just don’t know how South Vietnam—I don’t see any leadership other than Thieu. I don’t see any other horse, looking to the—do you look—do you see this Diem syndrome starting again?⁴

Haig: No. No, he’s going to come out of this very, very strong.

⁴ Former South Vietnamese President Ngo Dinh Diem was assassinated in a military coup in 1963.

Nixon: Thieu will?

Haig: Oh, yeah.

Nixon: Yeah. I know. But then what happens? How can he be strong if we cut off assistance to him?

Haig: Well, what we've got to do is work with the same parameters we've put on the military side and—

Nixon: Yeah.

Haig: —and keep the economic in, and—

Nixon: Yeah.

Haig: —and—

Nixon: In other words, keep—

Haig: —maybe we can work another deal with Hanoi.

Nixon: With Hanoi, without the political?

Haig: Without the political.

Nixon: Huh. That's true. Well—

Haig: They're hurting so badly—

Nixon: That may be.

Haig: —that they may pay the price.

Nixon: Right. Okay.

Haig: Right, sir.

46. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Saigon, October 22, 1515Z.

Hakto 42/221. 1. I have thought the situation over and there is no viable route except the Soviet Union option which must be taken immediately in order to get ahead of the following message which has to be delivered in Paris at 11:00 p.m. today, Sunday, Paris time.

2. Please transmit the following message from the President to the DRV Prime Minister immediately to Guay for him to deliver to his customer at his 11:00 p.m. meeting.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

Begin text: The President notes with appreciation the message from the Prime Minister of the Democratic Republic of Vietnam which satisfies all his points with respect to Laos and Cambodia as well as U.S. prisoners.²

As the DRV side knows, the U.S. side has made strenuous efforts in Saigon, Vientiane, Phnom Penh and Bangkok to secure an agreement. As the DRV side also knows, the U.S. side has always taken the position that it could not proceed unilaterally. Unfortunately the difficulties in Saigon have proved somewhat more complex than originally anticipated. Some of them concern matters which the U.S. side is honor-bound to put before the DRV side.

The President wishes the Prime Minister to know that under these circumstances he has asked Dr. Kissinger to return to Washington immediately to consult on what further steps to take.

The President must point out that the breach of confidence committed by the DRV side with respect to the Arnaud de Borchgrave interview bears considerable responsibility for the state of affairs in Saigon.³

The President requests that the DRV side take no public action until he can submit a longer message with his considerations which will be transmitted within the next 24 hours.

The U.S. side reaffirms its commitment to the substance and basic principles of the draft agreement. *End text.*

3. Before the above message is delivered in Paris you must talk to Dobrynin along the lines of paragraph four of Hakto 41.⁴ It is our only viable course. Because of the time pressures you should present our approach verbally and say that a Presidential letter to this effect will be following. After seeing Dobrynin you should turn the approach into a letter for Presidential signature. One point you must keep in mind in talking to Dobrynin is that when we say we would be prepared to work out a bilateral agreement along the lines of the draft agreement, we would not repeat not make a strictly bilateral deal but rather a document that the DRV and we would sign with a recommendation to the other parties that they accept it. It is important that in talking to Dobrynin you do not leave the impression that the deal would be strictly bilateral; rather it would be one in which we recommended other parties to join. Also in talking to Dobrynin you can tell him that just as I informed him before I left, the issue of the presence of North Vietnamese

² See footnote 2, Document 30.

³ See footnote 8, Document 36.

⁴ Document 43.

troops in the South has turned out to be the principal obstacle and it is one in which we are in a very weak position.⁵

Warm regards.

⁵ See Document 17.

47. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Saigon¹

Washington, October 22, 1972, 1530Z.

Tohak 83/WHS 2281. Urgent urgent deliver immediately.

The President has called in semi-euphoric state from last night's report² and it was essential I apprise him of latest turn.³ I told him we were awaiting details from you and stated that what we have thus far is cryptic and that we will have recommendations for him around noon. He is returning from Camp David at that time and has asked to meet with me. I believe he will be inclined to call Dobrynin in and meet with him personally which, given the seriousness of the situation, may be the best thing providing you are comfortable with the talking points he should adhere to. In this regard, there follows telegraphic steps which should be taken in the diplomatic area.

Step one: Sullivan should be launched immediately to repair whatever damage has occurred in Vientiane, Phnom Penh and Bangkok. State should instruct Habib to explore situation with Park and be sure that we don't develop the phenomenon in which the rest of Southeast Asia pulls away from Thieu in the light of his intransigence. We will also have to police up what has been done with respect to the aircraft.

Step two: With respect to Hanoi, we should immediately send a message through Guay making the following points:

—It has proved impossible, despite the most serious effort, to bring Thieu to the point of accepting the agreement. Without Thieu, the

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Lord.

² See footnote 2, Document 42.

³ See Document 41.

entire framework is unworkable. The discussion between the Prime Minister and the *Newsweek* correspondent had a devastating impact at the crucial moment in Saigon. Such references as victory parades, etc., pushed Thieu into an intransigent position at a point when success was in our grasp.

—It is now essential that the U.S. and DRV mutually explore alternative solutions in the same spirit of good will which has characterized discussions thus far. Dr. Kissinger must now report immediately to the President in Washington and proposes to meet urgently next week in Paris with Le Duc Tho to seek alternate solutions. In the present circumstances, it is impossible for Dr. Kissinger to go to Hanoi until such time as these additional discussions have been completed.

—In the interim, public recriminations must be avoided which can only have effect of forcing the United States to escalate the level of military activity and further reduce the hope of achieving a solution which the U.S. genuinely still hopes to achieve.

—Pending further discussions with the DRV leadership the U.S. will continue to maintain a reduced level of air activity against the North.

—The U.S. is still determined to pursue every avenue for peace and urges Hanoi's leadership to join with it in the same spirit of good will and cooperative effort which has brought the situation so close to a solution.

With respect to Dobrynin, suggest the following themes:

—Thieu has suddenly refused to accept all provisions of the settlement. The Hanoi leak proved devastating just as negotiations with Thieu were at a critical juncture and appeared to be heading for favorable outcome. Without Thieu, in the short term, it is impossible to proceed to implement the agreement as outlined. It is also impossible for Dr. Kissinger to go to Hanoi until such time as additional talks have been held with the DRV leadership in Paris or elsewhere.

—It is now essential that the situation not deteriorate to one of public recriminations. Moscow must join with us in exercising maximum influence on our respective clients so that the dialogue can continue in the same spirit which has characterized it thus far and brought us so close to a settlement.

—The U.S. remains determined to pursue every avenue to bring the conflict to a conclusion rapidly. A public break can only generate pressures here for escalation of the fighting and reduce hopes for future progress.

—Above all, it is essential that the United States and Moscow not permit its clients to sour the progress that has been made in improving relations between the two major powers which is so essential for im-

proved international climate in a period of reduced tensions worldwide. The U.S. for its part is determined to do all possible to achieve this and urges Moscow to join with us at this critical juncture to exercise a tempering and constructive influence on the leaders of Hanoi.

With respect to the message to Dobrynin, please give me your views on whether or not a personal meeting between the President and Dobrynin this afternoon, drawing from the foregoing talking points or any others which you prefer, would not be the most effective demonstration of our concern and the best way to keep Brezhnev and his cohorts in a constructive posture. It is my view that it would be.

With respect to the PRC, I would suggest pursuing the preceding points in a written note from you which would be delivered to our customer tonight in New York but one which would be modified to mesh it more closely with the state of our relationships with them.

With respect to the crash military shipments now under way I would suggest that we continue with the turnover of F-5A's but to lessen the pressure on the countries which hold them so as not to pay any price with them to achieve a nebulous advantage at this point.

With respect to the other shipments, we will have to be very careful in deciding to proceed with the schedule outlined or to slowly wind it down to a normal pace. If we continue on the current schedule we are both providing Thieu with the grist for further intransigence and possibly providing a further irritant to Hanoi and Moscow. I would recommend that we go ahead with the F-5A's and instruct Laird to wind down the other crash shipments in a way best designed to prevent public blow or a knee-jerk reversal within our own bureaucracy. What gets in as a result of what has been done thus far cannot hurt. The problem now is to minimize further irritants to Hanoi.

I believe our responses to France, Romania and other interested powers can await the outcome of the initial steps taken with Hanoi, Moscow and Peking.

On public relations, we will probably want to take the high ground emphasizing that we are making every effort to reach settlement fair to all parties but cannot accept imposition of coalition or situation which unravels basic security of South Vietnam. We must have HAK press conference quickly to head off and defuse inevitable leaks from other capitals (e.g., Seoul, Taipei, Tehran, Moscow, Peking) which, building on the Hanoi leaks, will portray terms as generous and thus only Thieu responsible for continued war. We will be developing more scenarios dealing with probable questions and answers.

Warm regards.

48. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Saigon, October 22, 1972, 1600Z.

Hakto 43/222. 1. This message will give you a little more flavor of the situation here and background to the course of action I have asked you to implement in the previous message.²

2. As we plot out our course of action now, the President and you should know how I started my meeting with Thieu this afternoon. I spoke first and told him the following. I informed him of the extremely enthusiastic reaction of Lon Nol and Souvanna Phouma.³ I also told him that if I went ahead with the final leg I would propose to the DRV that they remove some of their divisions from MR-1 without announcing this and that the reinforcement provisions of the agreement would make impossible the reintroduction of these troops. I told him as well that we would try to get the paragraph in the agreement concerning three equal segments for the Council changed. Finally I said that if I failed to get either of these concessions from the other side I would return from the final leg without making an agreement. I did this in order to gain time through the election period. Thieu refused all of this with the argument that he would accept no political prescriptions in any form. I am asking Bunker to send as close to a verbatim account as possible so that the President can see what we were up against.⁴

3. In the period now before us I think it is absolutely imperative that we not show any nervousness. Everyone should exude optimism and give the impression that we may be very close to an agreement. If we are hard-pressed by questions we should simply say that technical details always arise in the last stage of negotiations. And if we are really pressed to the wall we should concentrate on the question of North Vietnamese forces in the South. At all cost we must avoid letting Thieu become the object of public scorn, not for his sake but for our own. If Thieu emerges as the villain, even if we finally overcome his objections, everything that we have done for the past eight years will be thrown into question.

4. I believe that over a period of weeks we can still bring this to a reasonable conclusion. I have asked Bunker to get to work on Thieu. All

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² Document 46.

³ See Document 49 and footnote 2 thereto.

⁴ Document 49.

intelligence indicates that he is making active preparations for a cease-fire. It is therefore likely that he will yield, especially if we remain firm after the election. On the other hand, if he does not yield there is still a good chance that Hanoi and we could sign an agreement which we would recommend to the other parties that they accept. This would give Thieu an opportunity to claim that he was raped but in the end he would yield. We should do a purely bilateral deal only as a last resort.

5. I know the President is very reluctant to end the bombing without an agreement. However in the present context we not only have little choice but I believe that it is an unalloyed plus. First of all everyone will relate it to nearly completed negotiations. Secondly, while we have a moral case for bombing North Vietnam when it does not accept our proposals, it seems to be really stretching the point to bomb North Vietnam when it has accepted our proposals and when South Vietnam has not. If we now stop the bombing and then Hanoi refuses to make a bilateral deal in the above sense, then we can resume the bombing with all the greater effect. Also our stopping the bombing now will also show to Thieu that we mean business. Thus, despite what I know are probably your own reservations on this issue, I know you will make the strongest case possible to the President. You should do everything possible to gain his concurrence to end the bombing for at least the period that I would have been in Hanoi. I see nothing but disaster in mock toughness now. We would have no basis to get Moscow or Peking to help us without a bombing halt. The American people will not think we are getting soft since there are enough stories now suggesting that we are near agreement. We can make clear that there are only a few relatively minor details standing in the way of an agreement. I leave to you the best way to present the arguments for stopping the bombing to the President and am counting on you to get his concurrence in at least the interim halt for the next few days.

6. You will be interested to know that your missions with Thieu have been no more popular than mine. He told me that we irrevocably broke our bonds with him when you requested him last year to agree to step down. He is unfortunately paranoid.

7. Unless I hear to the contrary, I now plan to leave Saigon around 1400 tomorrow, Monday. Bunker and I have a meeting with Thieu at 8:00 in the morning, but this is strictly formal, in order to give a public excuse for my staying over until tomorrow. We cannot repeat not expect any change in his position.

8. If all of us can now keep our sense of perspective and not panic in the face of this temporary bad turn, we will still be able to get nearly everything we have sought. Furthermore, in the long term it may be better for America if we finish this process after the election. And it

may even help during the next two weeks to show that we will not be stampeded by electoral considerations.

Warm regards.

49. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Saigon, October 22, 1972, 1620Z.

223. For immediate delivery.

1. Dr. Kissinger met with Thieu at 1700 this afternoon on his return from Phnom Penh. He reported that Lon Nol's reaction to our proposal, like Souvanna and Thanom, had been extremely favorable.²

2. Dr. Kissinger then said he had been wondering how to deal with the two issues which President Thieu had raised this morning.³ In Washington we have had another approach from the Soviets indicating their nervousness and their anxiety to move along in the signing of the agreement.⁴ Dr. Kissinger said he was contemplating informing Hanoi that he would arrive Wednesday instead of Tuesday and would bring with him a number of changes:

—A formula for the NCRC which gets away from the three-segment language. For example, the two sides will discuss with each other and agree on composition representing all political and religious tendencies.

—Propose to Hanoi that some divisions be pulled out of MR 1; we would rely on Article 7 of the agreement to keep them from returning.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [1 of 2]. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² A memorandum of conversation of Kissinger's October 22 meeting with Lon Nol, in which Kissinger explained the proposed settlement of the war in Indochina he had negotiated in Paris, October 8–12, is *ibid.* Sullivan met with Souvanna and Thanom. Kissinger later recorded that: "I had sent Bill Sullivan to Bangkok and Vientiane, because he knew the leaders of Thailand and Laos, having worked with them when he served as Ambassador to Laos. He had returned with their enthusiastic endorsement." (*White House Years*, p. 1383)

³ See Document 42.

⁴ See Document 40.

—He would also suggest that President Nixon write to Brezhnev saying that Dr. Kissinger was going to Hanoi as an evidence of our good faith.

3. Should Dr. Kissinger return without an agreement delay for some period of time could be justified although in the long run we would have to cave. Dr. Kissinger said he would propose to follow this course unless President Thieu had something different to propose.

4. Thieu said that the reactions of the Thais, Laotians and Cambodians were predictable. Laos and Cambodia both have reason to believe they are not being asked to sacrifice anything. They achieve both cease-fire and a withdrawal of foreign forces from their territories. Therefore, they are not being sacrificed by their allies.

5. Concerning South Viet-Nam our position is very unfortunate. We have been very faithful to the Americans and now feel that we are being sacrificed. The proposed agreement is worse than the 1954 agreements. It is clear that the U.S., Soviets and China have agreed that there are three countries of Indochina; that Viet-Nam stretches from the Chinese border to Ca Mau. The disguised coalition embodied in the agreement will lead to the collapse of the GVN. There are two points applied in the agreement:

—The legal one. Since the North Vietnamese are here they will have the right to remain in South Viet-Nam.

—The practical one. Since they are they will not withdraw.

6. Thieu said "I have a right to expect that the U.S. has connived with the Soviets and China. Now that you recognize the presence of North Vietnamese here, the South Vietnamese people will assume that we have been sold out by the U.S. and that North Viet-Nam has won the war."

7. Furthermore—"I do not recall whether President Johnson or President Nixon said it"—if North Viet-Nam wants to deny its presence in South Viet-Nam and withdraws without an undertaking to do so, we can accept that as withdrawal.

8. Dr. Kissinger said the other day that Le Duc Tho had burst into tears, but I can assure him the South Vietnamese people are the ones who deserve to cry, and the man who should cry is I.

9. There are three problems which I discussed with the NSC this morning,⁵ and we came to the conclusion that there was no way out. The three problems are:

1) Viet-Nam was separated as a result of the 1954 agreements, and now is the time to officially confirm that there are two separate states

⁵ After meeting with Kissinger at 8 a.m., Thieu met with his NSC while Kissinger traveled to Phnom Penh to meet with Lon Nol.

pending reunification as recognized by the 1954 agreements; and that the DMZ divides the states in order to insure that North Viet-Nam cannot violate South Viet-Nam.

2) That we cannot accept the presence of the North Vietnamese army in the South. As a soldier, I have been fighting Communism for 25 years. As a soldier and as President, I cannot accept it. The North Vietnamese have broken down their forces into small units so as to South Vietnamize their army. I do not believe that North Vietnamese forces in South Viet-Nam number less than 300,000.

3) The political solution. I have reaffirmed my position that a tripartite CNRC is totally unacceptable.

10. If the President and Dr. Kissinger think they can help us, we welcome it. But if the U.S. wants to abandon the South Vietnamese people, that is their right.

11. My last comments concern my own person. Ever since the U.S. asked me to resign and bargained with me on the time of my resignation, had I not been a soldier I would have resigned, because I see that those whom I regard as friends have failed me. However great the personal humiliation for me I shall continue to fight. My greatest satisfaction will be when I can sign a peace agreement. I have not told anyone that the Americans asked me to resign, since they would share my humiliation, but have made it appear voluntary on my part.

12. Dr. Kissinger said, "I admire the courage, dedication and heroism which have characterized your speech. However, as an American, I can only deeply resent your suggestion that we have connived with the Soviets and the Chinese. How can you conceive this possible when the President on May 8⁶ risked his whole political future to come to your assistance. When we talked with the Soviets and Chinese, it was to pressure them to exert pressure on Hanoi. We genuinely believed that the proposed agreement preserved South Viet-Nam's freedom—our principles have been the same as yours and we have defended them. You have only one problem. President Nixon has many. Your conviction that we have undermined you will be understood by no American, least of all by President Nixon.

13. As to specifics: We have not recognized the right of North Viet-Nam to be in the South. We have used the language of the Geneva Accords, since we thought this the best way to work out a practical solution. Had we wanted to sell you out, there have been many easier ways by which we could have accomplished this. We do not regard the agreement as embodying a coalition government, but as a major Communist defeat.

⁶ In his May 8 speech Nixon announced his decision to bomb Hanoi and Haiphong and to mine Haiphong Harbor.

14. With respect to the DMZ we may be able to add another sentence which would clarify this point.

15. We are faced with a practical problem. Concerning the immediate situation, it is imperative not to have a confrontation. Should the U.S. withdraw, it will affect all of your neighbors.

16. The longer term problem is what happens to our relationship? I do not see how the U.S. can justify to the Congress what it is we are fighting for. We have not destroyed your government; we have obtained better terms than any American would have believed possible. Concerning your resignation, we think that the January 25 speech got us through this Congressional period and enabled us to get appropriations in an election year.⁷ It is impossible to say that President Nixon who risked the summit meeting with the Soviets could conceivably undermine you. It is clear now that we cannot continue with the present negotiations. I would like to know how you view that we should proceed from here.

17. President Thieu said that despite all that has happened, I wish to express gratitude to President Nixon for all that he has done for South Viet-Nam. I know that he has to act in his own interests and the interests of his people. I also have to act in the interests of my people. I have been the subject of organized slander in the U.S. press and pictured as an obstruction to peace. As for me, my obligation is to defend my country. I recall that the U.S. asked me to help Cambodia; now we find that we have to be sacrificed.

18. The U.S. has been negotiating on our behalf. If you now tell North Viet-Nam that they have to talk to us, that will be very good. Recently the PRG has wanted to negotiate directly with the U.S. and Pham Van Dong has spoken of us and of me in very derogatory terms. This has been a great humiliation. If I can negotiate with North Viet-Nam, I will do so in the spirit of reconciliation.

19. Dr. Kissinger said that he must return to Washington and must try to find some way to prevent publication of the proposals. He asked to see Thieu briefly before his departure and said that he considered Thieu's present course suicidal for him and for his country. "We have fought for four years, have mortgaged our whole foreign policy to the defense of one country. What you have said has been a very bitter thing to hear". Dr. Kissinger said he was convinced that the proposal would have achieved our mutual objectives. Had Thieu spoken openly in the beginning, we could have spent the past four days in making plans on

⁷ In his speech on January 25, Nixon made public Kissinger's secret meetings with Le Duc Tho as well as the U.S.-South Vietnamese peace proposal.

how to proceed; now we are totally on the defensive, a situation doing enormous damage to us without benefit to yourself. Had I known of this attitude, I would not have sent emissaries to the other countries.

20. The question now is where do we go from here, for you must not believe that this is a matter that can be easily repaired. Thieu said that on the question of the time spent here in Saigon, he would like to ask how many months Dr. Kissinger has spent on this agreement. After having been presented with the document in a general manner, and after having discovered the tricks of the Communists, it is not conceivable that the GVN can be accused of failure.

21. “Perhaps we have two different concepts. Let me ask you, if you were a Vietnamese, would you accept the fact that the Geneva agreements have not been restored in the agreement in a clear manner? Would you accept the fact that the North Vietnamese can have 200,000 to 300,000 troops in the South and can you accept the fact that the CNRC should be composed of three segments? Regarding the accusation that I am sabotaging the countries in this area, if I were Korea and Thailand or Laos and Cambodia, I would ask for nothing more than they are securing. But if we accept the document as it stands, we will commit suicide—and I will be committing suicide.”

22. Thieu said that he would be free tomorrow until 1000 hours. We agreed to meet at 0800.

50. Backchannel Message From the President’s Deputy Assistant for National Security Affairs (Haig) to the President’s Assistant for National Security Affairs (Kissinger) in Saigon¹

Washington, October 22, 1972, 1640Z.

Tohak 84/WHs 2282. Urgent immediate delivery.

Have just read Hakto 41² and must say that I disagree with the logic contained therein. We have long anticipated this outcome and anticipated before you left Washington that its likelihood was quite high. We had also concluded that in the event Thieu remained intransigent that the best interest of all would be served by using this intransigence

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Lord.

² Document 43.

to get a delay until after November 7. You should not underrate the substantive justification for Thieu's intransigence. He, in effect, is being asked to relinquish sovereignty over a large and indiscript [*indiscrete*] portion of South Vietnamese territory. He has never agreed to such a concession and given his paranoia about what has brought us to this point, it is understandable that he would now accept an open break. It is essential that we do not lose all now out of pique over his inexcusable behavior during this past week. The real danger I see in the logic as you presented it is the conclusion that there is any way in the current framework of this agreement to work out a bilateral settlement with Hanoi. The essential issues are these. Hanoi has made political concessions in return for an improved de facto security situation on the ground which would enable them to maintain a strong presence in South Vietnam backed up by their divisions from the North. This is combined with the figleaf of an agreement in principle recognizing the reality of two governments, two armies, and an ultimate coalition which would be representative of that reality. Without Thieu's cooperation, Hanoi will be unable to get from us the concessions from Thieu which they now see as impossible to obtain through their own resources. Thus, the only possible bilateral formula that could be worked out between ourselves and Hanoi must recognize that both ourselves and Hanoi are now dealing with our final chips. In the case of Hanoi, it is our POW's. In our case, it is the bombing of the North. A simple swap of these two chips would require a further concession from Hanoi which is probably unrealistic in the short term. The only pot-sweetener now available to us if Thieu remains intransigent is a reduction in our military and economic support to South Vietnam. The realities are just that simple, and the degree to which we are willing to undermine Saigon in the interest of a settlement is a matter of the gravest concern which will require the most careful, detailed and unemotional consideration. To me, to now unilaterally throw our only remaining chip in the pot would be tragic. To further aggregate this step by winding down our air support in the South defies logic.³ It would be inconceivable to me that the American people would support President Nixon if he agreed to an option which unilaterally terminated the bombing of the North and reduced further military pressures in the South—all this combined with a public open break with Thieu. Were we to pursue the course outlined, we would forever

³ The President decided later that day to leave in place American close air support of South Vietnamese operations, to continue bombing North Vietnam up to the 20th parallel, where North Vietnam had mounted military operations against the South, and to stop bombing north of the 20th parallel. The decision was relayed to Kissinger by Haig in Tohak 87/WHS 2286, October 22. (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File) For Kissinger's account, see *White House Years*, pp. 1389–1390.

destroy those forces here in America which have provided the basis of support needed to do what has been right about our policies in the past four years. This course of action would have an equally devastating effect on all of the countries in Southeast Asia which depend on our reliability and consistency for their future.

I urge you to rethink again the essence of this problem. Please study the scenario I sent you in Tohak 83⁴ which is far more conservative and, I believe, far more realistic in the context of the issues we are now grappling with.

I know that together we can solve this problem and that you will come up with the right course to follow just as you always have in the past.

Warm regards.

⁴ Document 47.

51. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the Air Attaché at the Embassy in France (Guay)¹

Washington, October 22, 1972, 1733Z.

WHP 76. Please deliver the following message to your customer at your 11:00 pm meeting:

Begin text: The President notes with appreciation the message from the Prime Minister of the Democratic Republic of Vietnam which satisfies all his points with respect to Laos and Cambodia as well as U.S. prisoners.²

As the DRV side knows, the U.S. side has made strenuous efforts in Saigon, Vientiane, Phnom Penh, and Bangkok to secure an agreement. As the DRV side also knows, the U.S. side has always taken the position that it could not proceed unilaterally. Unfortunately the difficulties in Saigon have proved somewhat more complex than originally

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² See footnote 2, Document 30.

anticipated. Some of them concern matters which the U.S. side is honor-bound to put before the DRV side.

The President wishes the Prime Minister to know that under these circumstances he has asked Dr. Kissinger to return to Washington immediately to consult on what further steps to take.

The President must point out that the breach of confidence committed by the DRV side with respect to the Arnaud de Borchgrave interview bears major responsibility for the state of affairs in Saigon.

The President requests that the DRV side take no public action until he can submit a longer message with his considerations which will be transmitted within the next 24 hours.³

The U.S. side reaffirms its commitment to the substance and basic principles of the draft agreement and the President wishes to assure the DRV that he is totally committed to the goal of achieving a negotiated settlement at the earliest opportunity.⁴

End text.

³ Kissinger drafted the longer message, transmitted in Hakto 49/231 from Saigon, October 23, 0525Z. The longer message was essentially an elaboration of this one, and was sent to Haig with directions that it be delivered by Guay to the North Vietnamese at 3 p.m. local time on October 23. (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 44, Geopolitical File, Vietnam, Cables, January 1970–November 1972)

⁴ The North Vietnamese reply to this message emphasized the need to stick to the agreed upon schedule and sign the agreement before the end of October. In backchannel message Tohak 100, October 23, 2333Z, which transmitted the reply to Kissinger, Haig commented: "This message is in response to your first message and does not consider the message passed through Guay this morning [the second, longer message]. However, there appears to be no basis for concern that the other side will not, as you predicted, accept whatever additional requirements are placed on them. The simple facts are that they wish to settle. I will meet you at the aircraft [when Kissinger arrived from Saigon] to discuss situation here which is positive in every respect and fully supportive of game plan outlined by you." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 104, Country Files, Far East, South Vietnam, HAK's Saigon Trip Hakto & Tohak Cables, October 16–23, 1972 (1 of 2))

52. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Saigon, October 22, 1972, 1825Z.

Hakto 44/224. Deliver immediately. Ref: Tohak 82.²

1. I'm astonished that you would think that I would even consider pressing on to the last stop in these circumstances. I was prepared to go on with Thieu's approval but without an assurance of Hanoi's agreement to our requests. It would be insane to proceed without either one of these, as I have made clear in previous messages. The main problems now are (1) What to tell Dobrynin; (2) What to do about the bombing; and (3) What to do with Rogers and Laird.

2. With respect to Dobrynin, I would not go nearly so far as you suggest because we cannot afford to let the Communists think that we are totally disassociating ourselves from Thieu. I would tell Dobrynin that there were three basic problems here. First, the rapid pace which Hanoi has sought to impose on us. Second, Hanoi's breach of faith in the article which describes Thieu as expendable and an agreement already reached at the precise moment Thieu is making his crucial decision; he had to construe this as collusion previously arranged. Third, the unimpaired presence of the entire North Vietnamese army in the South, a matter which I have repeatedly raised with Dobrynin.

I agree completely that Dobrynin be told that a public attack on us by Hanoi would have the most violent reaction.

3. With respect to the bombing, I don't see how we can do anything but undertake a visible reduction, in order to give Moscow an incentive to help, to let Thieu know that we mean business, and to save something of Hanoi's face.

I can see the arguments against a complete cessation of bombing of the North. There are strong arguments for stopping it at least for a day and then resuming it up to 19 degrees 15 minutes repeat 19 degrees 15 minutes, in other words in an area clearly related to combat operations. I do not believe it is enough to say we are staying at the present level when Hanoi is clearly not the obstacle. We should be able to live with this for two weeks, and we can easily go North again if our course fails.

4. With respect to Rogers and Laird, they should be told of developments but should be brutalized into total secrecy. As I have said, it is

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² Document 44.

essential that we give the impression that major progress is being made.

5. I still believe we will come out of this with a solid plus. For public opinion it is sufficiently clear that major progress is being made and reduced bombing can only reinforce that. Our failure to settle before the election will enhance the President's position of statesmanship, and settling afterwards will make clear that we have gone more than the extra mile.

The most likely outcome is something close to the present agreement signed by the DRV and ourselves and recommended to the South Vietnamese parties, which Thieu will then accept while charging he was raped. The next most likely outcome is a military extraction by the U.S. I do not favor this because it is too close to a bug out, though we may be driven to it.

6. To sum up, I believe we should stop bombing for at least 24 hours and then resume up to 19 degrees 15'. This would keep all our options open. Your course of maintaining the present rate is not good enough. Please consider the concessions Hanoi has made just in this past week—the timing and composition of the international conference, Laos, Cambodia, replacement, and prisoners. I do favor, however, a bloody threat that if they go public we will have no choice but to blow up the negotiations and undertake massive escalation.

Warm regards.

53. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Saigon¹

Washington, October 22, 1972, 2000Z.

Tohak 85/WHS 2284. Urgent immediate delivery.

I must emphasize that my Tohak 84 was generated entirely from reading your Hakto 41.² After reading Hakto 42,³ however, I am begin-

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² Documents 50 and 43.

³ Document 46.

ning to get the gist of the direction in which you are proposing to move. As of this writing, Hakto 42 is the last message we hold here from you.

As I see it, what you are now contemplating would be to move promptly with Hanoi and finalize the agreement along the lines that we have already essentially completed; to make this agreement public, noting probably that Phnom Penh, Vientiane and Bangkok are also fully on board; and then to publicly invite Thieu to join with us in settling the conflict along the lines cited. This has many obvious advantages. Most of them are short-term and would probably carry us through November 7 in a fairly strong position, but we must carefully consider what such an approach would ultimately result in.

First, Thieu would be totally isolated as the sole remaining obstacle to peace which is, in fact, what he is. In the short term, it is possible that the South Vietnamese will rally strongly to support him as the nationalist leader who is dedicated to stand up against all odds against the Communist threat. In the long term—and we are probably speaking of a matter of weeks or months until the other effects of our decision are felt in South Vietnam—his position will erode and he will either be coupé out of office, murdered or shunted aside. It is not likely that he would succumb to the international and domestic public pressure which the course of action would generate. That decision he has already made.

A second consequence of this course of action would be that the United States could no longer provide the economic and military support necessary to sustain South Vietnam. Thus, we would see an erosion of Thieu's viability in a political sense and a concurrent weakening of South Vietnam's real strength on the battlefield and in its economy. It is inconceivable to me that we could ask the Congress to fund \$700 million of aid to a government which has refused to accept the most reasonable of peace terms. Thus, we will have in the long run set upon a course which gives Thieu two options: either personal or national suicide. The outcome of either, as our best analyses have already confirmed, would be to ease a way for a Communist takeover. It appears to me that we are focusing too intensely on not losing the achievements that we have made at the negotiating table and on the immediate requirement to maintain an essential credibility and trust between ourselves, Hanoi, Peking and Moscow. The solution that you have hinted at in Hakto 42 would, indeed, do that. In the final analysis, however, I am afraid the outcome could only be a collapse of the GVN and a Communist takeover in the worst case.

The course you have outlined will isolate Thieu as the culprit, result in the termination of all future support for his government, both military and probably economic, and cannot but result in his and perhaps even the GVN's collapse. In my humble view, this is too big a

price to pay for the short-term advantages of keeping Hanoi's confidence. After all, it is Hanoi who has been the culprit up to now, who has stonewalled every reasonable effort to get a negotiated settlement over the past three and one-half years, and who has suddenly—because it can no longer weather the pressures we have so expensively applied to them—decided to sue for peace. Now, we find ourselves in a position of scrambling frantically not to allow this fragile plant to wither.

I have just received and read Hako 43⁴ in which the assumptions I fleshed out in the preceding part of this message are confirmed. I agree that we should not single Thieu out as the culprit before the election. On the other hand, the course of action you have outlined will have this ultimate effect. Whether or not he would fold in the face of public pressure is problematic at best and, in any event, in testing the thesis we cannot but deprive ourselves of the ability to support South Vietnam in the future. I am not so sure that a bilateral deal is not far better.

Please consider the following. We inform Dobrynin, the PRC, and Hanoi that we cannot bring Thieu aboard. We have always insisted that we cannot move unilaterally. Thus, it is essential that we reassess the framework of a possible settlement and urge another meeting in Paris between yourself and Le Duc Tho. At this meeting, we should discuss a combination of a military solution which would provide for immediate U.S. withdrawal, the termination of bombing, removal of mines, and the provision of long-term support to help rebuild North Vietnam—all this in return for our prisoners. We should then negotiate on a mutual basis the levels of support that both sides would be willing to provide in the South. We could not, of course, initially provide assistance to Hanoi but the assurance could be made. Concurrently, we could maintain pressure on Thieu to come around. It is in this context that we should address the bombing issue in the North. I agree with you completely that it is very difficult to continue to strike North Vietnam when they have met all of our demands. On the other hand, I disagree that we should unilaterally terminate that bombing without reciprocal concessions from Hanoi. I would suggest the following:

(A) That we agree to a cessation of the bombing north of 20 deg (the mines, of course, would remain in) while we continue our discussions but only under the provisions that Hanoi not break with us publicly and not take flagrant advantage of the respite this would provide north of 20 deg.

(B) That we preserve the right to resume the bombing if an alternate workable arrangement is not provided for. This, in itself, is a

⁴ Document 48.

high-risk operation and it will probably prove almost impossible to crank the bombing up again, but at least we should have extracted some short-term advantages which would hold the thing together between now and November 7. It is only in this context that we should consider a unilateral bombing halt. This way the decision can be sustained by the fact of additional meetings with the other side and their agreement to continue negotiations and not go into public polemic. Until we convey this to the other and get their agreement, we should hold to the 20 deg restriction which, based on your telephone call,⁵ will be in effect as of 0700 Monday morning Saigon time.

Until you return tomorrow, we will hold firmly to the guidance you provided in paragraph three,⁶ and I will be guided rigidly in my discussions with Dobrynin this afternoon by your telephonic counsel which included modifying our talking points to soften somewhat the bleeding about Hanoi's going public but, more importantly, I will avoid fingering Thieu as the culprit and place greater emphasis on the difficulty resulting from the continued presence of North Vietnamese forces in the South. Once we have gotten Dobrynin postured, we then have a breather to think more carefully about how we should proceed on the negotiating wicket.

I remain concerned, however, that a public revelation of what we have negotiated thus far and an invitation to Thieu to join with us can only have one outcome—that being the fall of Thieu and perhaps even the collapse of the GVN and the termination of all U.S. assistance, economic and military, to the remnants.

The President just called and asked that you not return before 11:00 p.m. tomorrow. He is due in from New York around 10:00 p.m.⁷ This would mean that you would have to delay your departure until 3:00 p.m. from Saigon or delay longer enroute.

Warm regards.

⁵ No record of this call has been found.

⁶ Of Haktó 43, Document 48.

⁷ Nixon spent October 23 campaigning in New York state. According to the President's Daily Diary, he returned to the White House at 11:16 p.m. and met with Kissinger for a half hour beginning at 11:35 p.m. (National Archives, Nixon Presidential Materials, White House Central Files)

54. **Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹**

Saigon, October 22, 1972, 2050Z.

Hakto 45/225. Reference: Tohak 84.²

1. With reference to Tohak 84, I hope you are not briefing the President along those lines and that you let him read my cables.

2. Can you find one cable where I recommend an open public break with Thieu? On the contrary, all my advice has been in precisely the opposite direction; and some of your own recommendations would have put the focus on Thieu.

3. As for your characterization of the content of the agreement I would like to recall your view that it was a good agreement when we concluded it. It has since been greatly improved with respect to Cambodia, Laos, the international conference, American prisoners, South Vietnamese prisoners and the replacement provision. As for asking Thieu to give up sovereignty over his territory just what has a ceasefire always added up to? We proposed this way back in October 1970 and again in January 1972 and May 1972. What else were these plans going to lead to except precisely the situation we now have? I make these points in order to ensure that my views are being presented in the proper light to the President. They are certainly not contained in Tohak 84.

4. As for the security situation I just do not recognize your characterization that Hanoi would get an improved de facto security situation backed up by divisions from the North. As I have told you, I have met with all regional advisors, the Director of Military Intelligence etc. and the picture they present is totally different. General Minh estimates that there are 8,000 North Vietnamese in MR3. No battalion has a strength over 150. A survey this week showed exactly 2 hamlets under Vietcong control in MR3. I would have thought that to freeze the situation with a prohibition against reinforcement was as close to a military as well as a political defeat for the DRV. If another infiltration push starts we may be worse off next year. Many wars have been lost by untoward timidity. But enormous tragedies have also been produced by the inability of military people to recognize when the time for a settlement had arrived.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File. Top Secret; Flash; Exclusively Eyes Only.

² Document 50.

5. With respect to bombing restrictions, all your arguments are in the misleading context of a unilateral American move along the lines of 1968. Please put the following arguments before the President as well as the rationale I have already presented.

The argument for a bombing restriction is not soft-headedness but to salvage what can be salvaged and give us the time we need. We are dealing with an enemy who has made every concession we have demanded of him within the last two weeks, accepting our verbatim text on five major items within 24 hours. We have just sent him two Presidential messages to the effect that our essential terms had been met and we had a complete agreement.³ To maintain the position that to restrict our bombing while we renegotiate an agreement is the sort of mock toughness that if they go back to protracted warfare would destroy the whole basis of our public support.

We must institute a restriction at least at the 20th parallel—though I doubt that is enough—until I can return to talk to the President. We can of course lift the restriction if the other side digs in again but if your theory is followed we will blow whatever chance there is of North Vietnamese restraint.

6. So I count on the institution of a 20th parallel restriction which has been affirmed in a Presidential message. And I count on its being maintained at least until I return to Washington. It is not totally preposterous to suggest a process by which Hanoi does not get hit excessively for giving us the time we need at this point. Nothing in the record so far would tend to strengthen the moderates in Hanoi. Everything would tend to strengthen those who argue that every DRV concession leads to more U.S. demands and, under your theory, more escalation.

Please keep in mind what has gotten us as far as we have, and that we cannot break the framework in Moscow and Peking.

7. Again I ask that you make sure that the President reads my cables.

³ See Documents 30 and 51.

55. **Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹**

Saigon, October 23, 1972, 0050Z.

Hakto 46/226. 1. After reading Tohak 84 and 85² I can only conclude that the breakdown in communications between us is so massive that I question how any discussion between us can be possible. Nothing I have proposed was to be implemented immediately. Indeed, I would not have gone nearly so far as you in telling the Soviets and Chinese of our failure to bring Thieu along. That indeed would produce the consequences you describe, though a little more slowly and as a result of their going public.

2. What I have proposed to the total incomprehension of those of my associates who have not seen me bring matters to this point was first devise a way to get us off a collision course and secondly, to throw out vague references which would give the other side an incentive to resume negotiations without precisely specifying their content.

3. I would propose to arrive at the point you describe only after a massive effort has been made to bring Thieu along and well after November 7. At no time would we make a public revelation of what has been negotiated though we must be prepared for an enemy revelation and it is precisely to forestall this that I have wished to take some action.

4. If Dobrynin has not already been approached we have lost close to 18 hours. He must be approached immediately along the lines of my previous cables, including putting blame on Hanoi for Thieu's intransigence along the lines of Hakto 44,³ paragraph 2 but also expressing determination to proceed. Under no circumstances should we propose now the content of an alternative negotiating package. The most important thing to get accomplished is the resumption of talks between Le Duc Tho and myself.

5. With regard to bombing, what you propose in Tohak 85 is exactly what I have been proposing.

I shall leave here at 1500 Saigon time as the President requested. Bunker and I both agreed that the Presidential letter received this

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File. Top Secret; Flash; Exclusively Eyes Only.

² Documents 50 and 53.

³ Document 52.

morning for Thieu is too defensive and would be a total cave-in and we are therefore not using it.⁴ I regret to have to spend so much of my time clearing up the misconceptions of my closest associates.

Warm regards.

⁴ Backchannel message Tohak 86/WHS 2285, October 22, 2104Z, transmitted the letter from Nixon to Thieu. (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Tohak, October 16–23, 1972 (1 of 2))

56. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Saigon¹

Washington, October 23, 1972, 0215Z.

Tohak 89/WHS 2289. Despite my call to Dobrynin early this morning to stand by for an important message, he did not make himself available until 8:00 tonight. Vorontsov is out of the country, and Dobrynin insisted that since it was after working hours in Moscow, there was little value in our meeting urgently.

He did arrive in the office at 8:00 p.m., and I covered all of the talking points you outlined² and mentioned specifically the problems associated with the expedited pace Hanoi imposed on us, their breach of faith at a critical moment, and the difficulty brought about by the unimpaired presence of the entire North Vietnamese army in the South. I told him that despite this, the President was intent on bringing the conflict to a negotiated settlement and that we considered it essential that both the United States and the Soviet Union exercise the greatest degree of restraint on both of their partners to be sure this occurred. It was especially important that Hanoi not enter into a public polemic with us as a result of this temporary setback or we might well be forced to take measures which would be inimical to all the progress that had been made thus far. At the President's insistence, I told Dobrynin that

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Tohak, October 16–23, 1972 (1 of 2). Top Secret; Sensitive; Exclusively Eyes Only. Sent via Lord. Written on October 22.

² See Document 52.

Brezhnev should be assured that the President is determined to continue to make every effort to solve the problem and that the efforts we are making now will not be affected by the election in any way.

I told Dobrynin you were returning to Washington urgently tomorrow to meet with the President and that you hoped another meeting could be promptly arranged with the other side with the view toward adjusting the work schedule in the light of recent difficulties. In the meantime, we were taking certain military actions which would demonstrate our good will and serious intent. At the conclusion of the meeting, I urged Dobrynin to inform Brezhnev as soon as possible of this development and to urge him to work with us constructively on this matter as they have done in recent days. Above all, it was essential that neither of us allow the situation in Southeast Asia to affect the improving relations between the two of us which were so important to easing tensions worldwide.

Dobrynin replied that he had to state frankly that he thought we were nearing a breaking point, that Hanoi had informed them that the United States Government repeatedly made additional demands, and that for this reason, the suspicion was that we were either stalling or unable to satisfy what we had already agreed to. He stated that Brezhnev would have only [one?] question as would Hanoi, and that was whether or not this delay would be followed by a new set of requirements. He especially latched onto the problem of North Vietnamese troops in the South and wanted to know whether you would have new demands with respect to them. He said it was essential that he know whether or not the delay in the additional meeting was occasioned by a need to modify the work schedule or a need to insist on further concessions from Hanoi. I told him that the President had accepted the agreement but stated that we had difficulties in Saigon related to the speed of the work schedule, the serious complication brought about by the Hanoi leak, and as you had pointed out to him on several occasions, the difficulty that the South Vietnamese were having with the lack of assurances of any kind with respect to North Vietnamese forces in South Vietnam. I stated that the President was writing a letter to Mr. Brezhnev in which I would be sure that the question he asked was clarified. However, I noted that from my perspective, the U.S. side would have no additional demands but would wish to communicate further with Hanoi so that a revised workable schedule could be adopted and to be sure that they understood the complications we were faced with. I also made it clear that if Hanoi were to enter into a period of public polemic about what is understandably a disappointing setback, both sides might be forced to undertake military actions which would be counter-productive to the goals we both sought. I pointed out that the U.S. and the President in particular were deadly serious about arriving

at a settlement as soon as possible. He then said that it now appears that it could not be until after the election, with a twinkle in his eye that suggested he suspected this was our strategy all along. I told him that the election had absolutely no bearing on the timing of the settlement, whether it occurred before, on the day of the election or after, and that we intended to pursue the matter with the same sense of urgency we have adopted from the outset of the serious talks.

Warm regards.

57. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Saigon¹

Washington, October 23, 1972, 0300Z.

Tohak 90/WHS 2291. We are obviously being victimized by lagging communications, and I suspect a degree of weariness on both sides.² Tohak 84³ was prepared in direct response to Hakto 41⁴ following a meeting with the President in which he read Hakto 41 in its entirety and took special exception to option 1 which you indicated you did not favor but you did not make the point very strongly if you will reread the cable. The problem which really got to the President, and frankly it is the only really substantive discussion I have had with him, was the last talking point for Dobrynin in which you suggested that today I commit us to stop our bombing of the North and significantly reduce air activity in the South while this situation is being worked out. This triggered a strong reaction which I attempted to outline in Tohak 84. I am confident that if you reread Hakto 41, you will see some grounds for the President's concern. He also took exception to your

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Tohak, October 16–23, 1972 (1 of 2). Top Secret; Sensitive; Exclusively Eyes Only. Sent via Lord. Written on October 22.

² Kissinger later characterized his communications with Washington from Saigon during this exchange of messages in the following terms: "Our headquarters was my small bedroom in Bunker's residence. We had no rapid means of communication with Washington. The secure phone did not work; the open phone was not secure. The double-coding system slowed communications to a point where Washington was generally responding to a message that had already been overtaken by another one." (*White House Years*, p. 1387)

³ Document 50.

⁴ Document 43.

judgment that if we stopped bombing the North it would give us a major boost in American public opinion. As you know, he has always claimed that he had something like 80 per cent in the polls for this action. You can be sure that I offer each and every cable to the President to read when they are obviously designed for that purpose. More often than not, he does not wish to do so. My main purpose in Tohak 84 was to register not only the President's but my own concerns with the logic outlined in your Hakto 41. Your subsequent messages 42 and 43⁵ much more clearly point out your thinking. While the President has not read them, I did tell him that I felt they were much closer to his thinking. I want to be sure that the record is straight with respect to my views on the agreement. I think it is an excellent agreement. I have been, however, from the outset concerned about the North Vietnamese forces in the South and have expressed those concerns to you repeatedly both during the meetings in Paris and subsequently. Secondly, I have always been dubious that Thieu could accept the proposal for the reasons I cited in Tohak 84. Thirdly, it has always been clear in my discussions with you that a settlement after elections would eliminate many of the artificial pressures and deadlines which we have been faced with. At the same time, I was in full agreement with proceeding, especially in the light of the forthcoming posture demonstrated by Hanoi, with the very clear understanding that we had prior to your departure that if Thieu reneged, we would have to accept this setback and seek means for delaying the settlement until after November 7. I am not aware that I have changed that view one iota. The problem I had with Hakto 41, I would still have. I do not have the same difficulties with your subsequent messages as it appears to me and to Jon Howe that there has been a very decided clarification of and shift in your approach which we welcome.

Again, I am sorry that communications have lagged to the point that you may finish one set of logics only to receive comments from me on logics that were furnished to us much earlier. I recognize this is disconcerting. We have found it the same at this end. The only thing that matters is that we do what is right and that, above all, we do nothing precipitously, the consequences of which we haven't considered most carefully beforehand.

At 10:15 tonight, I have just received Hakto 46⁶ after four days with little more than two to three hours sleep a night. As you must understand, there is no one here writing or working except Howe, myself and, to a lesser degree, Kennedy. I think I still have enough confidence in my ability to read the English language to understand the nuance of

⁵ Documents 46 and 48.

⁶ Document 55.

most of your communications. I also believe that thus far my judgments on this issue have not been too far off. For that reason, I will refrain from commenting on Hakto 46 and go home and get some sleep. If we think for a moment that either Hanoi or Moscow believe the delay is occasioned by anything but Thieu, then I indeed question what the exercise is all about. Two minutes with Dobrynin tonight made that patently clear. As I reread your 41, 43 and 44,⁷ I find no reference to time schedules of any kind. Thus, your readers here can only divine what is stated in black and white. Dobrynin has been approached and there is a separate reporting cable for you.⁸ I am not aware of one deviation from your instructions. I am sorry you did not find the letter to Thieu up to your standards of toughness.⁹ The next time, I suggest you have Win draft one at your end since you can far better appraise what is required under the circumstances. Your associates join you in decrying the degree of misconceptions that currently divide us. The two of us are doing our best. Please understand that that includes always attempting to present your positions in the most honest, forthright, and protective manner with the President. If you have ever found evidence to the contrary, I suggest you let me know.

⁷ Documents 43, 48, and 52.

⁸ Document 56.

⁹ See footnote 4, Document 55.

58. Memorandum From the President's Deputy Assistant for National Security Affairs (Haig) to President Nixon¹

Washington, October 23, 1972.

SUBJECT

Meeting with President Thieu

Attached at Tab A is a report from Ambassador Bunker of Dr. Kissinger's final meeting with President Thieu.² During the two-hour

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [1 of 2]. Top Secret; Sensitive; Exclusively Eyes Only. A stamped notation on the first page reads: "The President has seen."

² Attached but not printed. A stamped notation on the first page reads: "The President has seen."

meeting, President Thieu made the following points which reflect his present attitude:

—He would avoid a confrontation with the United States and would not publicly acknowledge any disagreement.

—He has three basic concerns about the agreement:

- The need to agree to observance of the DMZ as required by the 1954 Geneva Agreements.

- The question of self-determination to be left to the South Vietnamese people. He does not believe the tripartite formula reflects the political realities.

- The question of NVN forces in the south. He would be willing to accept an NVA withdrawal without an announcement.

In concluding the meeting, he stressed that unless the agreement provides for these points it would result in the collapse of the morale of both the military and the people.

—He still believes you to be his friend and comrade-in-arms, and stated that “whether or not I am President I will strive to create conditions so that the United States can help Vietnam. If I am an obstacle to American aid or to peace, I will not stay on as President.”

—In agreeing with Dr. Kissinger’s political assessment that if the war continues at its present rate, in six months U.S. funds will be cut off, President Thieu stated that he does not know how to explain to his people the difficulties they will have to face. The country must be defended, but he understands that this is one part of a bigger problem.

Dr. Kissinger told President Thieu he would try to arrange another meeting with the North Vietnamese in Paris and would present the South Vietnamese demands although they will not all be achievable. He assured President Thieu that he is not an obstacle and that we have no intention of asking him to resign. He pointed out, however, that should President Thieu become an obstacle we could not support him.³

³ In backchannel message Hakto 48/228 from Saigon, October 23, 0340Z, Kissinger wrote to Haig: “My two-hour fifteen minute session with Thieu this morning served to ease the atmosphere and should buy us some weeks of quiet here. After his initial state of continued agitation I succeeded in calming him down and the meeting ended on a very civilized note.” (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File)

59. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Saigon, October 23, 1972, 0455Z.

Hakto 50/229. 1. I have asked Bunker to report more fully on the conversation with Thieu this morning,² and the cable to Guay gives you my strategy with respect to the North Vietnamese.³ This message will tell you what I believe should be our intentions over the next weeks.

2. I should have a press conference as soon as the North Vietnamese reaction is clear. I would take the following line. If the other side has not repeat not gone public, I would say that we are working diligently toward a settlement and have made major progress. There have been many news stories, none of them fully accurate, and I will not go into substantive detail so as to preserve the negotiating process. I would point out that at the end of negotiations there are always details to be ironed out and different problems in different contexts. I would steer all focus away from Thieu as being the problem.

If the other side has gone public, I would say that the agreement speaks for itself and that we are still trying to work out the final details. Again I would make a maximum effort to keep Thieu from being the target, and would mention the problem of the entire North Vietnamese field army being in the South.

In either case I would take the position that major progress is being made and that I am carrying out the President's firm injunction not to work against any deadline. I would say that the future of Thieu was not the issue, but would refuse to get into details on content in order to protect the negotiations.

3. As for the substantive problems, it is essential to have another private session with the North Vietnamese. We would make a maximum effort to get from them some concessions, even if only cosmetic, so as to enable Thieu to save face. Bunker will be talking to him in the meantime. If Thieu still balks we will have to consider a bilateral deal. This would be either to extricate our forces, which would have many disadvantages including the leaving aside of Laos and Cambodia; or essentially the same deal we now have which the DRV and U.S. would

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² See footnote 2, Document 58.

³ Document 60.

recommend to the South Vietnamese parties with the understanding with Thieu that he would accept it reluctantly on that basis.

4. In view of the communications problems we have been having I want to emphasize again that this process would not repeat not get into gear till next week, but it should be accomplished before mid-December.

5. With regard to the augmented military equipment for Thieu, please be sure that we stop everything that is under our control and slow down the remainder such as the F-5's.

Warm regards.

60. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Saigon, October 23, 1972, 0525Z.

Hakto 49/231. Please transmit the following message immediately to Guay for him to deliver at his 1500 meeting today.

Begin text:

The President of the United States wishes to inform the Prime Minister of the Democratic Republic of Vietnam of the following urgent matters.

The United States has proceeded in good faith to implement the general principles and substance discussed with the DRV in Paris. The DRV must certainly have been informed of the strenuous efforts made by Dr. Kissinger and his associates in Laos, Cambodia, Thailand and above all in Saigon.

At the same time the DRV side is aware of the fact that the constant U.S. position has been that it will not impose a unilateral solution on its allies and that it will move ahead only on the basis of consultation.

There have been the following difficulties. First, there is the excessive speed with which the DRV has sought to proceed. Second, the interview between the Prime Minister and the *Newsweek* correspondent had a devastating impact at the crucial moment in Saigon. Sensitive

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

consultations were bound to be undermined by the virtual [garble—announcement?] of an agreement still being discussed and by attacks on the structure and personnel that the agreement was maintaining. Third, there is the problem which Dr. Kissinger has repeatedly mentioned to Special Advisor Le Duc Tho, represented by the DRV forces in the South. Fourth, there are several technical points which have arisen, but which could be readily solved in one more session between Special Advisor Le Duc Tho and Dr. Kissinger. All of these problems can be solved in a spirit of good will, including the third one on which the U.S. will continue to go out of its way to take account of the DRV position.

The President reiterates his firm belief that an agreement is obtainable in the very near future. It is essential that the DRV and US sides mutually explore existing difficulties in the same spirit of good will which has characterized discussions thus far.

To this end the President proposes that Special Advisor Le Duc Tho and Dr. Kissinger meet again at the earliest opportunity in Paris, to reconcile the remaining issues. Dr. Kissinger will come to Paris on any date set by the DRV. In the present circumstances it is impossible for Dr. Kissinger to go to Hanoi until these additional discussions have been completed.

In order to demonstrate its good faith, the U.S. side will maintain the current restrictions on the bombing until the negotiations are concluded.

The U.S. side must warn that any attempt to exploit the present, temporary difficulties publicly can only lead to prolongation of the negotiations.

It is inevitable that in a war that has lasted so long and has generated such deep passions there should be some temporary obstacles on the way to a final resolution.

The U.S. remains determined to pursue every avenue for peace and urges the leadership of the Democratic Republic of Vietnam to join with it in the same spirit of good will and cooperative effort which has brought the negotiations so close to a solution. If this same attitude is maintained, the current problems will surely be surmounted and there should be an early settlement on the basis of agreements that have already been achieved. *End text*

61. Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹

October 23, 1972, 0930Z.

Hakto 53. 1. Thank you for your Tohak 90.² If you read Hakto 41³ again you will find the following final sentence: Quote. Obviously I favor the second course, but have offered the first one for intellectual completeness. Unquote. It is hard for me to see how I could have been more explicit regarding my preference for the Soviet route.

2. For someone associated with me for four years in which no major rash action was taken to leave the President with the impression that I was even entertaining going to Hanoi in these circumstances is hard to comprehend.

3. It is true I gave no time sequence for the proposed actions. However we had always agreed that a blow-up with Thieu had to be avoided at all costs, that if I failed to bring him around I would back off till after the elections. This is made crystal clear in my Hakto 43⁴ where I spell out the advantages of settling after the election both for public policy and for the President.

4. Anyone familiar with the President could have predicted the impact of a simultaneous proposal to go to Hanoi and to end the bombing. Given what we now have to manage I cannot believe that shaking his confidence at this juncture which is so delicate from many points of view, can be in the national interest. I admit that some of my initial judgments were hasty especially with respect to the bombing. But when have I failed to come out in a balanced way without hectoring to which I have been subjected the last few days. I suggest you ask Abrams after his return about the role I played in Saigon.

5. I cannot agree with the course outlined in Tohak 85.⁵ The reactions of the Southeast Asian leaders now so favorable would be catastrophic if we made a separate ceasefire.

6. All this simply to ask you to seek an opportunity to see the President before he leaves for New York to present my views in a balanced

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Hakto, October 16–23, 1972. Top Secret; Sensitive; Exclusively Eyes Only. Kissinger sent the message while in transit from Saigon to Washington.

² Document 57.

³ Document 43.

⁴ Document 48.

⁵ Document 53.

way. My concern is not the present situation but how to retain the moral capital without which we cannot survive the next few months.

62. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, October 23, 1972, 1531Z.

Tohak 94/WH 29641. Reference Hakto 52,² message was conveyed to Dobrynin at 0915 this morning Washington time. He stated that he was relieved that we are talking primarily about cosmetics but remains somewhat concerned about the difficulties of the troops in the South problem and repeated several times that this was most difficult. On balance, he was in good spirits and said he understood that we could not impose a settlement. He stated he looks forward to meeting with you Tuesday afternoon.

Reference Hakto 51,³ message was transmitted upon receipt to Habib.

Reference Hakto 50,⁴ the President agrees that it would be appropriate for you to give press briefing which would be governed by North Vietnamese reaction. There is no doubt here that such a briefing will do much to put the entire situation in focus and to serve to reassure both parties in Vietnam. Press here is rampant with rumors of pending settlement but with comfortable split between those who indicate cease-fire is imminent before election and those who see this as impossibility. General thrust of all the press is positive with obvious consensus that much is going on and that real progress has been made. Thieu

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 59, Geopolitical File, Vietnam, Trips, Kissinger, Henry, 1972, October, Chronological File. Top Secret; Sensitive; Exclusively Eyes Only. Sent via Lord. Kissinger was en route to Washington.

² In this backchannel message to Haig, October 23, 0527Z, Kissinger directed him to tell Dobrynin: "We will give the most solemn undertaking that the changes, most of which are purely cosmetic, will be our final changes, and are intended to save face all around. With respect to the North Vietnamese forces a de facto solution is possible. I will make a concrete proposal." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Hakto, October 16–23, 1972)

³ Not found.

⁴ Document 59.

has not yet surfaced as culprit, primarily due to helpful posturing from Palace.

Reference paragraph 3 Hakto 50, all here agree that course outlined is best possible. President stated this morning that the two options you have outlined are excellent and consistent with his thinking. Reference paragraph 4 Hakto 50, it is obvious that President is comfortable with the time schedule you outline. He hopes the talks can continue through election so that there is no decisive action taken before that time and that we can maintain aura of progress through November 7th. Reference paragraph 5, we worked all day yesterday on turning off equipment in order to keep from appearance of major kneejerk bureaucratic reaction. We will let about ten percent of the total in, all of which was scheduled for delivery in any event. The rest has been wound down. With respect to the F-5s, we ran into major complications in Korea and have, of course, backed off. We are doing the same with respect to China and Iran who were far more cooperative to the initial approach. There has been some leakage about massive assembly of airlift and strong suspicion in press that this represented assembly of assets to extricate POWs. We have quietly denied such stories, one of which included a call to me from Warnke on behalf of McGovern at 11:00 pm last night. I told him that we were aware of no imminent action on the POWs.

Reference Hakto 49,⁵ message was transmitted to Guay upon receipt and Guay was alerted telephonically. He has appointment at 1500 hours today and we are awaiting confirmation that message was delivered.

Your message to customer is precisely the line I took with Dobrynin. Consequently, no inconsistencies can develop there.

Reference Hakto 48,⁶ President has been informed and is very pleased. He noted that Saigon Palace is playing constructive press line which suggests Thieu will not blow and may, in fact, be posturing himself for ultimate acceptance.

Warm regards.

⁵ Document 60.

⁶ See footnote 3, Document 58.

63. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, October 23, 1972, 1532Z.

Tohak 95/WH 29642. Reference paragraphs one and two of Haktó 53,² communications problems apparently persist. As I pointed out in Tohak 90,³ the President read your 41.⁴ I told him at the time that you did not favor going to Hanoi and I think he understood this completely. On the other hand, the presentation of the option was a source of some concern. This was a result of your own message, the effect of which I tried to soften, and not the result of my posturing the President in that direction.

Reference paragraphs three and four of Haktó 53, no one repeat no one here has been engaged in effort designed to shake President's confidence. Facts are precisely the opposite. The President at no time has been rattled or disconcerted by your messages or by the objective situation. He is calm, confident and totally secure in all that you are doing. His views on the final leg have been evident to me and I think you from the outset. He was disturbed by the proposal in Haktó 41 that I make a commitment to Dobrynin yesterday afternoon. That resulted from reading your cable, not from any criticisms or inciting on my part—precisely the opposite. I told him yesterday morning when he read 41 that I was sure that you had no intention of going that far and called him immediately when I received subsequent messages and informed him that that proposal had been modified along the lines of the course we are now pursuing. You must understand that there is no carping or nit-picking going on here, merely an effort by me to outline considerations and reaction to messages which you send which you may or may not have had an opportunity to consider. To do less would be a distinct disservice to you and, more importantly, to the country.

Reference paragraph five of Haktó 53, I agree course outlined in Tohak 85⁵ has many risks and may not be manageable. It is merely an alternate approach which should be explored along with many others.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, HAK Paris/Saigon Trip Tohak, October 16–23, 1972 (1 of 2). Top Secret; Sensitive; Exclusively Eyes Only. Sent via Lord. Kissinger was en route to Washington.

² Document 61.

³ Document 57.

⁴ Document 43.

⁵ Document 53.

Reference paragraph six of Hakto 53, I met with President prior to his departure for New York and outlined your current thinking which, as I have reiterated earlier, corresponds to his own and indeed to mine. I know of no instance when your views may not have been presented to him in a balanced way. The only minor complication since you departed was that generated by Hakto 41. That subsided immediately as a result of your subsequent messages. You can be sure I never rush to the President when due to communications breakdowns or substantive disagreements such action might support my views. We have indeed come a long way but we have not gotten that way through rubber stamp support from me. I have never operated this way in the past and do not intend to do so as long as you delegate the responsibilities to me which you have. Do not misinterpret efforts to support you as efforts to hector you.

Paris Negotiations Collapse, October 24–December 13, 1972

64. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, October 24, 1972.

SUBJECT

Psychological Warfare Campaign

Our psychological warfare campaign against North Vietnam and North Vietnamese armed forces in the South continues at a high level of intensity. We are confident we are touching the North Vietnamese where it hurts. The following operations—among others—are now being conducted:

Leaflets

A total of over 524 million leaflets have been dropped over North Vietnam since May 1972 and nearly as many in the South, covering such themes as your May 8 peace offer, heightened ARVN morale, and North Vietnam's increasing isolation from its allies. We have also developed a series of specialized leaflets, including an "inflation" leaflet with a reproduction of low denomination North Vietnamese currency which we expect will cause the DRV confusion if the North Vietnamese try to use it as currency. Leaflets have been dropped over North Vietnamese forces with instructions on how to surrender safely and with details on the medical and other facilities available to POWs in the South.

Radio Broadcasts

We have six radios—two overt, three black, one grey—broadcasting to North Vietnam and North Vietnamese forces in the South a total of 106½ hours per day. Leaflets bearing the frequencies and times of our broadcasts have been dropped. In addition to straight news, programs include a daily reading of names of captured North Vietnamese POWs, parodies of martial-sounding North Vietnamese songs, and details about the effectiveness of U.S. air strikes in the North and ARVN

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 116, Vietnam Subject Files, Vietnam Psychological Warfare Against NVN. Secret; Sensitive; Eyes Only. Sent for information. A stamped notation on the first page reads: "The President has seen," and Nixon wrote the following comment: "Good—Keep it up until we settle."

successes in the South. The radios complement one another by approaching the same themes from different angles.

We have begun inserting by airdrop and flotation 43,000 small transistor receivers into North Vietnam to increase the listenership of our broadcasts.

Special Issues

A series of campaigns involving use of all available media has been instituted, including a campaign describing North Vietnamese use of the “big lie” technique on the dikes issue. Other efforts involve documentation of North Vietnamese atrocities (and their support for Arab terrorism) and the advanced age and outdated views of the Hanoi Politburo.

Press Activities

Favorable domestic press coverage has been achieved in many instances, including stories on Hanoi’s support of the fedayeen terrorists in Munich and on a North Vietnamese rallier’s description of the April massacre along Route 1 near Quang Tri. [4½ lines not declassified] Our radio broadcasts to North Vietnam have relied heavily on this press placement for replay by radio.

Black Operations

A series of covert operations is being undertaken to confuse the DRV leadership and people. [1 line not declassified] the insertion of 10 notional agent operations teams into North Vietnam to lead the North Vietnamese to believe resistance groups are active in their midst. To generate credibility, supplies will be dropped to the notional teams and agent radio messages directed to them.

North Vietnamese Reaction

We continue to receive indications we are touching sensitive North Vietnamese nerves. The DRV Premier’s office recently issued a directive warning of U.S. psywar schemes and ordering in the strongest terms that they be resisted. This warning has been repeated in North Vietnamese newspapers and on radios. Radio Hanoi recently reacted angrily against Voice of America about the DRV support of Arab terrorists. Numerous North Vietnamese POW and rallier reports are being received attesting to the effectiveness of one phase or another of our efforts—a recent rallier indicated he turned himself in as a result of listening to our “Mother Vietnam” broadcasts and stated that these have prompted other members of his unit to desert and return home.

65. Memorandum From John D. Negroponte of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, October 24, 1972.

SUBJECT

Ambassador Sullivan's Paper on Influencing Thieu

At Tab A is Bill Sullivan's paper on ways of influencing Thieu.²

The paper discusses, but then discards, the possibility of using such levers as the threat to cut off military and economic support. Such threats have usually had the reverse impact in Vietnam, such as when we cut the Commodity Import Program in September of 1963 against Diem.

Sullivan's essential conclusions are contained in the last two paragraphs of his paper on pages 4 and 5 and they are that the levers and the persons that we could effectively use in an effort to influence Thieu are very limited and for the most part of questionable capability to achieve the ends we have in view.

Sullivan concludes, therefore, that the best available course is one of persuasion through direct, open discussion with Thieu by Ambassador Bunker and with Thieu's loyal officials by others such as Whitehouse, Porter and himself.

At Tab B is a rather lengthy State Department Airgram³ which discusses Thieu and men around him in considerable detail.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1135, Jon Howe Trip Files, Negroponte Negotiations File. Top Secret; Eyes Only. Urgent; Sent for information. Kissinger and Haig initialed this memorandum.

² Sullivan's memorandum, also dated October 24, is attached but not printed. His main finding reads: "The primary problem of bringing influence to bear upon Thieu is the fact that he is a loner, to whom very few persons have direct access and who owes very few obligations to others."

³ Airgram A-155 from Saigon, August 31, is attached but not printed.

66. **Diary Entry by the Chairman of the Joint Chiefs of Staff (Moorer)**¹

Washington, October 24, 1972.

0811 Telecon/In—from General Vogt (Secure)—Subject: I told John that I was unhappy that Weyand had talked directly to HAK instead of bringing his troubles up to me.² He said that he was in a strait jacket and that Gayler was a disaster; we have got to keep those things in the family. Lavelle has given us such a bad name back here and lowered the confidence in the military to the extent that we can not handle anything more on that line.³ Vogt tried to explain Weyand's reaction to Gayler's message talking about 225 sorties, and I said it was 275. At any event we went on at length about this problem and I was letting him know that I was very unhappy about the way Weyand went about talking to HAK. I asked him about the comment that Vogt had said he had uncovered a truck park or tank park and it took him a week to get validation. He said yes, that they had missed a validated target by some 400 meters and uncovered a major tank training facility and could not seem to get the authority from CINCPAC to hit it. I do not know why he even asked for authority when he had already hit it. Probably the intelligence section of CINCPAC bogged it down somewhere, John said. I said if you would have asked me I would have cleared it for you in about 2 seconds. John said that Gayler told Weyand and him that neither one of them could talk to me direct, that they had to go through him. John begged off and said it was not him that did it, it was Fred and Abrams. Vogt was not involved in any of the briefings or meetings. We discussed the fact that Westmoreland unfortunately taught the SVN that they had to have air support to fight and now we have to live with it. John complained about the requirement to put 48 sorties up north and in fact he complained in general about his aircraft being tired and just every problem that he could think of. We went over some of the sortie rates that the Air Force, Marines and Navy are flying and there

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Top Secret. This diary entry summarizes a telephone conversation between Moorer and Vogt at 8:11 a.m. Admiral Moorer was in Washington; General Vogt was in Saigon.

² According to the attached transcript of this telephone conversation, Moorer said to Vogt: "HAK shouldn't issue orders three echelons down in the field. If he is going to be a Field Marshal he should talk to me. I can make Gayler do anything."

³ General John D. Lavelle, Vogt's predecessor as Deputy Commander for Air at MACV, had been relieved of command in early April, shortly after the Easter Offensive began. Between November 1971 and March 1972, he had authorized commanders and pilots in 28 instances to hit North Vietnamese airfields and radar sites in contravention of the rules of engagement and then to falsify records of these protective reaction strikes.

are ample sorties down there, far over 700 sorties available. I also brought up the point about some Air Force briefers telling Haig that the Navy is afraid to go up to the NE railline, etc. John said that he was very unhappy about that statement and did not feel at all that it was true. In any event I think John understood my position. (Attached)

67. Transcript of a Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Ambassador to Vietnam (Bunker)¹

October 24, 1972, 8:53 a.m.

K: Hello.

B: Hello, Henry.

K: Ellsworth, how are you?

B: Fine.

K: Ellsworth, I'm getting in touch with you by cable.

B: Right.

K: On that one matter you sent me which I just received about the misinterpretation. Now if that stuff is put out it is total suicide.² This is what we are fighting in the press here. Now if they say that's what it is, we're dead.³

B: Yeh.

K: Then whether words are taken in or out is immaterial.

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 16, Chronological File. No classification marking. Kissinger was in Washington; Bunker was in Saigon.

² Kissinger was referring to Foreign Minister Lam's plan to send a briefing paper to Vietnamese Embassies around the world spelling out the three major reasons for rejecting the negotiated agreement: (1) North Vietnam failed to recognize the DMZ as the line separating North from South and thus did not recognize the existence of a separate South Vietnam; (2) North Vietnam refused to withdraw its forces from the South; and (3) the agreement created a disguised coalition government to supplant the legal government in the South. (Telegram 15223 from Saigon, October 24, 0910Z; *ibid.*, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1))

³ At Bunker's direction, Whitehouse persuaded Lam to radically revise and moderate the briefing paper. (Telegram 15220 from Saigon, October 24, 0830Z; *ibid.*) The new version omitted all references to rejecting the agreement and instead stated that South Vietnam desired modification of the three essential points detailed in footnote 2 above. (Telegram 15224 from Saigon, October 24, 0911Z; *ibid.*)

B: Right.

K: They are giving this thing—first of all there is no talk whatever of the lower level stuff. I don't know where they get that from.

B: Well, what they're talking about is what was in the—what was in some of the previous proposals. That's what Lam is talking about.

K: Yeh, but if he wants to be able to play in some achievements he ought to see that this is not the current thing and that they should stay a million miles away from that sort of an accusation. They're committing total suicide here. I mean not with us, we're trying to be helpful but in the way the public debate is going to be shaped here.

B: Yeh. Yeh.

K: The reason I call you so urgently is just if there is any chance of getting to them tonight to calm them down.

B: I doubt it very much Henry.

K: Well, at least first thing in the morning.

B: Yes, well I think of what is taking place here now. There are mass meetings being organized all around the country and people are getting stirred up against—all of the talk is against a coalition government and they are against a three-segment coalition government.

K: Well, it's either—

B: They are given the impression that this is what's trying to be forced on them.

K: This could either be very clever or very insane. It depends on how they then represent the outcome.

B: Yes, that's right. That's what I say. That's what I said in that message.

K: Yeh. Ellsworth, you've been a tower of strength and we'll be getting in touch with you by cable with details, of course.

B: Right. All right. Fine.

K: But it's essentially here the way I told you it would be.

B: It is.

K: Yeh.

B: Well, I'll probably get a cable from you in the morning, would I?

K: No doubt.

B: OK. All right, fine Henry.

68. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, October 24, 1972, 2010Z.

WHS 2293. Deliver opening of business.

At this stage, we can perhaps gain two or three weeks delay with an heroic effort. The delay, however, will make changes in the text more difficult to achieve since we will most likely have to make firm promise that next go-around will be the final one. Thieu must understand that his alternatives really revolve around accepting what is good in the offer or in persisting in an intransigent position which will surely result in a cut-off of U.S. funds through Congressional action if not from us. Thus, it is imperative that he not dig a hole for himself by portraying this week's activities as a major confrontation rather than an essential round of consultation and discussion between us. If, as it now appears, Thieu claims that the Council of National Reconciliation is in fact the coalition, they are committing suicide. We can, of course, tolerate a certain amount of domestic posturing on Thieu's part which will enable him to ultimately claim a victory, but if these tactics are indeed based on a misunderstanding of the nature of the proposed political settlement or an intentional distortion designed to provide the base for continued intransigence, it can only work to Thieu's ultimate disadvantage. In this context, Thieu must remember that everything he gains in South Vietnam as a result of these tactics he loses here in the United States where he needs continued military and economic support.

It is also essential that Thieu provide us with some idea of the ultimate outcome so that we can begin to move the replacement material. Otherwise, we may find ourselves up against an impractical deadline. Thieu should remember that to the degree that he can appear to be a good partner his support will be unlimited. If, however, he persists in fighting us, no matter what the concessions he gets in what is now essentially a very workable formula will in no way be a substitute for the ultimate collapse of American support for him.

Your approach in the days ahead should be regular and continuing contacts with Thieu and Lam, with the view toward impressing upon them in a measured way the urgency of accepting the reality of the ultimate outcome. As you point out in your 0233, Thieu may be in-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Sensitive; Exclusively Eyes Only.

volved in creating a strawman that he can ultimately beat to death.² On the other hand, he may actually erroneously believe that the Council represents a coalition. In either event, persistent public attacks on this thesis could create a ground swell of opposition here which we would be forced to counter at the cost of continued U.S. domestic support which would ultimately prove fatal to the GVN.

Warm regards.

² Backchannel message 233 from Bunker to Kissinger, October 24, 1100Z. (Ibid.)

69. Transcript of a Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan)¹

Washington, October 25, 1972, 5 p.m.

[Omitted here is a discussion of Canada's participation in the International Commission of Control and Supervision.]

S: Now, another thing I wanted your judgment on—We've been doing a lot of leafleting and dropping of miniature radios and things of that sort . . .

K: I would go easy on that.

S: North of the 20th, huh. What I think I'll tell them is they can still use the balloons to drift in, right?

K: Right.

S: And they can launch stuff that floats in from the sea but no air drops.

K: Absolutely.

S: No. Okay.

K: On our side we keep getting, you know, insistent messages that we sign on March [*October*] 30th.

S: I'm sure.

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 16, Chronological File. No classification marking.

K: On October 30th, and I finally asked them to explain to me how we can sign a document that begins by saying “with the concurrence of a party that hasn’t concurred.”

S: You’re getting logical again.

K: And we’ve got the Russians and Chinese in action and we hope we can get everyone quieted down now.

S: I think the general—I haven’t finished reading this long diatribe of tears but the general impact of it on the press is not all that too bad.²

K: No, but we got some intelligence that the guy is really off his rocker.

S: So Al Haig told me.

K: You know, I could live with—If all of this is posturing, it’s actually quite true but if—

S: But if he’s really thinking the same behind us.

K: But he thinks he’s got us face down and that his trick now is to come up with an alternative proposal.

S: I’m afraid that’s what his Ambassador³ is going to be carrying back on Saturday or Sunday.

K: Yeah. Well, we better start turning the screws a bit. We better have a talk before you talk to his Ambassador.

S: Okay, I don’t think he will be in until the weekend.

K: Right. Okay, Bill.

S: One final thing just in case Laird calls you, I don’t think he will but his people have been trying to get Porter to raise the POW issue.

K: No, no, no.

S: And I’ve turned it off.

K: Absolutely not.

S: They said they were going to get Laird to call you but—

K: Absolute insanity. We’ve got that solved.

S: Yeah. Good.

K: Okay.

S: Okay, Henry, bye.

² Sullivan was referring to the address to the nation Thieu made on October 24. See footnote 4, Document 72.

³ Tran Kim Phuong.

70. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, October 25, 1972, 2115Z.

WHS 2298. Deliver immediately opening of business.

Thank you for your Saigon 0234 and 0235.² I agree completely that the Hanoi leg should not be considered at this time for the very reasons you cite. Reference your Saigon 0235, it is of course essential that Thieu comes to understand that continuation of his intransigent position, which will isolate him as the sole obstacle to peace, is nothing short of suicidal. He must also understand that there is total unanimity within the U.S. Cabinet that the general outlines of the agreement we have now obtained from Hanoi are fair and provide for the kinds of safeguards necessary to prevent a Communist takeover. Thus, should the negotiations break down because of Thieu's obstinacy, there will be absolutely no hope of continuing U.S. military or economic support to South Vietnam. Finally, Thieu must understand that we will do our utmost to obtain Hanoi's acceptance of as many as possible of the modifications he has proposed.

The President wants you to keep working on Thieu persistently, perhaps seeing him every other day in an effort to insure that he never loses sight of the inevitable of continuing intransigence.

If Hanoi agrees, we will meet again in Paris during the week of October 29. As a result of your efforts, hopefully, Thieu will be prepared by November 15 to accept the final proposal which by then should have been modified to bring it in closer conformance with at least the cosmetic changes he has recommended. I hope to send the final proposal to you by November 8.

It would be wishful thinking to expect much movement from Hanoi on either the political or the troop withdrawal issues. Thieu should be under no illusions that he can expect a fundamental change in the agreement as now drafted. For him to concentrate at this juncture on developing alternate proposals which would change its overall

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Sensitive; Exclusively Eyes Only.

² In backchannel message 234 to Kissinger, October 25, 0955Z, Bunker gave five reasons, from the South Vietnamese perspective, why Kissinger should not go to Hanoi; in backchannel message 235 to Kissinger, October 25, 1100Z, Bunker discussed Thieu's objectives and strategy vis-à-vis modifying the negotiated settlement, a possible cease-fire, and the political situation in South Vietnam. (Ibid., Box 1135, Jon Howe Trip Files, Negroponte Negotiations File)

framework is both impractical and will serve to divert his attention from the kind of preparatory actions he should already have under way. Efforts by Thieu to develop alternate peace proposals can only have the consequence of forcing a confrontation between the two of us. We will under no circumstances accept such proposals. Oddly enough, Thieu seems to believe he can proceed this way (see special CIA report dated 25 October 1972, subject: Remarks of President Thieu on Peace Negotiations, which I have asked CIA to insure Polgar brings to your attention immediately).³

Between now and November 7, we are posed with a most delicate problem. Before November 7, we cannot brutalize Thieu to the point that he will kick over the traces and undertake a public confrontation and break with us. We should, however, impress upon him the impracticality of his failing to plan for the contingency of ultimately having to accept a settlement along the lines which have been currently worked out. Therefore, in your discussions with Thieu you should impress upon him the urgent need to plan intensively for the contingency of a cease-fire in place in the very near future and perhaps as soon as mid-November. Concurrently, and also in the contingency context, we should move jointly to insure that the expedited flow of equipment and matériel is undertaken so that the additional matériel will be in South Vietnam by mid-November. We have instructed Defense and State to proceed with the shipments, with General Abrams serving as the Secretary of Defense's and the President's executive agent in the theater. In pressing Thieu vigorously to proceed with this kind of contingency planning, you should at the same time make it very clear to him that he may be faced with absolutely no alternative but to accept the broad outlines of the current proposal. You will have to employ a degree of vigor which is strong enough to strip him of his current illusions but at the same time avoid forcing him to kick over the traces and break publicly with us before November 7. After November 7, full leverage will be applied.

I believe our best tactic in dealing with Thieu is for you to meet with him repeatedly between now and November 8 so that my next meeting with him can be final. He must know before that meeting that he is either going to join with us as a partner in accepting the current proposal modified to the degree that it has been possible to do so or we will proceed without him. At my meeting with him, if necessary, we can unequivocally inform Thieu that we will proceed without him with all of the grievous consequences that this holds for him.

Warm regards.

³ Not found.

71. **Memorandum From Secretary of Defense Laird to the Assistant Secretary of Defense for Installations and Logistics (Shillitoe)**¹

Washington, October 25, 1972.

SUBJECT

Military Assistance to the RVNAF—Enhance Plus

It has consistently been our intent to assure that the RVNAF are adequately supplied in order to permit them to operate in the future with assurance and flexibility. The Crimp, 981/982 and Enhance programs have had this as their objective. As a result of our efforts over the past week, I would like to activate the Enhance Plus program to encompass our still to be delivered items, plus that which is foreseen as the balance of additional items still required to accomplish the Vietnamization Program.

It is my intent to embark on this program, insuring its accomplishment as early as feasible with appropriate transportation modes. I also want the option of being able to accelerate this program to the maximum extent possible if necessary. The amount of tonnage shipped by normal transportation will ease the pressure on airlift should it become necessary to accelerate deliveries.

The following actions are prescribed as we undertake the balance of the logistics Vietnamization effort:

1. *Additional Delivery of Primary Equipment.* The attached list² of primary equipment is to be enroute or delivered to RVN as quickly as serviceable equipment can be made available, utilizing appropriate normal transportation and consistent with MACV required delivery dates. I would like for as much of this equipment as possible to be in RVN by 20 November 1972. Items, not on the attached list, but required to round out the Enhance or the Crimp list should continue to be delivered as quickly as possible using appropriate transportation.

2. *Guidelines for Accomplishing the Above.*

- The source of the equipment may be assets in the hands of Reserve Components or Active Forces or diversions from production or in depots.

¹ Source: National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 29, Vietnam, October 1972. Top Secret; Sensitive. Copies were sent to the Service Secretaries and the Chairman of the Joint Chiefs of Staff.

² Attached but not printed. The list is in two parts: one part shows Army equipment being sent, the other part shows Air Force aircraft.

- Diversions from international logistics customers are also authorized.

- Marine Corps matériel located in Okinawa will not be used to meet this requirement, unless an accelerated situation requiring more expedited delivery to Vietnam is required.

- At least 32 F-5A's will be available from Iran, using the most appropriate transportation, with the source of an additional 94 to be determined.

- The serviceable M-48A3 tanks will be moved from Sagami, Japan as soon as possible to Vietnam. The balance of the M-48A3 tanks will be moved from Sagami as soon as possible after they have been overhauled.

- Retrograde from Vietnam for the items on the attached list will be discontinued.

- Title transfer of items required to be furnished the RVNAF will be accomplished as quickly as possible. This will result in title to equipment, both within and outside Vietnam, and destined for Vietnam, including that intransit, resting in the RVNAF.

3. *Ammunition.* Shipping and unloading of munitions will be expedited. In-country air munition stock levels will be maintained at 120-days supply based on normal consumption and in-country ground munition stock levels will be maintained at a 90-day in-country level. This will include stocks in transit in theatre.

4. *POL.* Maintain the full tankage policy for that storage in RVN that can be adequately secured. Sufficient floating stocks are to be maintained in RVN waters to insure resupply in the event of temporary disruption/loss of in-country stocks.

5. *Secondary Items.* Expedite the supply of secondary items to provide a balance with the equipment being shipped in-country. Repair parts will be provided for a one-year requisition objective for normal consumption, except intensively managed items.

6. *Contracts.* Make necessary arrangements for Vietnamization of the on-going RVNAF support included in existing U.S. contracts. Insure that contract augmentation of the RVNAF is sufficient to continue essential logistics services without U.S. military presence in-country. Contract support will be provided as soon as possible to assure adequate levels of receipt, care, preservation, storage and security.

7. *Closed Loop Maintenance.* Will be continued for an indefinite period.

8. *Bases.* Turn over all remaining U.S. Bases to SVN.

9. *Sealift and Airlift.* In conjunction with the Joint Staff, establish the necessary allocation controls and priorities of movement to assure movement of matériel.

The logistics actions outlined above are consistent with the overall objectives of our Vietnamization Program. If acceleration of the schedule is required to move items in-country, airlift will be used to the

maximum unless previously mentioned title transfer arrangements can satisfy the requirement. I would like to be informed and approve items on this schedule that will not be in-country or enroute by 20 November 1972. It is further my desire that should title transfer arrangements not satisfy ownership needs, and should we be required to accelerate this program, all materials on the attached list, except those delivered or at sea enroute, be available for delivery in-country within 15 days after directed to proceed on an accelerated basis. This may involve the delivery of some unserviceable materials.

In addition to those items contained in the attached list, State/Defense negotiations are to proceed to obtain equipment from four ROK Brigades now deployed in SVN. This equipment is not to be considered as assets against the attached list.

This program will have the highest priority immediately behind the support of U.S. and RVNAF forces engaged in combat in SEA.

I would like to have a weekly report on the status of delivery of these major items of equipment and periodic reports covering the balance of the assigned tasks. These reports will terminate upon completion of deliveries under Enhance Plus.

Melvin R. Laird

72. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, October 26, 1972, 1120Z.

236. Ref: WHS 2299.²

1. I have just seen Thieu about Hanoi's publication of draft agreement³ and I found him calm and relaxed about it. He said that this is what one has to expect of the Communists, they are tricky and lack scruples; they already had tried to pressure the USG by giving an interview to *Newsweek* in which they leaked some details and now have followed up by leaking the whole proposal.

2. Thieu said that as far as the South Vietnamese situation is concerned, he did not attach too much importance to it. Everyone here understands that there have been lengthy discussions here with you. It is a normal procedure that you should have negotiated with the DRV, then had come to Saigon for discussions with the GVN, subsequently returned to Washington for discussions with President Nixon and will talk again with the other side. People understand also that while the negotiations have not yet been completed we want to arrive at a settlement of the war. Thieu said that as a result of his speech on October 24, everyone here now understands that there will be a cease-fire in a matter of weeks or months at the most.⁴

3. I asked him to hold up on any public comment until we have had an opportunity to concert with him and he agreed to do so. Something along the following line, which I had suggested, would be satisfactory to him.

Begin text.

Any agreement obviously had to be ad referendum to the GVN as a party to the agreement.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² In backchannel message WHS 2299, October 25, 0720Z, Kissinger told Bunker: "If, as it now appears, Hanoi moves into major propaganda campaign designed to either isolate Thieu or affect U.S. domestic situation or both, it will be essential that Thieu understand the importance of complete coordination between the U.S. and GVN in concerting to speak with one voice." (Ibid.)

³ In an official government statement of October 26, the Democratic Republic of Vietnam revealed the outline of the plan negotiated in Paris October 8–12. ("Hanoi Says U.S. Backs Off After an Accord in Paris," *The New York Times*, October 26, 1972, p. 1)

⁴ In a major television and radio speech to the South Vietnamese people on October 24, Thieu stated that although the proposals negotiated in Paris by Kissinger and Le Duc Tho were in their present form unacceptable, he expected a cease-fire soon. ("Speech in Saigon," *ibid.*, October 25, 1972, p. 1)

The provisions of the proposal including the time of signing an agreement necessarily had to depend on the outcome of discussions between the GVN and the U.S. Some problems needed further consideration and clarification.

This was the purpose of Dr. Kissinger's visit to Saigon. Major progress has been made, but we want a sound agreement and want to be sure that as far as possible we have provided against foreseeable contingencies. Some provisions still remain to be worked out. In others, there are technical details which need to be resolved. On further examination, some provisions seem to be too ambiguous and need to be stated more definitively.

We have proposed to the other side to meet with them in Paris at any time and are ready to try to work out with them the remaining problems. The GVN and ourselves are as ready for a constructive, peaceful settlement as the DRV. *End text.*

4. I told Thieu I would Flash this to you and would get in touch with Nha this evening when I had a reply. He thought we did not need to issue identical statements as long as we were on the same wave length.

5. Warm regards.

73. Editorial Note

During a press conference in Washington on October 26, 1972, the President's Assistant for National Security Affairs, Henry A. Kissinger, said: "We believe that peace is at hand. We believe that an agreement is within sight based on the May 8 proposals of the President and some adaptations of our January 25 proposal which is just to all parties. It is inevitable that in a war of such complexity that there should be occasional difficulties in reaching a final solution, but we believe that by far the longest part of the road has been traversed and what stands in the way of an agreement now are issues that are relatively less important than those that have already been settled." He discussed in detail how the negotiations had generated the draft agreement and the substance of the agreement, then focused on what should happen next, after which he took questions from the assembled reporters. (Department of State *Bulletin*, November 13, 1972, page 549; the transcript was also printed in *The New York Times*, October 27, 1972, page 18)

Kissinger later wrote about the press conference and its most-quoted phrase in these terms: "The drama of the phrase 'peace is

at hand' would provide a handy symbol of governmental duplicity in the continued bitter atmosphere of the Vietnam debate, as would my repeating publicly what I had already told the parties privately, that I would seek to conclude the agreement in one more session. In fairness to Nixon, he was not aware that I would use the words 'peace is at hand.' It was a pithy message—too optimistic, as it turned out—to the parties of our determination to persevere; a signal to Hanoi that we were not reneging and to Saigon that we would not be derailed.

"And despite all the opprobrium heaped on it later, the statement was essentially true—though clearly if I had to do it over I would choose a less dramatic phrase." (*White House Years*, page 1400)

Kissinger's deputy, Major General Alexander M. Haig, had a different take on the former's choice of words and its effect. In his memoirs he wrote: "It is hardly possible to imagine a phrase, so redolent of Neville Chamberlain and the effete 1930s cult of appeasement, more likely to embarrass Nixon as President and presidential candidate, inflame Thieu's anxieties, or weaken our leverage in Hanoi. The President regarded Kissinger's gaffe as a disaster." (*Inner Circles*, page 302) In a subsequent account, Nixon appeared to agree more with Haig than Kissinger, writing: "When Ziegler told me that the news lead from Kissinger's briefing was 'Peace is at hand,' I knew immediately that our bargaining position with the North Vietnamese would be seriously eroded and our problem of bringing Thieu and the South Vietnamese along would be made even more difficult." (*RN*, page 705)

74. Memorandum for the President's File by the President's Assistant for National Security Affairs (Kissinger)¹

Washington, October 27, 1972.

SUBJECT

The President's Meeting with Laotian Prime Minister Souvanna Phouma, Dr. Henry A. Kissinger, Ambassador William Sullivan, and Ambassador Prince Khammao on Friday, October 27, 1972 at 3:47 to 4:44 p.m.—The Oval Office

Souvanna opened by expressing his appreciation that the President had agreed to receive him at this critical juncture of Indochinese

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 550, Country Files, Far East, Laos, Vol. 10, Sep–Dec 72. Top Secret.

affairs, but also at a time in which the President was busy with the problems of the election campaign. Souvanna hoped the President's efforts would be crowned with success. The President replied by agreeing that it was a critical moment in Indochinese affairs. He asked Souvanna for his evaluation of the draft agreement, on which he had been briefed by Ambassador Sullivan, as it affected Laos and secondly Vietnam.

Souvanna replied that in his judgment the agreement was an excellent one. However, as he had told Secretary Rogers and Dr. Kissinger, it was important that there should be no lengthy gap between the effective date of a ceasefire in Vietnam and those of the ceasefires in Laos and Cambodia. He feared that such a time differential might give the North Vietnamese an opportunity to mount serious offensives against the Royal Lao Army. Such an offensive had already begun, the Lao troops were counterattacking since October 15, and there was heavy fighting in progress in Laos.

Souvanna continued that he had just come from a meeting with Acting Secretary of Defense Rush and had explained to him the Lao needs in the way of military equipment. He spoke of helicopter gunships, T-28's, and "spooky" aircraft,² and anti-aircraft weapons for protection of the two cities close to North Vietnam against the North Vietnamese Air Force. He said, of course, if the agreement works out satisfactorily there will be a ceasefire and the need for this equipment will disappear. However, he felt it was safer to talk on the prudent side and take measures against the worst contingencies.

The President asked Souvanna how he saw the future of Laos working out if this agreement can be put into effect successfully. Would Laos remain divided? Souvanna replied that he wanted to avoid that. It was necessary to go back to the understandings of 1962 and to make them work. He said that the Pathet Lao were trying to distort those understandings and to introduce "true neutralists" from their side to change the balance in the political structure agreed upon in 1962. He said that the Lao Government would resist this effort (he was keeping open their Cabinet seats) and would also try to get Moscow and Peking to exert pressure on the Pathet Lao to respect the Zurich and Plaine des Jarres Agreements of 1962. He said ultimately there must be a reconciliation in Laos and an integration of military forces and cadres.

The President asked Souvanna who, in his judgment, had the greater influence on the Pathet Lao, the Soviets or the Chinese. Sou-

² The C-47 Skytrain, nicknamed "Spooky" and "Puff the Magic Dragon," was a military cargo aircraft retrofitted as a gunship for close air support missions in Indochina. Its three miniguns could fire at a combined rate of 18,000 rounds per minute.

vanna replied that it was hard to say, there were different factions within the Pathet Lao. Some were more pro-Chinese and others more pro-Soviet; essentially, however, the whole organization was controlled from Hanoi.

The President asked whether Souvanna considered that the agreement being reached on Vietnam was advantageous to Laos. Souvanna apparently misunderstood the question and thought the President meant to ask whether the political model being constructed for South Vietnam would be suitable as an example for Laos. He therefore went on at some length to describe how the situation in Laos differed from the situation in South Vietnam. Eventually his misapprehensions were corrected and he said that, of course, a ceasefire would be extremely helpful to Laos. But the political provisions should be those of 1962. Dr. Kissinger explained that Article 15(a) of the draft agreement required all the parties to respect the sovereignty of Laos, to withdraw all foreign forces from Laos, and not to use Laotian territory to encroach on Vietnam.

The President said that he had no illusions about Hanoi but it seemed that Hanoi might want a pause in its efforts to satisfy territorial ambitions in Indochina. He asked whether such a pause could be helpfully used in Laos. Souvanna said that such a pause would indeed be helpful and that it was necessary to reaffirm the 1962 agreements so that the Lao could begin anew to try to work out the national reconciliation which those agreements contemplated. But we should not trust Hanoi's word.

The President went on to state that in his judgment it was a question of Hanoi's interests. If Hanoi considers that a pause or even a permanent recoil from their previous actions is in its own interests, the agreements will be carried out. If not, he feared that the agreements would be ultimately sabotaged. The President then asked Souvanna how many Lao had been killed in the fighting since 1962. Souvanna replied that about 50,000 had been gunned down by the North Vietnamese when they fled to various refugee camps. There followed some discussion about the numbers of refugees and their hardships—about 600,000 refugees out of a population of less than three million.

The President repeated his earlier statement that he had no illusions about North Vietnam but felt that Hanoi currently needs a pause. The agreement when finally formalized would be meaningful only if Hanoi turned away from foreign adventures. He thought it was important during that pause that the intervening time be used to strengthen the institutions in Laos which would resist Communist control. He felt that the Soviets and the Chinese for their own reasons were playing a part in restraining Hanoi from its ambitions. He didn't question the validity of Hanoi's good faith, but at the same time he didn't take it for

granted. He intended to retain our Air Force in Thailand and our Fleet in the Gulf.

The President said that this agreement did not constitute a disengagement from Indochina. We would continue our economic aid and other assistance because we felt it was important that there should be free governments in Southeast Asia. He knew that there would be a great temptation for the American people to try to wash their hands of Indochina but he wished to assure the Prime Minister that the United States Government would not do that. Souvanna expressed his great pleasure in hearing the President make that statement. However, he wished to express his concern that the United States should not give too much too soon to the North Vietnamese. He characterized the North Vietnamese as “the Japanese of Southeast Asia” and said that he feared they might cause trouble in the future. He considered that their current action was one of retreat and withdrawal in the face of American military might. He was convinced their pride had been hurt and that they would lick their wounds while recovering from their defeat. One day in the future they might lash out in revenge of this defeat against their neighbors. If we made them too strong the risks might be disastrous.

The President replied that that was a very perceptive and soundly skeptical observation which the Prime Minister had just made. He said of all the statesmen who had sat in his office, he considered the Prime Minister among the most receptive [*perceptive*] and the most skeptical. He doubted, however, that there was anyone any more skeptical than he was himself. He, therefore, wished to assure the Prime Minister that we would conduct ourselves in Indochina without any illusions and without emotions, but that we would act with good will.

The President then accompanied the Prime Minister to the front of the White House and saw him into his car.

75. **Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)**¹

Washington, October 27, 1972, 2325Z.

WHS 2302. 1. Thank you for your Saigon 0238.² For your planning purposes only, I thought you should have the benefit of our best thinking on how we intend to proceed from here:

—We are seeking another meeting in Paris toward the end of next week (week of October 29th). We believe that Hanoi will continue to negotiate, despite recent fits and starts and public pressure tactics. At that meeting, which we envisage would take about three days, we would seek whatever changes we can get in the text based on GVN comments to help at your end. We would keep in close touch with you and Thieu. When we leave Paris the text would be considered absolutely final.

—By the end of the following week (week of November 5th, say around November 10) I would return to Saigon for three or four days to pave the way for implementation of the agreement.

—I would then proceed to Hanoi for two days to discuss the post-war situation.

—I would return again for two or three days in Saigon to make final preparations for implementation of the agreement.

—The foregoing schedule could bring us to an announcement as early as November 20, with the implementation of a ceasefire on November 21 and signing around November 25.

This revised schedule would have bought us and Thieu a month's additional time beyond the time visualized in the original game plan.

By the time of my return to Saigon, during the latter part of the week of November 5th, Thieu should be postured to assume a highly supportive role, and specifically portray the modified agreement as being totally responsible [*responsive*] to his tailoring and requirements. The next meeting with Thieu will have to be conducted in an atmosphere of reconciliation and total unity. Only in this way will we be able to maintain the kind of long term economic and military support which is essential to the future viability of the GVN. In the interim, we are pro-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Sensitive; Exclusively Eyes Only.

² In backchannel message 238, October 27, 0500Z, Bunker provided additional detail about his meeting with Thieu on October 26. (*Ibid.*)

ceeding here to move the promised new equipment on an expedited delivery schedule. There are, of course, risks associated with this in terms of mutual trust in Hanoi.

3. I wanted you to be fully aware of this game plan as you orchestrate your pressures on Thieu in conformance with my WHS 2300 and 2301³ of yesterday. With respect to Thieu, you will have to make the delicate judgments of when and how far into this schedule he can be brought. Perhaps initially you will want to discuss it with him as a contingency, the planning for which he cannot afford to overlook. You should make the following points to Thieu when you discuss the game plan.

He is being provided planning information so that he can use this time to place himself in the best possible position for the implementation of a cease-fire as early as November 21st. He should use this time to seize as much territory as possible and to make all other essential preparations.

You can assure Thieu that we will work persistently with Hanoi to get as many of the changes he has asked for as are possible, but we should be under no illusions that we can get them all. Thieu should also understand that the President is fully behind the agreement and schedule. He is firmly determined to proceed toward a settlement in accordance with the schedule that I have outlined. It is also essential that Thieu not build up the National Council of National Reconciliation and Concord as a coalition government. It patently is not, as all American and foreign observers easily see. Such Thieu tactics only serve to confuse the meaning of the settlement and erode the confidence of his own supporters in what should instead be portrayed as it is—a major political victory over Hanoi. In discussing the contingency plan schedule with Thieu, at a time of your choosing, you should also reiterate that the President is committed to meeting him a week or two after the final settlement is signed for the purpose of strongly underlining his commitment to Thieu and his future.

³ In backchannel message WHS 2300, October 26, 1335Z, Kissinger informed Bunker that he would hold a press conference on October 26 and that one of his main purposes would be to make certain that Thieu would not be highlighted as the chief obstacle to a timely settlement. Kissinger's last words to Bunker were: "The essential thing now is to prevent Thieu from publicly breaking with us and keeping ourselves in close tandem. Please tell Thieu that it is essential that in this phase we proceed as comrades-in-arms." After the press conference, in backchannel message WHS 2301, October 26, 2315Z, Kissinger told Bunker of the need to convince Thieu that independent diplomacy would only create difficulties for both governments. More generally, he wrote: "you have the exceptionally difficult task of preventing Thieu from nourishing his current illusions but doing so in a way which will not drive him into an equally suicidal open break with us." (Both *ibid.*)

4. As you discuss this game plan with Thieu, I am again asking you to tread the fine line between generating an open break on the one hand and failure to make essential preparations on the other hand. Presenting it initially as a contingency so that he does not delay in any way in launching his preparation may be the best course to pursue, but we leave this to you. This initial approach would, of course, be followed by gradual crystallization and affirmation of the game plan as final.

With respect to Thieu's activity which runs directly counter to this game plan such as the dispatch of his emissaries to Asian capitals with the view towards generating opposition, he must understand that this activity has to stop. This topic can be discussed in somewhat more forceful terms. Thieu has to understand that activity of this kind designed to sabotage our efforts to arrive at a settlement will not be tolerated and will surely force us to painfully but unhesitatingly opt for other alternatives. At this juncture, there is no possibility whatsoever that the President will turn from his present course. Flagrant sabotage on the part of Thieu will irrevocably terminate US support for him. This is a reality he must understand.

Warm regards.

76. Report of a Conversation Between South Vietnamese President Thieu and the Presidential Private and Press Secretary (Hoang Duc Nha)

Washington, October 28, 1972.

[Source: National Archives, Nixon Presidential Materials, NSC Files, Box 162, Vietnam Country Files, October–November 1972. Secret. 3 pages not declassified.]

77. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, October 28, 1972, 1120Z.

239. Ref: WHS 2302.²

1. In meeting with Thieu this morning I reported on status of Project Enhance Plus³ and informed him that we are now aiming on completion date of November 20. I noted that, as he had been informed, this will provide a large amount of equipment including planes, tanks, artillery, trucks and a wide variety of other equipment which is an addition to Project Enhance as previously planned. The purpose, as he knew, is to bring up the inventory of equipment to its maximum so that the GVN will have the largest possible base for replacement in anticipation that a ceasefire may take place at about that time.

2. I referred to your Thursday morning press conference⁴ and said that you had endeavored to follow the general line of the statement which he and I had discussed on Thursday morning (Saigon time).⁵ Part of what had been said was aimed at preventing him and the GVN from being singled out as a sole obstacle to peace; that as both you and I had mentioned previously—and as he is certainly aware—should this occur it would pose the greatest of risks to our continuing ability to provide support to him and to the GVN. Thus press reports coming from the United States on your press briefing must be read in that context.

3. Thieu replied that some of the statements as reported were considered by people here as being ambiguous. I replied that this had been done purposely in order to minimize the impression of disagreement between us.

4. I said that I had, therefore, been greatly disturbed by reports which have come to me of some statements which are purported to have emanated from the Palace or GVN officials. Whatever the differences or disagreements there may be between us they should not become public property at this highly critical period.

5. We had been told by a Reuters correspondent that Mr. Nha had informed him that in speaking to the meeting at the Palace yesterday,

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Immediate; Sensitive; Exclusively Eyes Only.

² Document 75.

³ See Document 71.

⁴ See Document 73.

⁵ See Document 72.

you had proposed an electoral commission to be elected by referendum conducted by the United Nations with the subsequent formation of a government whose membership would conform to the proportion of the vote in the referendum. To a *New York Times* correspondent Mr. Nha had said this is a “counter-proposal” which was a “modification of our January proposal”, that your speech amounts to a counter-proposal by the GVN and that “we are back to the beginning of the month.” When asked if this meant that all negotiations since October 8 were wiped out, he reported that Mr. Nha had replied “Yes”.

6. I said that statements of this kind, of course, will be interpreted by your critics and ours and all those who wish us ill as evidence of an open break between us.

7. I said that you are fully aware of his (Thieu's) and the GVN's views and that, as I had already assured him, you will do your utmost to get them accepted by the other side; as you had mentioned yesterday, you are prepared to stay as long as necessary at the next round of meetings in order to come to a conclusion. Efforts now to try to develop alternate proposals can only have the consequence of forcing a confrontation between us and can only serve Hanoi's purpose and that of our critics. We must try to work within the framework of the present proposal and try to secure the changes he had requested. As good friends and allies, we should present a solid front to the public and the enemy and argue out our differences privately among ourselves.

8. Drawing on reftel, I said that you proposed to meet with the other side the latter part of next week and would plan to come to Saigon the following week to report to Thieu.

9. I suggested that Thieu give me the wording they would suggest for the points on which we have differences. I would then forward them to you for your use at the next meeting. I noted, for example, their concern about the phrase “administrative structure” in English and said that Ambassador Phuong had informed me yesterday that the Vietnamese word translated into “government”; if this were true it would need to be straightened out. (Our own translators have confirmed this.) In respect to the other main points, i.e., observance of the DMZ and troop withdrawal we would see what we could do.

10. Thieu said that it was indeed true that in the Vietnamese text the language of Article 9 f called for the creation of a “governmental structure” and this was the cause for great apprehension among the South Vietnamese people. Suspicions were aroused also by Hanoi's reference to the three Indochinese countries. He said there were a number of other instances of discrepancies between the Vietnamese and English versions. In this connection it seems probable also that Thieu's attitude is influenced by the intelligence he is receiving on the enemy's intentions and by the guidance which Hanoi and the NLF are provid-

ing to their cadre in South Viet-Nam. On 25 October, province level cadre were told that the ultimate objective of the VC has not been attained and “the puppet government in South Viet-Nam was not destroyed”, but the “U.S. war of aggression” was brought to an end, and favorable conditions have been created for the elimination of the “puppet government in South Viet-Nam.” In guidance dated 21 October, Hanoi claims that the U.S. has acknowledged the need for a form of national reconciliation government to implement the agreements that will be signed. The most recent COSVN guidance also states that “our army and government will remain in South Viet-Nam. The ceasefire in place will be very profitable to us because it allows us to maintain a tooth comb or leopard skin posture in South Viet-Nam.”⁶

11. There is thus a serious discrepancy between our position as explained to Thieu by our side and the alleged American position as reflected in the enemy’s documents. The problem may be partly one of language, but it is also likely that there is a strong element of Communist duplicity involved to which Thieu is responding, as one might expect.

12. Thieu said that the Communists are tricky. In reading the Hanoi broadcasts in Vietnamese he finds things reported about which he has not known. Fortunately no one has yet asked him about these matters. The Hanoi broadcasts, for example, report that you had suggested three different dates for the bombing and mining halt, the initialing of the documents, and the signing of the agreement. Radio Hanoi reported that on October 9 we had agreed to a bombing halt on the 18th, initialing in Hanoi on the 19th and the signing by the two Foreign Ministers on the 26th. On the 11th we had proposed postponement and again on the 20th.

13. The Hanoi broadcast also mentioned messages of President Nixon to the DRV, welcoming the latter’s good will; a message on October 20 mentioning there were some points still to be agreed on and a message on October 22 in which Hanoi claims that the President expressed satisfaction with the explanation given by the DRV. Hanoi, therefore, concludes the text has been agreed to.

14. Thieu said that when asked about these statements, he claims ignorance and replies that questions will have to be referred to the USG.

⁶ The quotations are from a translation of notes taken by a People’s Revolutionary Party member during a briefing on the contents of a Lao Dong Party special directive. The report was transmitted to Kissinger under an October 28 covering memorandum signed by Cord Meyer for Helms. Kissinger did not initial the memorandum. (Central Intelligence Agency, Executive Registry Files, Job 80–B01086A)

15. I said that no matter what Hanoi says, no matter what our present differences may be, efforts now to try to develop alternate proposals can only have the consequence of forcing a confrontation between us and can only serve Hanoi's purpose. We had just this morning received a message from Tokyo informing us of FonMin Ohira's briefing to the Japanese press at which he reported the GVN's request to convey a message to the USG concerning their views on North Vietnamese troop withdrawal and a tripartite type coalition. Ambassador Phuong had told me yesterday he was stopping in Kuala Lumpur and we have a report that Ambassador Lam was going to see President Marcos. I presumed that the purpose of these meetings was to try to generate support for the GVN's views and I feared that this would certainly give the appearance of an attempt to bring pressure on the USG. This, of course, was inadmissible.

16. Thieu said there was no intention of trying to bring pressure on us, but that he simply wished to explain their position. I said that whatever the intention might be, it would certainly give the impression of an effort to pressure us and in any case would serve to make public the differences between us. This could only work to the disadvantage of both of us. As friends and allies, it is essential to present a solid front to the public and to the enemy and argue out our differences privately among ourselves.

17. I hope that my talk this morning may have succeeded in calming some of Thieu's apprehensions. It seems apparent that the reference to a "governmental structure" in the Vietnamese text has caused much apprehension here. It is seen as the camel getting his nose under the tent before getting all the way in, even though, as I pointed out to Thieu, the NCRC has no governmental functions. I shall continue to see Thieu regularly. I gave him only the first part of the game plan today, but will follow this up gradually, keeping in mind the balance mentioned in paragraph 4, reftel.

18. Warm regards.

78. Transcript of a Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan)¹

Washington, October 29, 1972, 12:10 p.m.

K: Bill, do you think these fellows could declare a unilateral cease-fire on Tuesday?

S: I know John Negroponte has been worrying about this. I don't think they would. This statement that Madame Binh made the other day sounds to me as though they are definitely negative on that idea.

K: Right. What do you think they're going to do?

S: I think they're probably going to sit tight until after the—maybe until after the election but I don't think they will do anything vis-à-vis us until October 31 comes and goes.²

K: That is, they won't accept the talk?

S: That's right. Whether they will accept it—whether they will give us a note on November 1 or whether they will give us a note on November 8, I don't know.

K: Do you think they'll break off the talks?

S: No, I doubt it.

K: I consider them probable to.

S: Pardon? You consider it probable?

K: No, I do not consider it probable because I think the factors that brought them to this point—

S: Are still prevailing.

K: Unless they think they can keep us from bombing again.

S: Well, I think the factors are still prevailing and I think that the longer-range factors, particularly the problem of feeding (?) themselves next spring is still staring them in the face.

K: Right. Now let me ask you one other thing, I had never—Unfortunately, I didn't make much of it at my press conference, the negotia-

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 16, Chronological File. No classification marking.

² Hanoi held the position that the United States had agreed to sign the agreement on Tuesday, October 31 and should. On at least three occasions—October 23, 24, and 26—Hanoi sent messages to the United States to this effect. For the October 23 message, see footnote 3, Document 51; the October 24 message was conveyed to Haig by the North Vietnamese in Paris via Guay at 1921Z, and the similar October 26 message at 1939Z. (National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1))

ting record stands like this: I had asked for a provision in the agreement with respect to their troops.

S: Right.

K: That fell out. Then I told them I want a unilateral action on their part, you know, just withdrawing some troops along the alleged model of '68 with Harriman.

S: Right.

K: That one we never withdrew.

S: That's correct.

K: I didn't want to resurrect it at the press conference because I was afraid of making a demand which then would really put the fat in the fire.

S: Right.

K: If we didn't get it. What do you think of resurrecting that?

S: I think—my own checklist reads like this: You should resurrect that and it should have performance on it. I would nominate 3 divisions, the 325th, the 224B and the 305, all of which are in the western reaches of the northern part of Military Region I—

K: But the point is, should I do some public preparation of that?

S: No, I don't think you should do public preparation. My feeling is that you do it privately; if you get them to agree, then it can be announced by our intelligence—

K: And I could say that we have not made a public issue of it to save their position.

S: Yes, but I think Thieu is going to have to make a public issue of it to save his face.

K: That's right. But now the point I'm going to—

S: The planning on that I think would be only after we've finished in Paris the next time.

K: Right. But the public position I will take is, if this thing blows up, is to say that this has always been our position, I just didn't want to make it public in order not to create a face issue.

S: I think that's safe but I don't think—You know, that's proceeding from an assumption that it would blow up, which I don't think is going to happen.

K: No, actually the biggest favor they could do me is not to meet until after the election.

S: I think they're going to have a tight squeeze. My guess is that they'll give some sort of note about November 1 and start the meeting about 4 or 5. That's too near the—

K: Yeah, but then I'll move it to the 8th.

S: Well, maybe somebody to start the talks before. We don't have to do any initialing until after.

K: I won't do any initialing until I've been back in Saigon.

S: That's what I mean.

K: No, but I've already told them that I'm not available between the 4th and 9th.³

S: Oh, you did.

K: Yeah.

S: I see. Well, then I guess the 9th would be the time. Well, I think that's one point you ought to raise with them. I think the other point is the starting from the accusation that Pham Van Dong's interview with Arnaud de Borchgrave was deliberately misleading,⁴ that we now need some clarification on the Council and we could either have it by . . . or by dropping out the three people [*party?*] segments or else by having another sentence that explains how those segments are formed so that it becomes quite clear it's a bilateral affair.

K: Yeah. Well, that we will do and I'll also put in that sentence from their own broadcast—"That until the completion of the political process, the existing authorities will exercise all their internal and external functions."

S: Yeah. Well, that's got a double edge on it of course as far as Saigon is concerned.

K: Yeah, but Saigon can claim it is the only existing authority.

[Omitted here is brief discussion of simultaneous cease-fires in Vietnam, Laos, and Cambodia, and longer discussion of the International Commission of Control and Supervision, Canada's role on the Commission, whether the UN should have a role in the process, the need to begin planning for the Four Party Military Commission. Also omitted is additional brief discussion about Hanoi resuming negotiations.]

³ See footnote 3, Document 82.

⁴ See footnote 8, Document 36. In the interview, Pham Van Dong indicated that the Council would be some sort of government structure rather than the powerless administrative structure Kissinger and Le Duc Tho had agreed to.

79. Letter From President Nixon to South Vietnamese President Thieu¹

Washington, October 29, 1972.

Dear Mr. President:

I have just completed a careful reading of the October 28, 1972 memorandum entitled "Memorandum Re: Radio Hanoi's Broadcast on October 26, 1972 and Dr. Kissinger's Press Briefing on October 26, 1972."² As I have informed you, Dr. Kissinger has spoken and continues to speak on my behalf. There has not been nor will there be any distinction between his views and mine. As I wrote to you in my letter of October 16, "Dr. Kissinger's comments have my total backing."³

With specific reference to the points raised in this memorandum, we are astonished to be asked to comment on claims emanating from Radio Hanoi. Dr. Kissinger gave a full and detailed explanation of the ad referendum character of his discussions with the representatives of the Democratic Republic of Vietnam. Therefore, the Government of South Vietnam should not ask itself why theoretical planning dates were given to the DRV; it is patently obvious that they were ad referendum since none of these dates have been carried out.

With respect to your concerns about my messages of October 20 and October 22 to the Prime Minister of the Democratic Republic of Vietnam,⁴ you will recall that Dr. Kissinger specifically referred to the content of these messages during his discussions with you in Saigon. These messages essentially concerned three matters concerning South

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). No classification marking. In a conversation with U. Alexis Johnson on October 31, 6:15 p.m., Kissinger commented: "Yeah, we sent a really scorching Presidential message to Thieu." (Transcript of telephone conversation; *ibid.*, Kissinger Telephone Conversations, Box 16, Chronological File) Reviewing the letter at Kissinger's request, Bunker wrote: "I think the President's letter could not be improved upon in substance or tone. It is exactly what is needed at this moment if Thieu is to be prevented from painting himself inextricably into a corner." (Backchannel message 241 from Saigon, October 30, 1055Z; *ibid.*, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1))

² In transmitting this South Vietnamese memorandum to the White House in back-channel message 240 to Kissinger, October 28, 1245Z, Bunker noted: "This is obviously an elaboration of some of the points Thieu raised with me this morning, as reported in my 0239 [Document 77]. It is clear that Thieu seems to be obsessed with the idea that the Council of National Reconciliation and Concord is a disguised coalition government." (National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1))

³ Document 20.

⁴ Respectively, Documents 30 and 51.

Vietnam and two matters concerning Laos and Cambodia. With respect to South Vietnam, we informed Hanoi that we rejected any claim regarding your resignation and insisted on the replacement and prisoner provisions which you have seen. With respect to Laos and Cambodia, we demanded assurances with respect to ending the conflict in these countries. Dr. Kissinger, in the presence of Ambassador Bunker, told you that in their replies the North Vietnamese yielded on all these points. I consider that you were fully informed.

Concerning the current status of the draft agreement, Dr. Kissinger has made a solemn commitment to you to obtain the maximum number of changes reflecting the views expressed to him during his visit to Saigon. With respect to the inclusion of reference to the “three” countries of Indochina, Dr. Kissinger explained to you that the use of “three” was simply inadvertent and we would demand of the North Vietnamese to have it deleted from the present text.

With respect to the National Council, Dr. Kissinger made amply clear in his press conference, as he did in his talks with you, that it has no governmental functions. All American and foreign observers have seen its real meaning—a face-saving device for the communists to cover their collapse on their demands for a coalition government and your resignation. It is therefore incomprehensible to me why your government has chosen to portray the Council as a structure which encompasses governmental functions. This constant reiteration by your officials of misleading comments may bring about what we have struggled so hard to avoid.

Our position continues to be that we can live with an “administrative structure” which in English clearly implies advisory functions and not governmental ones, but that we reject the North Vietnamese translation which would imply that the structure is endowed with governmental powers and functions. This is precisely what Dr. Kissinger meant when he referred to language problems in his press conference. This is what we will clarify when we meet the North Vietnamese next. We chose the phrase linguistic ambiguity to give everybody a face-saving way out. You and I know what is involved.

Dr. Kissinger’s press conference was conducted on my detailed instructions. He was doing his utmost to prevent you from being portrayed as the obstacle to peace with an inevitable cutoff by Congress of U.S. funds to the Government of South Vietnam and the creation of unmanageable impediments to continued U.S. support for you and your Government. Constant criticism from Saigon can only undercut this effort. We will continue our efforts to present a united front, but they cannot succeed without the cooperation of your associates.

Beyond these specific points I cannot fail to call to your attention the dangerous course which your Government is now pursuing. You

know my firm commitment to the people of South Vietnam and to you personally. As Dr. Kissinger and Ambassador Bunker have informed you, I would like to underline this commitment by meeting with you within one or two weeks after the signing of this agreement. It is my conviction that the future depends on the unity which exists between us and on the degree to which we can make clear our unequivocal support to do what is necessary in the days ahead to insure that the provisions of a peace settlement are strictly enforced. Just as our unity has been the essential aspect of the success we have enjoyed thus far in the conduct of hostilities, it will also be the best guarantee of future success in a situation where the struggle continues within a more political framework. If the evident drift towards disagreement between the two of us continues, however, the essential base for U.S. support for you and your Government will be destroyed. In this respect the comments of your Foreign Minister that the U.S. is negotiating a surrender are as damaging as they are unfair and improper.

You can be assured that my decisions as to the final character of a peace settlement are in no way influenced by the election in the United States, and you should harbor no illusions that my policy with respect to the desirability of achieving an early peace will change after the election. I have taken this opportunity to comment on the memorandum of October 28 so that there can be no doubts in Saigon with respect to the objectives sought by me and my Government.

I urge you again, Mr. President, to maintain the essential unity which has characterized our relations over these past difficult four years and which has proven to be the essential ingredient in the success we have achieved thus far. Disunity will strip me of the ability to maintain the essential base of support which your Government and your people must have in the days ahead, and which I am determined to provide. Willingness to cooperate will mean that we will achieve peace on the basis of what I consider to be a workable agreement—especially with the amendments which we are certain to obtain. From this basis, we can move with confidence and unity to achieve our mutual objectives of peace and unity for the heroic people of South Vietnam.

Sincerely,

Richard Nixon

80. Minutes of a Washington Special Actions Group Meeting¹

Washington, October 30, 1972, 11:13–11:42 a.m.

SUBJECT

Steps for the Implementation of a Southeast Asia Agreement

PARTICIPANTS

Chairman—Henry A. Kissinger

State

U. Alexis Johnson

William Sullivan

Defense

Kenneth Rush

G. Warren Nutter

R/Adm. Daniel J. Murphy

JCS

V/Adm. John Weinell

CIA

Richard Helms

George Carver

William Newton

NSC

M/Gen. Alexander Haig

Richard Kennedy

John Holdridge

James T. Hackett

SUMMARY OF CONCLUSIONS

It was agreed that:

—The planning and coordination of steps to implement a Southeast Asia Agreement should be conducted by four inter-agency working groups operating under the general supervision of the WSAG.

—The four working groups will concern themselves with: a. diplomatic measures, chaired by State, b. military measures, chaired by Defense, c. intelligence requirements, chaired by CIA, and d. economic reconstruction, chaired by State.

—The working groups will be organized effective October 30 and an initial report will be submitted by November 1, for consideration by the WSAG.

—The number of persons working on these matters is to be kept small and there are to be no leaks.

—Under no circumstances is the economic program to be called or considered reparations.

Mr. Kissinger: (to Mr. Helms) Do you want to give us a brief run-down of the current situation?

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-117, Washington Special Actions Group, WSAG Minutes (Originals) 7-27-72 to 9-20-73. Top Secret; Sensitive. The meeting took place in the White House Situation Room.

Mr. Helms then read a situation report (copy attached).²

Mr. Kissinger: Are we bombing the supplies they are bringing in?

Adm. Weinelt: Yes sir, we are.

Mr. Helms: Ambassador Bunker has sent in a cable expressing his concern about indications that the North Vietnamese are beginning a carefully orchestrated campaign to secure the release of NLF prisoners in the South. Bunker believes that it may become a major worldwide campaign that could even surpass the campaign against bombing the dikes. The North Vietnamese Foreign Minister called in the Egyptian Ambassador and asked Egypt to press for a signing of the agreement on October 31, arguing that the NLF prisoners in the South would be massacred if the agreement were delayed. Of course, the Egyptians went charging off in support of the North Vietnamese request, as they have done before. Those people in Stockholm who support the North Vietnamese line are also getting into the act on this issue.

Mr. Sullivan: If the North Vietnamese really believe the NLF prisoners will be killed, it could help us.

Mr. Kissinger: Well, this delay in signing the agreement gives us a chance to get some working groups organized and some preliminary work done on the details of the settlement. We want to establish four working groups. One will be chaired by State and will concern itself with the follow-on negotiations, the organization of the Four Party Commission, the ground rules and elaboration of the agreements, the organization of the International Control Commission, the plans for the international conference, and plans to adapt the organization of Embassy Saigon to the new situation. We will also consider plans for attachés, but that will be handled by the second working group. It will be chaired by Defense and, in addition to attachés, will consider plans for minesweeping and deactivation, immediate equipment delivery and transfer, the withdrawal of personnel and equipment, POWs and MIAs, equipment replacement, command and control, and observation of ceasefire enforcement. We would like to have another working group, chaired by CIA, that will handle intelligence planning, and also one chaired by State to consider economic planning, including both reconstruction and bilateral US-North Vietnamese economic relationships. I am giving you copies of the task lists (attached)³ outlining the composition and responsibilities of the working groups. You will notice that they refer to D-Day. We consider today, October 30, to be D-Day. The working groups should be activated immediately.

² Helms's briefing is *ibid.*, Box H-089, Washington Special Actions Group Meetings, WSAG Meeting Southeast Asia 10-30-72.

³ Not attached. Copies of the lists are *ibid.*

Mr. Johnson: This results in widening the circle of those involved. I believe it is manageable, but I want to make the point that it does widen the circle.

Mr. Kissinger: I want to discuss that. My intention is to keep the circle small. We want no leaks. We might normally say we want as few leaks as possible, but in this matter I want *no* leaks. Of course, some of the information we will be dealing with is public knowledge, but that which is not should be held closely.

Mr. Johnson: The economic reconstruction plan will be a sensitive item.

Mr. Kissinger: The economic plan is not an integral part of the settlement. We will negotiate it with the North after the exchange of prisoners. It cannot under any circumstances be considered reparations.

Mr. Johnson: I agree. Certainly not reparations for the North. We have had a group working on an economic plan for some time.

Mr. Kissinger: We will have WSAG meetings on the progress of the working groups two or three times a week. They will all operate under the direction of the WSAG.

Mr. Sullivan: With regard to the ICC,⁴ I have called in the Canadians and Indonesians to discuss their participation. I have given a copy of the protocol on the ICC to the Canadians; they have had a lot of experience in these matters and are pretty astute, but I haven't given it to the Indonesians. We can discuss this further with the Canadians when we see them tomorrow to congratulate them on the election results.

Mr. Kissinger: You're assuming that Trudeau will be re-elected?

Mr. Sullivan: If he's not, our Embassy is all wet.

Mr. Johnson: They've been wrong before.

Mr. Kissinger: (to Mr. Rush) How are the German elections going?

Mr. Rush: If the FDP wins a plurality, Brandt will be the Prime Minister. My guess is that Brandt will pull through, but it is very close.

Mr. Helms: It's a real cliff-hanger.

Mr. Kissinger: I think the CDU would win if it had a good candidate.

Mr. Rush: I agree. Barzel just doesn't have it.

⁴ Although Sullivan here referred to the International Control Commission (ICC), set up to enforce the Geneva Accords of 1954 and formally named the International Commission for Supervision and Control, he meant the International Commission of Control and Supervision, or ICCS, the organization that would come into existence when the peace accords were signed and would be tasked to monitor compliance with the agreement.

Mr. Sullivan: Returning to the ICC, the Indonesians are already off and running. They are organizing a 2,000 man brigade to use in Vietnam.

Mr. Kissinger: That's good.

Mr. Sullivan: Bill Stearman is putting on paper the infiltration routes and key points where members of the control commission should be stationed. Here's a cable I'd like to send to General Weyand to get him activated on this.⁵

Mr. Kissinger: (reviewing the cable) That's good.

Mr. Sullivan: Regarding Souvanna Phouma . . .

Mr. Kissinger: Oh, by the way, we should let Ambassador Godley know what went on when Souvanna Phouma met with the President last week.

Mr. Sullivan: We have a cable going out to Godley on that.⁶ It should be ready this morning. But in the meantime, Godley has sent us this cable expressing concern that the Laotians may decide on a unilateral cease-fire.

Mr. Kissinger: That's not going to happen. We are going to bomb the trails.

Mr. Sullivan: Should we inform our embassies in the interested countries about reactivating the ICC? I would like to send out an informational cable to Delhi, Warsaw, Ottawa and Moscow.

Mr. Kissinger: That's O.K., but tell them to keep quiet.

Mr. Sullivan: On the Khmer, this cable is in on supplies for Cambodia. I would like to send this reply right away.⁷

Mr. Kissinger: (considering the cable) O.K.

Mr. Sullivan: The Cambodians are also trying to tie their cease-fire to a "rallying" program.

Mr. Kissinger: The Cambodian cease-fire is the most ambiguous of all. Tell them to keep quiet about it.

Mr. Sullivan: I think that will be easy. They are sufficiently confused about the whole thing. You know that Waldheim sent a telegram to the Secretary. He wants to get into the act. We told him that the U.N. will *not* be involved in the Four Party Commission or the ICC, but that it will participate in matters relating to the international conference. He also raised the question of Paris as a site and was told that we want it in Geneva, not Paris. I am sure that the suggestions for Paris are coming

⁵ Not found.

⁶ Not found. Regarding the meeting with Souvanna, see Document 74.

⁷ Neither found.

from the Quai. Alex (Johnson) spoke with the Japanese the other day. (to Johnson) Do you want to comment on your discussions?

Mr. Johnson: The Japanese offered to participate, but we told them they would not be on any of the commissions. We invited them to contribute to reconstruction if they wished, and they said O.K., they would provide two billion dollars.

Mr. Kissinger: They did?

Mr. Johnson: Yes, they seem enthusiastic about the reconstruction program.

Mr. Kissinger: Perhaps they mean \$1.9 billion for the North.

Mr. Johnson: They may not be so interested after my Friday session with them.

Mr. Sullivan: The other countries with residual troops in the area; Australia, New Zealand, Korea, the Philippines, are yapping about getting in on the agreement. We can have them sign an agreement when we get one, but there is no need to get them involved now.

Mr. Kissinger: Yes, let's get an agreement first.

Mr. Sullivan: The Canadians want a copy of the agreement. We have told them they can't have it.

Mr. Kissinger: Why do they need it?

Mr. Helms: It's the standard Canadian approach. They always want everything.

Mr. Kissinger: That's because they're more noble than most.

Adm. Murphy: The Defense Department would like to have a copy, too.

Mr. Sullivan: We have a study underway on reconstruction of Vietnam, involving consideration of an international consortium.

Mr. Kissinger: The first thing we have to do is get these working groups going, then we will have another meeting later this week and frequent meetings the next several weeks.

Mr. Helms: Henry, would you clarify the question of whether reconnaissance flights will be permitted over the North?

Mr. Kissinger: There will be none.

Mr. Helms: Over the North?

Mr. Kissinger: That's right. There are no restrictions of flights over the South.

Mr. Helms: What about Laos or Cambodia?

Mr. Kissinger: No problem.

Mr. Helms: So the recon flights can go up the trail and take pictures so long as they stay over Laos and Cambodia?

Mr. Kissinger: That's right. Well, let's have a brief report on the organization of the working groups by Wednesday (Nov. 1) and then we'll meet again next Friday (Nov. 3).⁸

⁸ Because Moorer was in Europe, Weinell attended this meeting in his place. In message 7237, October 30, 2137Z, he reported to Moorer: "Alexis Johnson seemed to be content with his Cherokee role and ultimately the minutia involved in commissions, conferences, reconstruction planning. Bill Sullivan cleared about five State type messages with HAK during the course of the meeting. It was obvious Alexis had not seen them but he apparently didn't mind. Helms was quiet, said nothing, seemed almost disinterested. Rush and Nutter felt secure since they knew of our big jump on planning zero force levels and the excellent state of Enhance Plus. HAK seemed relaxed, unhurried and confident." (National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 69, JCS Out General Service Messages, 1–31 October 1972)

81. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, October 30, 1972, 1746Z.

WHS 2305. Deliver at opening of business.

1. While we are awaiting word from Hanoi about resuming our negotiations, we should use intervening period to prepare supervisory machinery to be in place immediately at time cease-fire goes into effect. Here in Washington, we are working on International Control Commission preparations. We would like you in Saigon to move ahead on preparations for Two-Party and Four-Party Joint Military Commissions.

2. We recognize that GVN may be reluctant to join us in such planning while they continue to take stand in principle against current draft agreement. However, we note that they are, nevertheless, making many pragmatic preparations for a cease-fire. We consequently think it is worth our while to attempt to bring them into planning ventures with us.

3. Please bring Fred Weyand completely into picture with respect our current draft agreement and have him form very small planning

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Sensitive; Exclusively Eyes Only.

staff to work out details of Four-Party Joint Military Commission in form we would consider optimum to U.S. interests. Once he has done this, have him send us brief outline of his thinking through these channels no later than 3 November. He should have informal liaison with General Cao Van Vien in preparing his plans but should not rpt not at this stage undertake to exchange any papers with Vien.

4. If we find plans satisfactory and if Vien seems willing pursue planning more definitively, we will instruct you concerning further steps to be taken with GVN.

5. I am sure you understand the extreme sensitivity of this matter and urge you to caution Fred Weyand and all involved that it should be undertaken with the most scrupulous care to avoid compromise and public speculation.

Warm regards.

82. Transcript of a Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Assistant to the President (Haldeman)¹

Washington, October 30, 1972, 3:20 p.m.

K: Hello.

H: Hi. Have you heard from the North.

K: Yes. Very enigmatic.² They are studying our message³ and will reply later. They are preparing some sort of a play this week.

H: Think so?

K: Yes.

H: Okay. But not tomorrow.

K: No, any time from tomorrow on.

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 16, Chronological File. No classification marking.

² In its entirety the October 30 message reads: "The Democratic Republic of Viet Nam side has received the message of the U.S. side dated October 27, 1972. The DRVN side is studying this message very carefully and will reply at a later date." It was transmitted to Haig via Guay on October 30 at 1851Z. (Ibid., NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1))

³ The U.S. message, October 27, 1630Z, proposed that Kissinger and Le Duc Tho meet in Paris on November 1 or any other mutually convenient date, and informed the North Vietnamese that Kissinger would be unavailable November 4–9. (Ibid.)

H: How do you read that as what they'll do.

K: I think they'll do one of two things. They may not show up at the meeting on Thursday⁴ saying the negotiations are completed. And that anytime we want to sign this, it is fine. But they are not going to talk anymore. Then, we'll take the position, fine, we'll stick by our position and we are sure they'll reconsider. Or, they'll agree to meet, which is unlikely; or they'll take the position that we've cheated them and the agreement is no longer valid and they're breaking off all the talks.

H: That's unlikely, isn't it.

K: Well, it would be insane. But you see one problem they're in is that they have stuck their infrastructure way out there, and they are getting murdered right now. And a ceasefire a month from now just leaves them in a very weak position.

H: Well, if they sit down and talk to you, they could get one in less than a month.

K: Well, I think myself, unfortunately we sent some messages from the President to Dong⁵ in which we said the text of the agreement can now be considered complete. And we'll just have to brazen that one out, and say that's right, but then they went to Pham Van Dong and put out all these ambiguities, they put out instructions which we have to take advantage of hiatus between initialing the agreement and signing it, and thirdly, I'll put out the records from the meetings in which I made clear that all these dates are hypothetical. I think we ought to go on the offensive and not defend it. Then the next time they publish some secret exchanges, we should just blast them. The public is more inclined to believe the President than they are likely to believe anybody else.

H: That's right.

K: Don't you think?

H: That's right. So you just gotta stay in a strong position.

K: So, that's where we are.

H: Like where we gotta be. Have we told him [Nixon].

K: Yes.

H: What was his attitude?

K: Well, he's a little flakey about you know destroying hopes.

H: Yeah. Is this a fact whether or not the VP should hit them. Hit McGovern?

K: I think he ought to hit McGovern, anyway.

⁴ The previously scheduled November 2 plenary session at Avenue Kléber in Paris.

⁵ See Documents 23 and 26.

H: Okay, we're pushing ahead on that.

K: Yeah. Well the only risk is if they blow it up tomorrow, you have to assess what the PR effect is, so the Vice President saying we've already negotiated the President's agreement.

H: I think it's okay because I think if they blow it tomorrow, that we've got to move in some way to say that McGovern is the one that blew it.

K: Okay, fine, well then he should do it.

H: I think it's an incredible thing that he would now announce that he would re-negotiate the treaty.⁶

K: Yes. I think we should do it.

H: We got to lay the ground work for that.

K: Yes, I think we should definitely do it.

H: They'll come back and say he didn't. That is the point, if we hit it hard enough, we can make that one stick maybe.

K: Okay, I think we should do it.

H: All right.

K: Good.

H: Well, have fun.

K: Thank you.

⁶ See "McGovern Would Halt Aid to Thieu," *The Washington Post*, October 30, 1972, p. A1.

83. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, October 30, 1972, 2200Z.

WHS 2307. Deliver immediately upon opening of business.

1. We have just received an ominous message from the North Vietnamese in response to our October 27 note² which suggested a No-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Sensitive; Exclusively Eyes Only.

² See footnotes 2 and 3, Document 82.

vember 1 meeting in Paris. Their note today simply says that they have received our message, are studying it very carefully, and will reply at a later date.³ We think all signs point to the likelihood of their launching a major attack tomorrow, October 31, for our not meeting the deadline and using the verbatim messages we sent them from Saigon which you have seen.

2. If this happens, obviously one of our major problems will be with Thieu and GVN, as already foreshadowed in their October 28 memorandum⁴ and the President's message sent to you in WHS 2304.⁵ Therefore it is essential that when you see Thieu you do your best to head off this problem. You should reemphasize that all exchanges concerning the text and schedule were on an ad referendum basis and contingent upon GVN agreement. If the North Vietnamese reveal the record, they will undoubtedly use selective quotations and statements out of context to make the most damaging case. That our undertakings were ad referendum has been clearly proved by the fact that we have agreed to seek changes in the text and the illustrative deadlines have not been met.

3. Certainly one of Hanoi's major objectives will be to further divide the GVN and US. Thieu has got to understand that it is in our overriding mutual interest to stand together and not let the Communists divide us. You must therefore seek to make him understand the nature of our exchanges with the DRV and you must impress upon him the absolute requirement for US–GVN unity. If Hanoi does go public, the GVN must concentrate its fire on the enemy and not on an ally that has done and will do so much to support South Vietnam.

4. Warm regards.

³ According to a Vietnamese official history, co-authored by a member of the North Vietnamese delegation to the Paris Peace Talks, Luu Van Loi: "We replied to this note only on 4 November, to show that we were not in a hurry, and that we did not pin our hope on the [November 7] election in the US. The chosen timing was also significant in holding the initiative, no matter whether McGovern or Nixon would win the election. In our note, we proposed that the meeting would start on 14 November." (Luu Van Loi and Nguyen Anh Vu, *Le Duc Tho-Kissinger Negotiations in Paris*, p. 343)

⁴ See Document 79 and footnote 2 thereto.

⁵ Backchannel message WHS 2304 from Kissinger to Bunker, October 29, 2021Z, transmitted the President's October 29 letter to Thieu, Document 79.

84. **Memorandum From the Special Assistant for Vietnamese Affairs, Central Intelligence Agency (Carver) to the President's Assistant for National Security Affairs (Kissinger)**¹

Washington, October 30, 1972.

SUBJECT

Lacunae in the Draft Agreement

I. Areas Needing Clarification

1. The current draft entitled, "Agreement on Ending the War and Restoring Peace in Vietnam," contains the skeletal outline of an agreement which, if implemented with reasonable rigor, could produce the peace with honor long sought by President Nixon and his two predecessors in that office. A close analysis of the current text in light of the amply documented record of Vietnamese Communist behavior and performance over the eighteen years since Hanoi signed the Geneva Accords of 1945 and over the decade that has elapsed since Hanoi signed the July 1962 "Declaration on the Neutrality of Laos," nonetheless indicates that a prudent concern for allied interests—including those of the US as well as those of the GVN—would suggest the desirability of making some modifications in the current draft. While these indicated changes would not, and should not, alter the present draft's basic structure or essential character, they would entail editorial emendation of some of the language now contained therein plus the addition of some language not now present.

2. To call the present draft "a good beginning" would be a gross understatement. It is clearly much more than that. Indeed, it is an historic structure that is almost complete. Yet, despite its many admirable aspects, from the standpoint of allied interests the present draft has two sets of serious defects. Overall and throughout, there is a basic imbalance: the responsibilities and performance obligations of the allied side, particularly US, are spelled out with far greater clarity, precision and rigor than the Communist side's responsibilities and performance obligations, especially Hanoi's. In all key areas (e.g., troop withdrawal, non-interference, acceptance of future political developments), our commitments are explicit and reasonably concrete. Hanoi's commitments, by contrast, are generally couched in broad language that is allusive or elliptical, vague and often ambiguous. This linguistic imbalance

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 113, Vietnam Subject Files, Vietnam—Ceasefire 1972. Top Secret; Sensitive.

ance, in turn, sets up a potential situation in which our compliance or non-compliance with our rather precisely defined obligations will be a relatively easy matter to check. By contrast, Hanoi's future compliance or non-compliance with its much more generally phrased obligations will be far harder to check. The verification process involved where Hanoi is concerned will be much more open to debates whose conclusions will be greatly influenced by the weight one chooses to assign to the various possible interpretations, denotations or connotations of the vague and general language in which Hanoi's obligations are described.

3. Secondly, there are four areas in which the language of the present draft would cause (and clearly has caused) legitimate concern to the GVN and should cause similar concern to us. These areas are the ones covering (1) North Vietnamese Army personnel and units now in South Vietnam, (2) the role and nature of the tripartite "National Council of National Reconciliation and Concord", (3) South Vietnam's right to existence as an independent sovereign state, and (4) the arrangements for monitoring both sides' compliance with the provisions of any final agreement once the latter is signed.

4. *North Vietnamese Army Forces.* Hanoi will, of course, strongly resist any endeavor to incorporate any reference to the 195,000-odd North Vietnamese Army troops—including twelve NVA line divisions—now physically present in South Vietnam. For one thing, Hanoi has never been willing to admit, formally or publicly, that there are any NVA troops in South Vietnam. Furthermore, Hanoi's whole political position and its pursuit of its basic political objectives are keyed to the concept that "Vietnam is one," hence NVA troops in South Vietnam are, by definition, not "foreign." The GVN, however, simply cannot ignore the presence on what it insists is its sovereign territory of close to 200,000 hostile troops that, by the definition of political reality essential to Saigon's vital interests, are part of an invading army that is unarguably "foreign." The GVN also can, and will, contend that both its description of NVA forces as foreign invaders and its opposition to their continued presence on South Vietnamese territory are completely consistent with the heretofore unvarying policy of the United States Government, frequently and forcefully enunciated by President Kennedy, President Johnson and President Nixon. The GVN, therefore, would find it almost impossible to acquiesce in a comprehensive peace agreement which turned a blind eye to the presence of NVA forces in South Vietnam. Inevitable GVN sensitivities in this sphere also will be intensified and reinforced by the current draft's provisions in the other three key areas of concern here discussed.

5. *The "National Council of National Reconciliation and Concord" (NCNRC).* President Thieu can be flexible about many things, but one

point on which it is politically impossible for him to bend without thereby fatally weakening his and his government's domestic political position is that of accepting the imposition of a "coalition government" by foreign fiat. We take the position, reinforced by the oral comments of Hanoi's negotiators in private session, that the tripartite NCNRC is a figleaf to mask a major North Vietnamese concession involving Hanoi's virtual abandonment of the political claims of its southern organization. Whatever be the private comments of its negotiators, however, Hanoi's line on the NCNRC passed to its Party cadres and its public position on the Council's role is quite different (Pham Van Dong has termed it a "three-sided coalition of transition"). The modifications needed to adjust the draft's language on this point are few but in the GVN's eyes they are of great importance. One change the GVN will almost certainly insist is essential is the employment of the Vietnamese term "hanh chinh" at those places in the authoritative Vietnamese text where the authoritative English text uses the phrase "administrative structure" suggested by Hanoi. (As explained in the note sent to you on September [October] 28,² the term now used in the Vietnamese text can carry the connotation of "authority" or even "government." The term "hanh chinh" has no such connotation.)

6. *South Vietnam's Right to Exist.* The language on reunification which appears at at least three separate places in the current draft (Article 1, Article 10 and Article 15-d) may strike us, and the rest of the world, as "motherhood language" enunciating the kind of pious principle it is always safe to be publicly for and never necessary to be against. Hanoi and Saigon, however, will see this language in quite a different light. The GVN, with reason, will probably regard the present language as a cunningly baited trap; for if strictly and literally interpreted, that language eliminates any South Vietnamese government's right to exist. The unamplified endorsement of reunification as an ultimate goal (Article 1) by itself may do little damage; but when taken in context with the current draft's language at two other places, the picture becomes quite different. First there is the explicit endorsement of the language of the 1954 Geneva Accords holding that the 17th Parallel is a temporary truce line, not an international boundary (Article 10). Then there is the express reference (Article 15-d) to the *three* countries of Indochina—which in the context of this article are clearly Laos, Cambodia and a unified Vietnam. Any agreement whose language on the reunification issue says only this—and nothing more—turns a blind eye to the fact that there are now two geographically distinct Vietnamese governments—north and south—and thus denies one of them, the unmentioned one, the legal right to existence.

² See Document 77 and footnote 2, Document 79.

7. Hanoi, of course, has an historical point, though not quite the one it or its foreign supporters claim. The 1954 Geneva Accords had many serious defects, of which the language regarding the 17th Parallel's status was one of the worst. In the summer of 1954, it was universally (but wrongly) assumed that the Communists would inevitably soon gain control over all of Vietnam, that resistance to the inevitable by non-Communist Vietnamese under the aegis of someone called Ngo dinh Diem, a virtual unknown recently plucked from a Belgian monastery, was foredoomed to early and total failure. Consequently, the tightness of the Accord's language and implications of its provisions were thought to be of little real consequence, especially since to many of the Geneva Conference's participants—and both of its principals (France and the DRV)—the real object of the exercise was to evolve a face-saving formula to cover the withdrawal of the defeated French. Furthermore, the final drafting and negotiation of the 1954 Accord's provisions was rushed to completion to meet the self-imposed public deadline of then French Premier Pierre Mendes-France, with results that we should all remember. The careless language of the 1954 Accords, however, actually laid the groundwork for eighteen years of subsequent struggle and untold human misery, something we should also all remember. The GVN, in particular, will see no cogent reason why demonstrable defects in the 1954 Accords should be repeated or embodied in any 1972 agreement. Saigon will regard the point here involved as crucial—as to Saigon it clearly has to be. Hence, it will want to insist strongly, with reason, that at a minimum the present language be amplified with some additional language that need not diminish endorsement of the concept of reunification as an ultimate goal but does explicitly acknowledge the fact that the people of South Vietnam have the right to live under their own separate government so long as that is their free choice.

8. *Inspection and Enforcement Provisions.* Another area in which the record of the past eighteen years underlines the need for hard headed realism and careful drafting is that of setting up the mechanism through which compliance with any Indochina agreement is to be monitored and complaints from either side about the other's non-compliance adjudicated. The International Control Commission (ICC) mechanism established by the 1954 Geneva Accords, to which the signers of the 1962 "Declaration on the Neutrality of Laos" assigned responsibility for monitoring compliance with the 1962 Laos agreements, has clearly not worked. Indeed, its almost two decade record of ineffective impotence has made the ICC virtually an obscene joke. This has been true in Laos and Cambodia as well as in the two Vietnams. In 1962, the DRV—along with the other Declaration signatories—solemnly undertook "in particular" (in Article 2) that it would not:

—“introduce into the Kingdom of Laos foreign troops or military personnel in any form whatsoever, nor . . . in any way facilitate or connive at the introduction of any foreign troops or military personnel.” [sub-clause (g)]

—“establish . . . nor in any way facilitate or connive at the establishment in the Kingdom of Laos of any foreign military base, foreign strong point or other foreign military installation of any kind.” [sub-clause (h)]

—“use the territory of the Kingdom of Laos for interference in the internal affairs of other countries.” [sub-clause (i)]³

The DRV's sole gesture of compliance with these solemn promises—couched in language even more emphatic and explicit than that appearing in the current draft of the new agreement here considered—was to rotate twelve North Vietnamese Army troopers through an ICC check-point. The ICC mechanism set up in the 1954 Accords has stood mute in paralyzed impotence in the face of all else the DRV has done in Laos over the past decade. The ICC's track record in Cambodia and, above all, in South Vietnam has been no better.

9. A large part of the blame for the current ICC's sorry record can of course be assigned to the way in which India has seen fit to discharge her responsibilities as Chairman. But even had India chosen to act objectively and in good faith, the current ICC would still have been hamstrung by two basic flaws in its structure: the limitations on its freedom of movement and the requirement that it operate under a rule of unanimity. Both of these flaws are repeated in the language of the current draft. The former, by the unamplified requirement that the new ICCS “shall carry out its tasks in accordance with the principle of respect for sovereignty” (Article 13e). The latter, by explicit statement (Article 13f). Taken together, these limitations imposed in the current draft undercut any realistic hope that the new ICCS this agreement sets up will be any more effective than its predecessor established at Geneva in 1954.

10. From the standpoint of allied interests, particularly GVN interests, the defects in the current draft's language in the new inspection and supervision mechanism reinforce the problems created by that draft's silence with respect to NVA forces now in South Vietnam. It could be, and has been, argued that the draft's silence with respect to these NVA forces in the South has little practical significance since other portions of the agreement will deprive these forces of their Lao-tian and Cambodian sanctuaries and, above all, their Ho Chi Minh trail lifeline of support through Laos. Given the record of the past eighteen years, however, and particularly given North Vietnam's flagrant and systematic violation over the past decade of the similar provisions of the 1962 Laos “Declaration,” the GVN has considerable legitimate

³ Brackets are in the original.

ground for considering any such line of argument as transparent sophistry, if those “other provisions” of the current draft agreement are not backed up by an inspection mechanism that has some realistic chance of being effective.

11. The present draft calls for a four member ICCS. With an even number of members, half appointed by each side, the practical difference between operation under majority rule versus unanimity rule is of course negligible (since a 2–2 split estops action). What is clearly required, if the agreement’s inspection provisions are to have much practical import in the real world, is a five man commission operating under majority rule. The Communists, incidentally, are already telling their cadre that the agreement does call for a five man ICCS Commission (Poland and Hungary for their side, Canada and Indonesia for ours, with a fifth member who will also serve as chairman to be chosen by mutual agreement among the other four). Thus Hanoi clearly has no great difficulty with accepting a five member commission. It probably has resisted and will strongly resist any endeavor to have any such five member commission operate under majority rule; but surely the last eighteen years make it abundantly clear that without majority rule any such commission—no matter who its members may be—is doomed to being more decorative than functional. Hanoi would probably also resist (and doubtless has resisted) any language giving such a commission—particularly any commission with an odd number of fairly picked members operating under majority rule—freedom of movement and access to locales of the commission’s choosing. Once again, however, the grim record of the past eighteen years makes it crystal clear that any such commission has to have such freedom of movement or else the lofty language establishing it will be rendered nugatory.

II. Suggested Textual Modifications

12. Attached to this memorandum is a copy of the current draft text with suggested language modifications or additions written at the appropriate places in green ink.⁴ In my personal opinion, these changes and modifications, collectively, would take care of the problem areas discussed above. They were drafted with an eye to doing no damage whatsoever to the current draft’s basic structure and the least possible damage to its text. They were also drafted, however, on a principle that applies universally to all hard bargaining situations—private, business or official—namely that one will never get anything from a determined negotiating adversary aggressively protecting his interests that one

⁴ The copy referenced is not attached. However, a copy with Carver’s handwritten recommended text changes is attached to draft of this memorandum in the Central Intelligence Agency, Files of the Deputy Director for Intelligence, Job 80–B01630R.

does not expressly insist on getting. These suggested changes may constitute more than we can get; but we will never get more than we ask for. Hanoi's initial response to all of them will probably be one of indignant outrage and adamant refusal. Hanoi's ultimate response, however, will hinge on matters discussed in this memorandum's next section.

III. The Chances of Obtaining Improvements in the Language of the Current Draft: Probable Risks versus Probable Gains

13. At this writing, Hanoi is clearly trying a squeeze play keyed to its public surfacing of a generally accurate summary of major portions of the current draft agreement. Hanoi is pushing the line that peace is but a US pen stroke away. An agreement exists (according to Hanoi) which President Nixon himself has endorsed; thus the only possible obstacles to peace are the bad faith ("lack of serious good will") of the US and/or the stubborn obstinacy of its puppet, Nguyen van Thieu. If the US does not go through with the agreement it has already accepted, so Hanoi's line runs, and sign the agreed text without any persiflage about further changes, the war will continue and the responsibility for its continuing will rest entirely on the US and/or (again) its puppet Thieu. Some of this is undoubtedly bargaining bluff of a type familiar to anyone who has ever engaged in personal business negotiation such as that involved in, say, buying a house—the international diplomatic variant of the classic real estate salesman's gambit that the owner is leaving town tonight, he will not accept any further changes in the contract and if that contract is not signed this afternoon, the whole deal is off. Any US decisions on just what further textual changes to press for and how hard to press, however, will obviously be influenced by your and the President's assessment of just how much Hanoi is bluffing.

14. There are a number of circumstantial signs which collectively suggest that Hanoi's current public posture contains a very large element of bluff, though this thesis cannot be proved beyond reasonable doubt by hard evidence. The whole pattern of Hanoi's post-August behavior suggests that in late August or early September the Lao Dong Politburo went through the anguish of a basic bidding review, which led to the conclusion that the DRV could not indefinitely sustain the totality of pressures to which it was then subject and the basically adverse trends then evident in most (if not all) major aspects of the total current situation. The Politburo (under this hypothesis) therefore resolved to see what could be done to alleviate some of these pressures via negotiations. This decision, in turn, produced Hanoi's late September nibbles in the private Paris sessions and then its 8 October draft proposals.

15. Hanoi's supporters, if not its actual negotiators, probably have advanced or soon will begin advancing (at least by indirect implication) the argument that the tabling of the 8 October proposals, with all

that has flowed therefrom, reflects the emergence of a “peace faction” in the Hanoi Politburo. Once advanced, this argument will be promptly elaborated to incorporate the added thesis that the hold and/or position of these Politburo “doves” is tenuous and precarious, that unless their hand is quickly strengthened by a “forthcoming” US response embodied in appropriate US concessions, the Politburo “hawks” will soon regain control and any chances for an early peace thereby go a glimmering. Such a line of argument—whatever be its superficial plausibility—is intrinsically suspect because it goes directly against the grain of everything we know about the way the Politburo’s members think, act and perceive political reality. It is most unlikely that there are any “doves” on the Politburo or any “peace faction” therein in the sense of persons questing for peace as an intrinsic end in itself (i.e., a *ding an sich*). Indeed, ever since the inception of the current phase of the Indochina struggle, or at least our direct involvement in it, perhaps the prime obstacle to settlement has been the fact that we have been questing for peace while Hanoi has been questing for victory. As the last two portions of its 26 October statement clearly indicate, Hanoi is still questing for victory.⁵

16. The goals and ultimate objectives of dictatorships are seldom hard to discern since their leaders are usually quite candid in openly describing them. (Hitler’s *Mein Kampf* is a classic example.) The problem is that such dictatorships’ adversaries or putative victims, particularly when the latter are Western liberals, usually refuse to believe that the language in which such goals or objectives is expressed “really means” what it actually says and, instead, tend to dismiss it as “rhetoric”. (*Mein Kampf* is also a classic illustration of this point.) There is no mystery or secret about Hanoi’s goals and basic objectives. They have often been spelled out, always consistently, most recently in that very 26 October statement which publicized Hanoi’s version of the current peace agreement. These basic goals and objectives of the DRV, toward which all DRV policies are oriented, are (in Hanoi’s own 26 October words): “to liberate the south, to defend and build the socialist north, and to proceed to the peaceful reunification of the country”.

17. Basic Politburo debates have always been debates over strategy, tactics and priorities—never goals. Since the temporal sequence of two of these three basic goals—liberation of the South and reunification—is dictated by logic in a way that precludes meaningful debate (liberation is logically prior to reunification), the real basic Polit-

⁵ In the concluding sentences of a report on the statement, Radio Hanoi broadcast that “the statement highlighted the peace desire of the Vietnamese people and called on them to be ready to make every sacrifice rather than submit themselves. It reiterated the determination of the Vietnamese people to persist in and step up their fight until total victory.” (*The New York Times*, October 26, 1972, p. 1.)

buro debate has always been the priority ranking of the goal of liberating the south as opposed to that of defending and building the socialist north. In theory, these goals are co-equal and should be simultaneously pursued. The problem arises, however, when events make it unarguably clear that they cannot be simultaneously pursued and hence pursuit of one must, at least for a time, take precedence over pursuit of the other. This was apparently what happened August or early September. In any such basic Politburo debate, the protagonists are not “hawks” versus “doves” but—instead—“southern struggle firsters” versus “northern base firsters”. The leader of the southern struggle faction has always been Le Duan; the leader of the northern base faction, Truong Chinh. (As we have noted in other memoranda, the intensity and character of this basic priority debate is further influenced by the fact that Le Duan now holds what used to be Truong Chinh’s post of First Secretary (unless there has been a change in recent weeks), a post Truong Chinh lost because of his identification with another basic party policy that did not work out as planned, namely the 1953–1956 “Land Reform” program.)

18. The whole pattern of Hanoi’s behavior since mid-September, plus the fact that Le Duan seems to have dropped at least temporarily out of sight, suggests that the “northern base firsters” have won at least this round of the basic priority debate and are now in the saddle. They are no more dovish, or less hawkish, than the “southern struggle firsters”, but they do—obviously—order their basic priorities differently. If this reasoning is valid, it yields two highly germane corollaries:

(1) The Politburo is itself anxious to obtain a cessation of allied military pressure, particularly that directed against the north.

(2) The portions of the draft text about which Hanoi really feels strongest, and—hence—will most strongly resist any attempted change, are those portions of the text which touch or bear directly on the situation in North Vietnam.

19. It must be recognized that the above analysis is based largely (though not entirely) on circumstantial evidence. It seems to me to square far better with the observed facts of Hanoi’s behavior than any competing alternative, but I would be the first to admit that this does not prove it is valid or right. Nonetheless, if it is valid, three conclusions follow: First, Hanoi’s current public posture contains a very large element of bluff. Second, the current draft agreement contains or will soon lead to things the present Hanoi leadership very much wants, i.e., a cessation of destruction in the North followed by economic aid to help in the reconstruction process. Third, while there is certainly no assurance that Hanoi will seriously entertain—let alone accept—our proposed textual changes, these changes all affect matters which (under the above analysis) fall into the current Hanoi leadership’s second and not

its first class of priorities. Hanoi obviously has bargained hard and will continue to do so. It will obviously try to squeeze everything it can out of the final settlement. But the fact that the changes we want fall in areas the present Hanoi leadership considers of less importance than the areas not touched by these changes gives us a certain amount of bargaining leverage that we can exploit.

20. There is also one other point of a different order than those just discussed, but nonetheless a point that should not be lost sight of. If the past two months' shift in Hanoi's negotiating strategy does indeed reflect a shift in Politburo power relationships, the new leadership—particularly Truong Chinh—is not going to be too averse to any developments that denigrate the old—particularly Le Duan—provided no interests vital to the new leadership are sacrificed in the process. The Politburo and its negotiators have a delicate line to walk here. Obviously they will try hard and genuinely to get the best deal they possibly can for their southern organization—Le Duan's creation. Still, if its interests have to suffer in the final settlement, this can always be blamed on the erroneous strategies adopted by the "southern struggle firsters", i.e., Le Duan, when they were calling the tune. The blame, hence, need not be accepted by those in Hanoi who approve the final settlement, including any further language changes. Instead, it can be deflected to those whose errors created a situation that made a negotiated settlement necessary.

IV. Possible Tactics

21. If it is decided to push for modification and changes in the current text along the lines here suggested, the following tactics might help facilitate achievement of this objective.

a. Hanoi will clearly remain adamant (as any good bargainer would in an adversary negotiation) so long as it thinks we are under the time pressures of a fast approaching deadline. Therefore, the first hurdle we need to get over is 7 November—not in the sense that no further discussion should take place before 7 November but in the sense that Hanoi should be made to believe that while we will move to settlement as quickly as possible, we are not tied to any calendar date but are adamant on having the final agreement's language incorporate certain changes from the present draft that we consider essential. Hanoi will bluster, but since the last thing Hanoi wants is four more years of an unfettered President Nixon, the pressure engendered by such a US posture would be considerable.

b. If our analysis of the rationale behind Hanoi's current course of action is correct, the thing the present Politburo leadership is most anxious to achieve is a diminution of physical attacks against North Vietnam, i.e., the bombing. The Vietnamese Communist leadership

does not respond as we would to conciliatory gestures—these, instead, are almost invariably regarded by Hanoi as a sign of weakness on the part of those who extend them. If Hanoi can get the bombing appreciably eased by the simple expedient of talking, its inducement to be forthcoming on issues blocking final settlement will be proportionately and appreciably reduced. Thus, bombing program constitutes something through which signals of the kind Hanoi is most likely to understand can be pointedly conveyed.

c. Our posture in tabling and insisting upon the linguistic changes we want can perhaps best be one of polite obduracy. With respect to the changes bearing on the status of the NCNRC Commission, we can simply (and accurately) insist that our changes do nothing but conform text to what both sides have orally agreed is common intent. The changes giving South Vietnam a legal right to existence are trickier, but they can be defended as an insistence on describing current reality, not a quest for future advantage. The requested changes in the mechanics of inspection and supervision can be justified as necessitated by the record of Hanoi's behavior over the past eighteen years. Language on the NVA forces in South Vietnam will be the hardest of all to get accepted; but here we can simply be adamant on the agreement's reflecting current reality and gauge from Hanoi's negotiators' reactions how willing they might be to swallow this bitterest of pills in order to get the other things they want.

George A. Carver, Jr.

85. Memorandum From John D. Negroponte of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, November 1, 1972.

SUBJECT

Some Thoughts on Where We Might Proceed From Here in Our Negotiations

Summary: This paper proposes an alternate approach to our negotiations which nonetheless remains within the general framework of the draft already negotiated.

In sum the recommendations are the following:

—Strengthen the draft substantially except on NVA withdrawals from SVN which is non-negotiable.

—Proceed to *Saigon* before the elections and sell this as a joint U.S./GVN proposal to Thieu.

—Table the proposal publicly at Kleber on November 9 as a framework for negotiations, as an earnest of our intent to keep these talks moving after the elections and as proof that these talks had moved from the stage of discussing principle to concrete details.

Background: We have reached a stage in the talks where no matter how you slice the cake the GVN has raised a number of concerns which are entirely legitimate. George Carver's paper,² I thought, was excellent in this regard.

GVN preoccupations notwithstanding we have reached agreement in principle with the DRV on an extremely important number of issues.

Areas of GVN/U.S. Differences: As the GVN itself has repeatedly pointed out they have three fundamental concerns:

—Recognition of the existence of a second Vietnamese state within Vietnamese territory South of the Demarcation Line.

—Establishment of the principle that forces from the State North of that line have no right to be in the South, and to the extent possible, to lay down concrete provisions in the agreement for implementation of that principle.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1135, Jon Howe Trip Files, Negroponte Negotiations File. Top Secret; Eyes Only. Urgent; sent for information. Haig also initialed the memorandum.

² Document 84.

—The avoidance of any political provision which might jeopardize either the viability of the GVN or the psychological atmosphere in which it will have to operate once we have withdrawn.

To these concerns we might add the related one of the absence of firm assurances on NVA activities in Laos and Cambodia. In Laos we have agreement to a ceasefire; but only a vague statement that the modalities of NVA withdrawals will be negotiated after the ceasefire takes place. In Cambodia we have what is tantamount to no DRV commitment at all since their forces could operate and linger in Cambodia until they see what the outcome is in South Vietnam. In either instance, the way our present agreement is worded, the NVA might legitimately be able to interpret withdrawal as meaning into either North or South Vietnam.

What Changes Can We Make? We have already provided you with a compendium of word changes that would serve to strengthen the present agreement.

I think George Carver's suggestion of imposing an obligation on the DRV to withdraw its volunteers and other DRV citizens serving with the liberation forces in the South is totally unrealistic. The DRV would rather fade away than ever agree to this kind of formulation. There are, however, some changes which can be made, some of which you already have before you:

—The DMZ provision in the chapter on reunification. This at least establishes the principle that the forces from each zone must remain on their respective side of the Demarcation Line. It does not, however, cope entirely with the claim that the NVA in the South are simply Southern regroupes or North Vietnamese volunteers.

—Legally the North Vietnamese could not object to an addition referring to the four Indochinese states since this was established by the 1954 Geneva Accords and is not inconsistent with their own approach that there should be a separate government in South Vietnam.

—We could make the completion of our withdrawal from South Vietnam in 60 days conditional upon the completion of the provisions of Article 15b. The DRV would not have a leg to stand on in this regard since they do not even have a right to be in Cambodia and Laos anyway.

—On the replacement provision, we could go back to our original Geneva Accords language which refers to war material being "destroyed, damaged, worn out or used up," right now we just have "worn out or damaged."

—Under Article 9 we can pick up George Carver's suggestion to make it a joint U.S.-DRV obligation that they respect the South Vietnamese people's right to self-determination, that they are not com-

mitted to any political tendencies or personalities, and they do not seek to impose a pro-American or pro-DRV government in South Vietnam.

—Under Article 9f I think we could drop both “the Administrative structure” and the “three equal segments” and revise that part of the sentence to read “to set up a Council of National Reconciliation and Concord whose members shall be appointed by the two sides.”

—Under 9i we could add a clause to the first sentence “after the completion of the political process provided for in Article 9b of this agreement” South Vietnam will pursue a foreign policy of peace and independence.

—Under the supervisory chapter, we might consider reverting to the concept of five countries and the principle of majority vote.

—In Article 15b we could add a clause at the beginning of the first sentence “Within 60 days of the coming into effect of this agreement, foreign states shall bring an end to all military activities in Laos and Cambodia, etc.”

Where These Changes Would Leave Us: None of the foregoing changes would add up to a demand for NVA withdrawal from SVN, a condition which is tantamount to surrender for North Vietnam and which they will never negotiate. All of the changes, in my view, can be justified as falling within the framework of the agreement (admittedly stretching things a bit at times) and they can be presented as an effort to tighten up the document so as to insure a lasting peace and not a mere truce. Finally, while these changes would still keep us within the framework of disengaging militarily from Vietnam—which is what North Vietnam wants the most desperately—they go as far as we reasonably can in meeting GVN concerns.

How We Would Proceed: It seems to me that we could conceivably extricate ourselves from what now appears to be an embarrassing dilemma by proceeding along the following course.

—Assuming it is agreed among us that these kinds of changes are acceptable, we could come up with a new document incorporating them and proceed immediately to Saigon. (I am doing a fresh draft agreement embodying these suggestions plus our earlier proposed changes.)

—It would seem to me that an indispensable element of this scenario would be the idea of going to Saigon within the next few days, despite the aversion we have all developed to 12-hour time changes. Our visit to Saigon would keep the negotiating momentum going; it would have the virtue of taking us there as the bearers of gladder tidings than during our last visit; and it would no doubt serve to make Hanoi a bit edgy as you depart Saigon on election eve in a public atmosphere of harmony with the GVN. It would also generate all sorts of public speculation, although this wouldn’t be its principal purpose.

—In presenting this new text to President Thieu, we would say this is our absolute limit; we believe that we have gone more than half way in meeting his concerns and that the time bought by these changes will leave the GVN in a substantially better position than if we had concluded the agreement within the original time-frame.

Table of the Draft Agreement at Kleber: Assuming President Thieu's concurrence, the U.S. and GVN could then table the draft agreement at Avenue Kleber on November 9. This would serve a number of purposes.

—We would be tabling a set of agreed principles with the details to be worked out by a subsidiary forum.

—We would be faithful to our word that the negotiations would not lose impetus in the post-election period.

—We would be giving the Kleber forum a framework of an agreement to grapple with for the first time; subcommittees could be formed; protocols on international supervision could be tabled; and the DRV would be hard put to refuse to discuss the document concretely. Moreover, they have always claimed that it made no difference to them whether agreement was reached in a public, semi-public or private forum.

The process would, I recognize, be more drawn out. But the parameters of an agreement would be formally established on the record. It would be our draft against theirs with the differences easily identifiable, providing the Kleber negotiators concrete paragraphs and clauses to tangle with.

If the DRV has really made a fundamental decision to settle in order to secure our disengagement, the foregoing scenario need not in any way prove to be a prescription for stalemate. If we keep up the military pressure on the North and wrestle within the negotiating framework outlined above, I honestly believe we have a chance of settlement by early winter or spring at the latest. We would under these conditions, however, have to keep up the military pressure and seriously consider gradually sliding our bombardment of North Vietnam upwards of the 20th parallel since it is probably our bombing in the Red River Delta area and along the railroads that has caused the greatest amount of dislocation. We would also have to do a more systematic job of winding up what is necessary in the Vietnamization Program.

Periodic Private Talks Could Continue: Under this scenario we would of course continue private sessions but we could do so at a more measured pace and only when serious deadlocks develop. In fact, the fewer private meetings we hold, assuming Hanoi is eager to settle, the more fruitful the Kleber forum can become. Moreover, we need not preclude some private sessions between our Paris negotiators and those of the DRV, particularly once the lines have been so clearly drawn.

The foregoing is postulated on the hypothesis that Hanoi will remain as eager to settle after the election as before, it not more so, and on the assumption that domestic United States support is tenable at least during the next 6 month period. I have no way of gauging this; but if we have managed our way through the much more difficult times during the past four years when U.S. conscription and U.S. casualties were involved, I think we can gamble on continued domestic support for at least the short term under what are essentially completely different conditions than when this Administration started out with 550,000 men in South Vietnam.

This is a course which I believe may have a chance of bridging the gap between an immediate settlement, which may be out of reach without smashing a lot of crockery, and protracted war which is also an alternative we prefer not to contemplate although I don't find it as outrageous as others.

86. Summary of Conclusions of a Washington Special Actions Group Meeting¹

Washington, November 2, 1972, 3:07–4:15 p.m.

SUBJECT

Steps for the Implementation of a Southeast Asia Agreement

PARTICIPANTS

Chairman—Henry A. Kissinger

State

U. Alexis Johnson

William Sullivan

Defense

Kenneth Rush

G. Warren Nutter

R/Adm. Daniel J. Murphy

Roger Shields

JCS

V/Adm. John Weinell

CIA

Richard Helms

George Carver

William Newton

NSC

M/Gen. Alexander Haig

Richard Kennedy

John Holdridge

James T. Hackett

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-117, Washington Special Actions Group, WSAG Minutes (Originals) 7-27-72 to 9-20-73. Top Secret; Sensitive. The meeting took place in the White House Situation Room. The minutes of the meeting are attached.

SUMMARY OF CONCLUSIONS

It was agreed that:

—We will use civilians for as many of the intelligence functions as possible, leaving the military, including attachés, to handle strictly military functions.

—The marine guards at Embassy Saigon will not be counted as part of the fifty military personnel we will be permitted to have in Vietnam.

—The State Department will make plans for a separate international conference to establish a voluntary consultative group to consider the economic program for IndoChina.

87. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, November 3, 1972, 1200Z.

247. Refs: A) WHS 2309; B) WHS 2310; C) State 199904.²

1. I took up with Thieu today substance of refs B and C. I have reported concerning Tran Van Lam's statements (ref C) in my message to the Department (Saigon 15724)³ and will not repeat here.

2. I said that the President was astonished and found it incomprehensible that within twenty-four hours after having received his letter⁴

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Immediate; Sensitive; Exclusively Eyes Only.

² In backchannel message WHS 2309, November 1, 0003Z, Kissinger told Bunker to get Thieu to change instructions to Ambassador Phong, his representative at the plenary sessions in Paris, and also directed him to let Thieu know the changes Kissinger would work for in private sessions with Le Duc Tho. In backchannel message WHS 2310, November 1, 2348Z, Kissinger additionally told Bunker to express to Thieu Nixon's unhappiness over Thieu's continued public criticism of the agreement. In telegram 199904 to Saigon, November 2, 2339Z, the Department instructed Bunker to tell Thieu and Lam separately to stop saying in public that Kissinger and Nixon had a different view of the situation in Vietnam from that of the South Vietnamese Government. (All *ibid.*)

³ In telegram 15724, November 3, 1157Z, Bunker reported he had told Thieu that Lam's statements constituted a criticism of the President, were intolerable and divisive, and should be stopped immediately. (*Ibid.*)

⁴ Document 79.

and giving his views concerning the nature of the draft agreement and pointing out that he considered the comments of Foreign Minister Lam that the U.S. is negotiating a surrender to be as damaging as they are unfair that Thieu should have referred to the agreement as a surrender document. I had been asked to bring this to Thieu's attention because of the seriousness with which these statements are viewed in the United States and by my government, especially at this sensitive time. It is our view that whatever domestic gain he may believe such statements achieve here is more than offset by the sharp loss of the confidence and support which he and his government suffer in the United States. We fear that this process is nearing the point of no return. In that case, there is certainly no future for the GVN or the South Vietnamese people. I repeated, as I had in referring to Tran Van Lam's statements, that it is imperative to put a moratorium on statements of this kind. As mentioned in Saigon 15724 I am hopeful that Thieu will react accordingly.

3. I reported that we had not yet heard from Hanoi on the next meeting. However, the broadcast from Hanoi two days ago seems to indicate that they will ultimately agree to another round of meetings, although we do not think it probable that this will take place until the end of next week, probably November 9. I repeated that we would welcome Mr. Nha's presence at the time of the next meeting so that he could report on developments at the end of each session. While Thieu did not give me a definite reply, he indicated that he would probably take up our suggestion.

4. I informed Thieu of the matters that we will take up and ask for at the next round of meetings (as outlined para 2, Ref B [A]).⁵

5. I impressed on him again that it is essential to drop attacks against the United States and against you; that he does not need these for his domestic situation and they can do him only irreparable harm in the United States. I shall continue to follow guidelines stated para 4, Ref B [A].⁶

⁵ Matters included "improved language" describing the National Council of National Reconciliation and Concord; no reference to the three countries of Indochina; the "de facto removal of some North Vietnamese troops from the South"; and "some reference to Article 24" of the 1954 Geneva Agreement which called for respect of the demilitarized zone and the territory under the military control of each side.

⁶ Kissinger encouraged Bunker to "work on Thieu, allowing him to stay tough in his general posture but, above all, trying to get him to drop attacks against the United States and me" and "stop scoring debating points." The ultimate objective was to obtain Thieu's concurrence to the agreement after the next Paris round.

6. This afternoon Nha delivered to me memorandum on changes GVN proposes in draft agreement, which is being forwarded immediately following message.⁷

7. Warm regards.

⁷ In backchannel message 246 to Kissinger, November 3, 1205Z, Bunker forwarded the "Memorandum of November 3, 72, Outlining the Points Raised by the Government of the Republic of Viet Nam on the Draft Agreement Dated October 17, 72." (National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1))

88. Transcript of a Telephone Conversation Between the Chairman of the Joint Chiefs of Staff (Moorer) and the Chief of Naval Operations (Zumwalt)¹

Washington, November 3, 1972, 11:17 a.m.

1117—Telecon/Incoming—Adm Zumwalt—Fri, 11/3/72—1117.

CNO—I leave tonight and will be gone until Saturday noon. I think I was able to work around most of the stuff but it's good to have you here and I don't think you should be gone anymore.² But I don't think anything got through that would concern you—you satisfied?

CJCS—Yes.

CNO—I was with Mel briefly yesterday. I think that Weinell's judgement as to the timing is accurate and that's all I know.³

CJCS—We got another big flail going. Did you read Weyand's summary this morning?

CNO—I haven't gotten to it yet.

CJCS—The White House is after us again. He [Weyand] says (listen to this) he is talking about air efforts. "In summary, we are doing all possible to get the maximum effectiveness from our allocated air power. (The White House thinks that Laird is restricting him and we've

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Top Secret.

² Zumwalt was Acting Chairman while Moorer was in Germany on official duty.

³ Weinell believed that a cease-fire would go into effect on November 20 and had so informed Moorer. (Message 7237 to Moorer in Germany, October 30, 2137Z; National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 69, JCS Out General Service Messages, 1–31 October 1972)

been through this. Gayler has talked to him, I've talked to him on the telephone and he said he wanted 366 sorties and we're giving him 420 every day now) But he goes on to say . . . "We are meeting our most urgent commitments but of course, cannot satisfy all requirements. We believe our priorities are about right. We will shift them depending on the situation and will be prepared in particular to support more ambitious RVNAF offensive operations as well as to increase the pressure against the enemy logistics network in NVN." We've already been over this with the White House twice.

CNO—He's just trying to cover his number for not doing more with the RVNAF. He hasn't used the air resources he's got and is running scared since the RVNAF is behaving like they are and is just trying to cover his number. We've got to go after him.

CJCS—I am. It's just because of this that I've prepared a message and asked him just what his problem is and I am quoting him, and Gayler and saying that my records show such and such, now what is your problem.⁴ This is part of the bigger problem that they are trying to here at the last minute the Army is trying to get in and set up a sub-Unified Command, etc.

CNO—I talked to Chick [Clarey] yesterday briefly and he tells me that Abe [Abrams] has turned in a report recommending it out of channels.

CJCS—I wouldn't put that past them.

CNO—I think what is going on is a Back Channel between Weyand to Abrams to Haig.

CJCS—And get it all set up before he becomes Vice Chief of Staff.

CNO—I think your message really ought to make him spell out he is not using what he has got.

CJCS—He is using (he got 300) and I've said 344 and it averages out for the last two weeks to 420 and he now says this. When they saw that over in the White House they went through the ceiling before Laird left and asked for information before he left for Europe the other day and they had a big discussion with HAK and he is mad as hell and when SecDef sees this he is really going to hit the ceiling.

⁴ In message 3607, November 4, 0039Z, Moorer wrote to Gayler and Weyand: "I have been assuring higher levels that your requirements as perceived by you are being fully met. I have been assuring higher levels that your requirements have priority and all you need do is ask. I regret to say that these quote misunderstandings unquote on air support for you are consuming an inordinate amount of my, and other officials', time. Worst of all they do nothing to enhance the military's singleness of purpose or leadership." (Ibid., Moorer Diary, July 1970–July 1974) In message 82414, November 4, 1020Z, Weyand responded, ending with these words: "I apologize for the problems all of this has caused you and will make an extra effort to keep all the cats and dogs that are involved in proper perspective." (Ibid.)

CNO—Let Mel know what the channel is.

CJCS—He is out of town and I am keeping this and I am going to tell him when I get my hands on him. It's kind of a conspiracy.

CNO—Laird more than anyone knows how it works because, for awhile, he was in on the net.

CJCS—Right.

CNO—One other thing, looked to me like what Noel [Gayler] worked out for coordinating the B52s in the Panhandle for NVN was very simply the way to do it.

CJCS—That's what he should have done the first time.

CNO—It was Clarey's recommendations which it was based on.

CJCS—The way it was set up before had the Air Force so mad but neither Ryan nor Meyer wouldn't say so and he put the B52s under CINCPACFLT for planning that was exactly what was done and all he was doing was repeating what we used when he bombed Haiphong on the 17th [of October] and they were perfectly all right with same coordinating [information] that they are using and that's part of the whole game.

CNO—I just think it's terribly important that you be here around-the-clock from now until Truce time.

CJCS—I am not going anyplace I shouldn't gone then but those people really gave me the red carpet treatment and had everything set up helos, firing demonstrations, and I couldn't very well cancel but I don't think nothing happen while I was aware [*away*] that was fateful.

CNO—I'm more concerned not about the thrust from the Communists as I am about the threat from the Inner Enemy.

89. Message From the President's Assistant for National Security Affairs (Kissinger) to the Chief of the U.S. Delegation to the Paris Peace Talks (Porter)¹

Washington, November 4, 1972, 1855Z.

WHP 83. 1. Reference your 031236Z,² I think we must continue plenaries as a backdrop to our private sessions and as a way of insuring to the maximum extent possible that Saigon presents a common front with us in the negotiations. It was, for example, most useful that you were able to obtain an advance copy of the pertinent excerpts of the GVN statement prior to the last plenary so that we were able to take corrective steps in adequate time. Frankly, I feel that what you say at the plenaries at this juncture is not as vital as your continued close liaison with GVN delegation to insure that they refrain from exacerbating any differences which may exist between us.

2. Admittedly there is not much you can say at the plenaries themselves other than the general line you have already taken until we have consulted further with Saigon and held our private meeting with DRV negotiators. You should therefore keep your remarks general and brief, drawing, as appropriate, on my October 26 press conference, staying away from substantive exchanges. You should stay away from implication that there are major substantive problems to be resolved. You should say that the agreement can be settled rapidly and the other side knows well what remains to be done.

3. We will be sending you by courier in a couple of days the text of the draft agreement as it now stands. It is the same as the October 17 version we gave you with the exception of Articles 7 and 8 on which the DRV subsequently met our basic position. I'm sure you realize that this text has to be fully protected. It would be extremely harmful if verbatim language of the agreement became public. As you well know, there remain a number of changes which we will seek to obtain at our next meeting with DRV negotiators. For your information, while we believe they will eventually come around and agree to meet, no date has yet been fixed.

4. Warm regards.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 107, Country Files, Far East, Vietnam Negotiations, Paris Negotiations, January 25, 1972–January 1973. Top Secret; Sensitive; Exclusively Eyes Only. Sent via Haig and Guay.

² In a message sent on November 3 at 1236Z, Porter wrote: "I need guidance as to subjects to discuss at future Kleber meetings and those I should avoid. I am running out of platitudes and beatitudes." (Ibid., NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1))

90. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, November 5, 1972, 2000Z.

Deliver opening of business. Ref: Saigon 0250.²

1. The assumption contained in reference message is correct. Article 5 provides that civilians involved in military and para-military duties will be withdrawn. Civilian police advisors will be included in these categories.

2. We have just received agreement from the other side to meet again in Paris with the view towards finalizing agreement.³ Hanoi's message was surprisingly forthcoming and cited no specific conditions beyond the need for seriousness on our side. They suggested a meeting on November 14 or any other suitable date. For the time being do not pass this on to Thieu but if he asks inform him we are confident the other side will meet in the near future.

3. The President has decided to send Haig to Saigon departing Washington Wednesday evening, November 8, arriving Saigon at opening of business, Friday, November 10. Haig will carry with him a personal letter from the President to Thieu dated Wednesday, November 8. The letter will lay out in blunt terms the President's dissatisfaction with the dangerous drift in U.S./GVN relations and clearly state the President's determination to proceed on the basis of the draft agreement with the modifications which we are determined to obtain from the North Vietnamese. The President's letter will make specific what he considers we can and cannot try to get changed, which as you know is far short of Thieu's demands. The letter and Haig will ask Thieu to advise us promptly of his intentions, making it clear that the communication from the President is final and of a character which does not invite further debate. Haig will be instructed merely to deliver the letter to Thieu, explaining and elaborating on its contents if necessary, and obtain Thieu's response. He will remain in Saigon no more

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Sensitive; Exclusively Eyes Only. The message is unnumbered but later messages refer to it as WHS 2313.

² Not found.

³ The text of the North Vietnamese message is attached to Tohak 3/WH 29674, November 4, 2138Z. (National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1))

than one or two days, hopefully returning to Washington Saturday afternoon but not later than Sunday, November 12.

4. I plan to set the meeting with the other side on November 15, thereby giving us ample time to assess Thieu's reaction. We will then proceed with the game plan as outlined to you previously as follows: we would stay in Paris three or four days, communicating with you and Thieu from there, in order to reach a final text. There would be no more substantive changes once we leave Paris and we would stop bombing the North completely. After a few days in Washington I would then proceed to Saigon for the final preparations for signing. The final leg, which was under consideration before, might still take place, in which case I would return to Saigon again. We envisage a period of two to three weeks from end of Paris meeting to signing of agreement.

5. In the interim you obviously must continue to impress upon Thieu in every way possible the need to proceed with essential preparatory steps leading towards a final agreement within the outlines of the general draft agreement already reached. He must somehow be brought to understand that continuing public attacks will not be tolerated. You should draw on your own argumentation to drive this point home between now and November 10. Haig will be instructed to use full Presidential authority to impress upon Thieu that this is the final word and that there will be no further bargaining. Thieu must also be prepared to embrace the modified agreement, the draft of which I will Flash to you from Paris. He should then receive me in Saigon following the Paris leg in an atmosphere of victory.

6. The foregoing information about Haig's visit is still tentative and for your planning alone. It is essential that this information be shared with no one else. If we proceed along these lines, I anticipate last minute notification to the bureaucracy. Haig's party will be limited to himself, one aide, a secretary, and perhaps one substantive officer. Because of the character of Haig's trip, I think he should stay either with you or the White House⁴ rather than MACV compound.

Warm regards.

⁴ An apparent reference to the residence of the Deputy Ambassador, Charles Whitehouse.

91. Memorandum From Secretary of Defense Laird to the Chairman of the Joint Chiefs of Staff (Moorer)¹

Washington, November 5, 1972.

In view of the current intelligence indicating (a) a major enemy campaign to move supplies and equipment into South Vietnam, and (b) plans to launch a new offensive in Northern MR 1, I desire, during the next 48 hours, to maximize U.S. airpower (B-52 and TacAir) in and around the area between the DMZ and a line formed by the Cua Viet River and Route 9. The level of effort should be at least as great as that employed during the early days of the Northern Vietnamese invasion across the DMZ.

Following this 48-hour period for the next two weeks, I desire maximum sortie level for both B-52's and TacAir applied against all suspected enemy logistic and manpower build-up areas throughout South Vietnam and Route Package 1.² This increased level of air activity will remain in effect until 18 November 1972. My memorandum of October 14, 1972, is hereby rescinded.

Mel Laird

¹ Source: National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 30, Vietnam, November 1972. Top Secret; Sensitive.

² In message 8834, November 9, 0037Z, Moorer informed Gayler that the earlier order was amended and directed him to conduct B-52 strikes further into North Vietnam, to the 20th parallel in the southern section of bombing Route Package 4, to destroy enemy supplies moving south in logistics convoys. (Ibid., Box 69, JCS Out General Service Messages, 1–30 November 1972)

92. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the Ambassador to Vietnam (Bunker)¹

Washington, November 7, 1972, 0130Z.

WHS 2314. 1. There follows below the text of a memorandum prepared within one of the Washington agencies² on immediate measures which would improve the GVN position both before and after any ceasefire is signed. We are providing this as a contribution to whatever background work may be underway within the Mission and this should not be construed as an instruction or as the sole basis for any *démarche* to the GVN. We would, in fact, prefer that before taking action on any of the major suggestions contained herein, you give us the benefit of your views and your judgment as to the desirability and or feasibility of the suggested steps. If, however, there are measures under category three (steps to be implemented by the GVN) which in your judgment should without question be undertaken immediately, you should not hesitate to take them up with GVN in manner and at [time] you consider appropriate.

2. *Begin text:*

Memorandum

Subject: Checklist of Immediate Measures Which Would Improve the GVN's Position Both Before and After Any Cease-fire Is Signed

1. The following checklist outlines specific measures which, if implemented now, would help to improve the position of the GVN as it jockeys with the Communists during the process of negotiations. It would also improve the GVN's position in any cease-fire, post-hostilities political struggle environment. The list does not include a number of measures which either the GVN or the U.S. is already undertaking, such as (A) maximum efforts to destroy enemy military units, base areas, and rear service areas contiguous to contested populated areas right up to the instant of a cease-fire; (B) maximum air interdiction operations (at least below the 20th parallel) to slow down Communist efforts to build stocks of "in-place" supplies and equipment inside South Vietnam; (C) provision by the U.S. of the largest possible

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Secret; Sensitive.

² Carver drafted the original memorandum, November 4, at Kissinger's request. (Ibid., Box 113, Vietnam Subject Files, Vietnam—Ceasefire 1972) Negroponte recommended the deletion of several paragraphs and Haig approved the deletions. (Memorandum from Negroponte to Haig, November 6; *ibid.*, Box 1135, Jon Howe Trip Files, Negroponte Negotiations File)

amount of military equipment to South Vietnam before a cease-fire takes effect; and (D) the formulation of plans which will provide the best possible unilateral U.S. intelligence verification of the terms of the cease-fire.

2. Also not included in the following checklist is a key prerequisite to all the measures suggested below—successfully inducing President Thieu to stop expending energy on fighting his major ally and concentrate all his efforts on (1) improving the GVN's position in the immediate climate and (2) posturing the GVN to translate any negotiated settlement into a *de facto* Communist surrender. A discussion of factors that might be exploited to get Thieu thinking more positively is contained in a separate, parallel memorandum.³

3. The following measures should be implemented immediately by the GVN:

A. Security Measures

(1) Plans should be made now to improve security throughout the countryside to the maximum extent possible. The GVN already has all its forces—the ARVN, the RF and PF, and National Police—on full alert to prevent the Communists from establishing a presence in additional areas in the few days just before and after the signing of a cease-fire. RF and PF units, and the police, should provide a local guard force for all hamlets and villages. To the extent possible ARVN units should be dispersed to locations from which they can provide quick reaction reinforcements to all hamlets and villages. ARVN regiments and battalions will be of limited value in a cease-fire environment if they remain in their base camps.

(2) In addition, rather than merely reacting to Communist initiatives the ARVN should make plans for maximum offensive activity to be carried out in the 72 hours or so before the cease-fire becomes effective. The ARVN should initiate preemptive actions and go on the offensive wherever possible in an effort to roll back the Communists in areas where they are seeking to establish a presence.

(3) One very important offensive action which ARVN should undertake is to air-assault units by helicopter into positions west of Pleiku or Kontum from which they could block all north-south enemy movements. The objective would be to disrupt a potential NVA north-south supply line within South Vietnam. The Communists now control areas in the western part of South Vietnam, along the Lao and Cambodian borders, which could provide them with an in-country supply route running from the DMZ through MR-1 and to the region south of Pleiku in MR-2. By undertaking a fairly modest road-building effort after a

³ Not found.

cease-fire, they could develop a motorable route wholly within South Vietnam from the DMZ all the way to western MR-3. The proposed ARVN operation would cut Communist held territory into two parts, and would force the enemy's supply lines, at least near the area of the operation, to remain in Laos or Cambodia where they now are. NVA supply activities in these would presumably more clearly contravene the proposed peace agreement than would the same activities inside the Communist-controlled areas of South Vietnam. For maximum effect, and to prevent Communist counteraction, this ARVN operation should be undertaken in the brief period between the signing of the agreement and the time it goes into effect. The exact location of the operation should be the subject of immediate military planning. The region west of Pleiku along Route 19 might provide the most favorable area, but there may be military or other factors which would make a different area more feasible.

(4) The GVN should establish a reporting system through which a continuous flow of information on implementation of a cease-fire will be funneled to regional headquarters and Saigon from all hamlets and villages. An adaptation of HES reporting channels could be used for this purpose, with all hamlet and village chiefs being required to respond each week to 10 or 12 simple questions on the security and control situations in their areas. A system of independent roving teams (perhaps composed of RD cadres) should also be set up to make on-site inspections in any areas where the situation appears to be deteriorating or where the local reporting is suspect.

(5) All known Viet Cong legal cadres should be immediately arrested and temporarily detained, until the situation following a cease-fire has stabilized. In addition, planning should start now to transfer certain RF units to the National Police field forces, to give the police a greater capability to counter subversion in the new period of political struggle.

(6) President Thieu should use his emergency authority to promulgate an expanded Vietnamese "GI Bill of Rights." Such a bill should include more veterans' benefits and better rehabilitation measures for wounded veterans than those now in effect. The immediate value of the bill would be psychological, raising ARVN morale and discouraging desertion of troops who do not want to be the last to die before a cease-fire. Benefits would be limited to honorably discharged veterans. Over the longer term, the bill could have economic benefits in facilitating transition from a war to a quasi-peace economy, both by easing unemployment problems and by augmenting the supply of trained manpower for economic development.

B. Political Measures and Psychological Warfare Measures

(7) The GVN should make a major effort to expand the Chieu Hoi (Rallier) program by all possible means. The government should embark on a large-scale propaganda campaign to induce Viet Cong troops and cadres to rally, using the theme that the Viet Cong have been abandoned by the NVA. Also, all differences between the North Vietnamese and the Viet Cong should be exploited.

(8) The GVN should make an all-out effort to gain the support of nationalist and anti-Communist political groups in South Vietnam who are in opposition to Thieu. Thieu is currently seeking to gain the support of these groups—but against the agreement itself. Once persuaded, however, that an agreement was the best one that could be obtained, he might also be persuaded that his own future interest would be served by taking concrete steps to improve his relations with the non-Communist opposition groups.

(9) The GVN should promote the formation of anti-Communist “coalitions” in legislative bodies at all levels—National Assembly, provincial and village councils. The GVN and leaders of the various “coalitions” (i.e., political alliances) would then denounce the concept of “coalitions” in the legislatures. This tactic would not only furnish an additional propaganda weapon against Communist efforts to upgrade the “Councils of National Concord and Reconciliation” to governmental organisms, but it would also provide a framework to facilitate cooperation among anti-Communist legislators and councillors. Most supporters of the An Quang Buddhists and a few other staunch oppositionists might remain outside the nationalist coalitions, but many independents and moderate oppositionists—such as followers of Senate Chairman Huyen or of the Progressive Nationalist Movement—would probably join.

(10) The GVN should organize a program of briefings for middle and upper echelon administrative officials and cadres. These briefings, to be held in Saigon and lasting a full day, should include a “pep talk” by the President as well as more detailed explanations and instructions from Ministers and other officials. Bringing provincial officials to Saigon has in the past proved effective not only as a means to impart instructions but also to boost morale and convey a sense of purpose—of being “on the team.” The briefings should be tailored to the needs of the different audiences—village and provincial officials, RF and PF officers, GVN administrative cadres, Ministry of Information officials, etc. Subjects to be covered would include explanations of the dangers ahead in a post-cease-fire period; the GVN’s basic strategy for overcoming them; actions, whether administrative, security or political, to be undertaken; and enemy stratagems to watch for and ways to counter them. If all briefings cannot be held in Saigon, some might be organized

at the military region level. Again, however, Thieu should personally participate where possible.

(11) The GVN should prepare now to assist the international press and other observers to travel anywhere they desire in South Vietnam to inspect the operation of the cease-fire. Plans should be made for the efficient provision of helicopter transport, communications facilities, and accommodations for representatives of the news media. Requests for assistance by such representatives should be welcome and met with full cooperation by the GVN. The GVN should be officially accredited—either by the GVN, the PRG, or by whatever “neutralist” element finally emerges in the National Council for National Reconciliation and Concord. The GVN should also propose that any accredited correspondent be allowed to visit any part of South Vietnam he desires. Whether or not the Communists accept this, the GVN should lean over backwards to ensure that all correspondents whom it accredits may travel to any part of South Vietnam under GVN control.

(12) The GVN should publicly announce that it stands ready to accept and assist refugees from areas which fall under Communist control as a result of the cease-fire. The government should embark on an accelerated program to deal with the whole refugee problem, so that those who “vote with their feet” will be adequately cared for and resettled. Where refugees desire to return to hamlets which have been deserted because of the war (and which are not actually occupied by Communist military forces), the GVN should insist that a free local referendum is held in such hamlets to determine whether the population desires to remain under GVN control.

C. Economic Measures

(13) President Thieu should publicly renew his October 1971 proposal to establish postal exchanges, family visits, and, above all, commercial relations between Vietnams. The proposal would undoubtedly be a popular one. Northern refugees who came south after 1954 would welcome an opportunity to communicate with their relatives in the North; southern farmers would see possibilities for large and profitable sales of rice (until the 1954 Geneva Accords the North had traditionally imported rice from the South); and Saigon intellectuals would approve as a matter of principle. Both within South Vietnam and abroad, Thieu would appear sure of himself and his position, unburdened by the inferiority complex vis-à-vis North Vietnam which caused Ngo Dinh Diem to reject similar exchanges. By vigorously advocating such proposals, Thieu would gain politically, whatever the North Vietnamese response.

(14) The GVN should announce now that governmental funds will be available for selected public works projects in villages and hamlets which are under GVN control in the last few days before a cease-fire

took effect. The implementation of such public works projects after a cease-fire would further strengthen the position of the central government in rural areas. (The funds, of course, would probably have to come largely from the U.S.)

(15) The GVN should work out plans now to emphasize the “free enterprise” aspects of its economy, in contrast to the “controlled economy” of Communist-held areas. New free markets should be opened in villages where possible. GVN planners should set up the methods and channels now to assure that local markets are provided with sufficient supplies not only of necessities such as fertilizer but also of luxuries such as Hondas. Plans should be made now to improve roads between villages and towns where markets are located and the surrounding hamlets. The government should encourage local initiative in building schools, medical dispensaries, etc. In general, the GVN must be able to show that it has better plans to improve the lot of its people than do the Communists.

(16) The GVN should announce plans to accelerate the implementation of its land program. The announcement should emphasize that the conditions for more rapid land reform will be significantly improved after the fighting ends, and that the government intends to give the program top priority in all areas under GVN control.

4. The following measures should be implemented immediately by the United States:

A. Security Measures

(1) A U.S. military contingency plan—providing for B-52 backup of ARVN ground units—should be drawn up, to be implemented in case of major cease-fire violations by the Communists. It would perhaps be helpful if hints that the U.S. was working on a contingency plan such as this were deliberately leaked to the Communists.

(2) The U.S. should take whatever steps are necessary to assure that the GVN has sufficient radios and communication equipment to provide direct and continuous contact with hamlets which are contested during the period immediately before and after a cease-fire.

B. Political Measures and Psychological Warfare Measures

(3) The U.S. should immediately decide what its response should be to the plans of both the GVN and the Communists to carry out assassination programs in the early stages of a cease-fire. At the minimum, the U.S. should denounce such acts and call for true reconciliation. The fact that the U.S. has advance knowledge of the GVN’s assassination plans will almost certainly leak out fairly soon. The U.S. should decide now how to respond to this potential problem.

Warm regards.

93. Editorial Note

On November 7, 1972, the United States replied as follows to the Democratic Republic of Vietnam message of November 4 (see footnote 3, Document 90) that a meeting between Special Assistant Henry A. Kissinger and Special Assistant Le Duc Tho should be set for November 14:

“The U.S. side has carefully studied the DRV message of November 4, 1972. It will approach the final round of negotiations with the greatest seriousness and utmost good will with a view towards terminating the war as rapidly as possible. In order to give effect to this policy, the U.S. side will dispatch General Haig to Saigon to conduct further consultations with the Republic of Vietnam during the period November 10 and 11.

“The U.S. side proposes that Special Advisor Le Duc Tho and Dr. Kissinger meet November 15 in Paris at 10:30 a.m. to resume discussions designed to complete the draft agreement. Dr. Kissinger will be prepared to remain as long as necessary until a final text has been achieved.” (Transmitted in a message from Haig to Guay, November 7, 0045Z; National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 110, Country Files, Far East, Vietnam Negotiations, US–DRV Exchanges, October 1972–January 1973)

On November 8, the North Vietnamese agreed that November 15 would be a convenient date but, regrettably, Le Duc Tho had fallen ill, and so they proposed that the talks resume on November 20. (Message from Guay to Haig, November 8, 1952Z; *ibid.*)

In accepting the November 20 date, the U.S. side wrote: “The U.S. side reaffirms its determination to bring an end to the war in the most rapid possible fashion. It notes the DRVN intention to participate in the next private meeting with good will and seriousness. In this case there certainly will be an early peace and the beginning of a new relationship between the United States and the Democratic Republic of Vietnam.” (Transmitted in a message from Haig to Guay, November 9, 0240Z; *ibid.*, NSC Files, Box 857, For the President’s Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1))

94. **Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)**¹

Saigon, November 7, 1972, 1015Z.

252. Ref: WHS 2313.²

1. In view of reftel, I think it may be useful to review the state of the play here as it has developed in the two weeks since your departure.

2. Thieu has used the interim period to emphasize widely his major concerns and to mobilize support for his position and to prepare the population for a cease-fire. As you know, he has ignored the major concessions by the other side in withdrawing demands for his resignation and for a coalition government of national concord (leaving the GVN intact). This may not be a bad thing as he will need this ammunition when, as I think he will, he concurs in the agreement you work out.

3. Thieu has pictured the absence of a provision for the withdrawal of North Vietnamese forces as a major concession to the other side, but he has not highlighted the fact that our previous proposals had always provided, however phrased, for the withdrawal of North Vietnamese troops from South Viet-Nam. The fact that North Vietnamese troops are to be withdrawn from Cambodia and Laos adds to his suspicion that Hanoi will maintain that their troops have the right to be anywhere in Viet-Nam, North or South. Thieu has asserted that in addition to the 143,000 North Vietnamese troops in North Vietnamese units, there are at least 100,000 more fillers in VC units who cannot be identified and will remain in country in any event.

4. The lack of reference to the DMZ in the agreement Thieu sees as providing an avenue for continuing infiltration of men and supplies as well as a dilution of South Viet-Nam's status as an independent country.

5. Thieu has criticized the NCRC as giving the NLF equal weight with the GVN whereas it in fact represents only a small fraction of the population; he thus sees this three segment form as an attempt to introduce in effect a coalition government, a suspicion confirmed by what he views as sinister differences in the English and Vietnamese texts.

6. Thieu also has been concerned by the effect that the disclosure of the terms of the agreement may have on political stability and on the

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Sensitive; Exclusively Eyes Only.

² Document 90.

morale of the military and civilians. His concerns have been given some validity by the psychological climate prevailing here in recent weeks, partly a result of the fact that even thoughtful people are badly informed and puzzled. They see the contradictions between what is said in Hanoi, Saigon, and Washington, and Thieu's and Lam's intemperate and ill advised remarks have, of course, worsened an already difficult situation.

7. Thieu has played on this psychological situation—fear of the Communists, distrust of the Americans, and apprehension regarding the future—to unite people in support of his position and for him personally in his role of defender of South Viet-Nam against all comers. In fact, there is greater unity in political and religious circles than I have seen here since November 1968. Mass meetings have been held in various parts of the country and resolutions passed by many political and religious elements in support of the GVN position. This does not mean the country is galvanized behind Thieu, as witness Prime Minister Khiem's views reported in Saigon 0249;³ or that ARVN has become aggressive or bold. Indeed, the last man to die syndrome is significantly reducing ARVN's effectiveness and we are getting some reports of rich people who are poised to leave. Nevertheless Thieu is articulating deeply held beliefs and when he declaims against coalition government and against the NVA staying in the South he is saying what people want to hear.

8. What seem to be his objectives and what does he hope to achieve? I think one might enumerate the following:

—To strengthen the morale of the civilian and the military and to maintain political stability looking to a forthcoming political contest with the NLF.

—By showing that the country is solidly behind him, adding weight to his demand for better terms in the agreement.

—By demonstrating that he has widespread support not only in Viet-Nam, but in other Asian countries place us in a position in which we cannot afford to let him down; that to go ahead with an agreement over his opposition would demonstrate the failure of our Viet-Nam policy.

—To solidify his position in case he is constrained to accede to the agreement. He could then shift the responsibility to us—a practice to which other small, weak nations have felt compelled sometimes to resort—and say that his vigilance and determination have brought about important concessions which safeguard the people of South Viet-Nam and thus rally support for a future political contest with the NLF.

³ Not found.

9. However, despite the vigor with which Thieu has been presenting his position, I do not believe he is locked in yet. He has instructed the emissaries he has sent to other Asian countries to be careful to indicate that there is no confrontation between him and the U.S. and he has put out similar instructions to government officials and agencies.

10. I think the English version of NCRC is perfectly saleable here. My guess is, however, that Thieu will be difficult on the NVA issue. He lacks confidence in the outcome of a political contest, even with the NVA gone, and is deeply concerned over the chaotic situation he anticipates if he accepts their continued presence and doubts his ability to be persuasive with his commanders, province chiefs, and the public at large. He contributed to this problem, of course, by his statements and actions during and since your visit, but fear of the NVA is a long-standing trauma here. He has indicated to me, however, that he can live with a de facto withdrawal and I think he could climb down on the basis of signals from Hanoi or assurances from us.

11. As I said in my 0251,⁴ since it is quite clear that Thieu will not be able to make good on the uncompromising position he has taken, it seems to me that we must help find a relatively graceful way for him to back down. Al Haig's visit, bringing with him a letter from the President, will be important in making clear what we can or cannot get changed. The revised time frame mentioned in your message gives Thieu time to face up to the facts of life and to undertake the necessary adjustments in his public posture. If possible it might be wise to work the visit to President Nixon into your plans to have as a safety valve if we are still having problems with Thieu. What I have in mind is that the visit might be scheduled before rather than after the signing of the agreement and that Thieu would be able to say that the commitment of continued support which he had received from the President gave adequate assurance that the Vietnamese people could look forward to a future of peace and progress. The argument against this, of course, is that Thieu might be made to appear to the other side and to his own people as subservient to the U.S.

12. I look forward to Al Haig's visit and will be delighted to have him and his staff stay with me.

13. Warm regards.

⁴ Backchannel message 251 from Bunker to Kissinger, November 6, 1035Z, is in the National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 25, HAK Trip Files, Tohak/Hakto, California Before Elections, November 4–7, 1972.

95. Summary of Conclusions of a Washington Special Actions Group Meeting¹

Washington, November 8, 1972, 2:08–3:20 p.m.

SUBJECT

Vietnam Planning

PARTICIPANTS

Chairman—Henry A. Kissinger

State

U. Alexis Johnson

William Sullivan

Defense

Kenneth Rush

G. Warren Nutter

R/Adm. Daniel J. Murphy

Roger Shields

JCS

Adm. Thomas H. Moorer

V/Adm. John Weinel

CIA

Richard Helms

George Carver

William Newton

NSC

M/Gen. Alexander Haig

Richard Kennedy

John Holdridge

James T. Hackett

SUMMARY OF CONCLUSIONS

It was agreed that:

—The JCS will prepare a check list of items that should be covered in the next negotiating session with the North Vietnamese.

—DOD will prepare a brief paper on the POW situation that states clearly what we want and when we want it. A separate paper will be prepared on MIAs.

—CIA will prepare a paper outlining proposed U.S. intelligence operations in Vietnam following a ceasefire.

—All U.S. military personnel in South Vietnam after sixty days following the ceasefire will be designated attachés.

—There is to be no further public speculation on the possibility of U.S. civilian personnel replacing U.S. military personnel in South Vietnam.

—Civilian personnel, regardless of nationality, should be hired and paid by the South Vietnamese Government.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-117, Washington Special Actions Group, WSAG Minutes (Originals) 7-27-72 to 9-20-73. Top Secret; Sensitive. The meeting took place in the White House Situation Room. The minutes are attached.

—No public statements will be made on the subject of inspection of POW facilities.

—The Navy may begin removing the mines as soon as the agreement is signed, but they should not all be removed until all of the prisoners have been released. The withdrawal of troops should also be timed so that it will not be completed until all of the prisoners have been released.

—The President wants a major unilateral U.S. intelligence effort to monitor the enemy's compliance with the agreement.²

—There should be no reduction in our military personnel in Cambodia.

—There should be a time interval between the first international conference and the separate conference on reconstruction and development.

² During the meeting Kissinger said: "I want to assure you that the President does not consider this exercise a road leading to a bugout. He fully plans to enforce the agreement. He has every intention of maintaining the present structure in South Vietnam and of putting a unilateral effort behind it. Your activities in the intelligence field must be based on that objective. I want a grade A effort in the collection and analysis of intelligence in Vietnam. We don't want people down there who are going to waffle around or depend on information from the Control Commission." Helms responded: "This is extremely useful guidance for us. It is exactly what we need to know."

96. Letter From President Nixon to South Vietnamese President Thieu¹

Washington, November 8, 1972.

Dear Mr. President:

On this day after my reelection I wish to reopen our dialogue about the draft agreement to end the war.

I must first of all express my deep disappointment over what I consider to be a dangerous drift in the relationship between our two countries, a tendency which can only undercut our mutual objectives and benefit the enemy. Your continuing distortions of the agreement and attacks upon it are unfair and self-defeating. These have persisted despite our numerous representations, including my October 29 letter to you. They have been disconcerting and highly embarrassing to me.

In my previous communications, and in the presentations of Dr. Kissinger and Ambassador Bunker, we have repeatedly explained why we consider the draft agreement to be sound; we continue to believe that it reflects major concessions by the other side, protects the independence of South Vietnam, and leaves the political future to the South Vietnamese people themselves. You are fully informed as well about the massive resupply movement that is underway to strengthen your forces before a ceasefire. I have repeatedly given firm guarantees against the possibility that the agreement is violated. I have offered to meet with you soon after the agreement is signed to symbolize our continuing support. I will not recount here the numerous arguments, explanations, and undertakings that have been made. They all remain valid. In the light of this record, the charges made by some of your associates are becoming more and more incomprehensible.

We are in any event resolved to proceed on the basis of the draft agreement and the modifications which we are determined to obtain from the North Vietnamese which General Haig will discuss with you. With regard to these changes in the agreement, I wish to make clear what we can and cannot do:

—With respect to the political provisions, we will weaken the Vietnamese translation of the phrase “administrative structure” to make even clearer the fact that the National Council is in no way a governmental body. As you know, we never agreed to the North Vietnamese use of the phrase “chinh quyen” and we will do our utmost to see

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 996, Alexander M. Haig Chronological File, Haig Chron, November 1–16, 1972. No classification marking. Haig delivered this letter to Thieu when they met on November 10 (see Document 97). The letter is reproduced in Hung and Schecter, *The Palace File*, pp. 383–384.

that the phrase “hanh chanh” is substituted. In Article 9(f) we will also press for a sentence that makes clear that the membership of the Council is appointed equally by both sides. And in Article 9(g) we will attempt to dilute the already weak functions of the Council. In any event, as we have explained to you on numerous occasions, it is obvious that the Council has no governmental authority.

—With respect to North Vietnamese forces in South Vietnam, we will treat this problem in two ways. First, we will press for the de facto unilateral withdrawal of some North Vietnamese divisions in the northern part of your country. Secondly, we will introduce wording at the end of Article 9(h) which stipulates that troops should be demobilized on a one-to-one basis and that they should return to their homes.

—With respect to the demilitarized zone, we will press in Chapter V for language that says it will be respected by the parties.

—In Article 15(d) we will insist on deleting the inadvertent reference to “three Indochinese countries” and substituting “the Indochinese states.”

—In addition, we will do our best to obtain as many as possible of the changes in wording your government suggests which are of a more technical nature.

We will use our maximum efforts to effect these changes in the agreement. I wish to leave you under no illusion, however, that we can or will go beyond these changes in seeking to improve an agreement that we already consider to be excellent.

It seems to me you have two essential choices. You could use the public support your recent actions have mobilized to claim the military victory the agreement reflects and to work in unity with your strongest ally to bring about a political victory for which the conditions exist. You could take the political and psychological initiative by hailing the settlement and carrying out its provisions in a positive fashion. In this case I repeat my invitation to meet with you shortly after the signature of the agreement, in order to underline our continued close cooperation.

The other alternative would be for you to pursue what appears to be your present course. In my view this would play into the hands of the enemy and would have extremely grave consequences for both our peoples and it would be disaster for yours.

Mr. President, I would like you to tell General Haig if we can confidently proceed on this basis. We are at the point where I need to know unambiguously whether you will join us in the effort General Haig is going to outline or whether we must contemplate alternative courses of action which I believe would be detrimental to the interests of both of our countries.

I hope that you and your government are prepared to cooperate with us. There is a great deal of preparatory work that needs to be done,

and we believe joint US–GVN task forces should begin working together so that we will be in the best possible position to implement the settlement.

It is my firm conviction that your people, your armed forces, and you have achieved a major victory which the draft agreement would ratify. It is my intention to build on these accomplishments. I would like to work with you and your government in my second term to defend freedom in South Vietnam in peacetime as we have worked during my first term to defend it in conflict.

In four years you and I have been close personal and military allies. Our alliance has brought us to a position where the enemy is agreeing to conditions which any objective observer said were impossible four years ago. Our alliance and its achievements have been based on mutual trust. If you will give me continued trust, together we shall succeed.

Sincerely,

Richard Nixon

97. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, November 10, 1972, 0800Z.

Haigto 3/256. Call Colonel Kennedy immediately upon receipt and Flash to Kissinger at Key Biscayne. Inform Kennedy to call Key Biscayne and have this Flash message delivered directly to Kissinger upon receipt regardless of the hour.

Bunker and I spent two hours with Thieu and Nha starting at 11:00 am Saigon time November 10.² Thieu read the President's letter very carefully making marginalia at key places.³ I then explained to him in detail the general character of the changes we intended to seek, covered the game plan and then expanded at some length on the

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² A memorandum of conversation of the meeting, November 10, indicates the meeting lasted until 12:50 p.m. (Ibid.)

³ See Document 96.

reasons why it was essential that Thieu cooperate with us in the final stages. I hit very strongly the consequences of his failure to do so and, in effect, presented him with an ultimatum.

After completion of this lengthy presentation, during which Thieu continually conducted a conversation with Nha in Vietnamese, Thieu stated that he would like to have more details on the specific changes we were going to seek, noting that principles were not sufficient for him to make the kind of decision we were asking for. He stated that when you briefed during your last visit to Saigon things looked rather good but when they read the English text of the draft agreement, there appeared to be discrepancies between what you said and what they read. Then when they read the Vietnamese version these discrepancies grew and became more serious. He stated that this caused great difficulty not only in Saigon but in all of the capitals that you visited where oral briefings were given. Initially, most were enthusiastic but when they read the cold print they lost all confidence. Thieu stated he did not want this kind of difficulty on this occasion.

I told Thieu in no uncertain terms that we would, of course, work with him as we developed specific language but that he must understand that I was not here to negotiate with him but rather to discuss with him the contents of the President's letter which clearly enunciated the general directions that the President intended to pursue on the important outstanding issues that remained. I stated that we had made the decision to proceed and now it was essential for us to know in principle whether or not he would cooperate with us. I pointed out that we were being subjected to countless conflicting high level viewpoints which purportedly represented Thieu's thinking and which were being provided to the South Vietnamese press with increasing regularity. I stated that now is the time for us to be informed with respect to Thieu's intentions, that we are prepared for either eventuality and that the President's determination to proceed with a settlement now was unshakeable and inevitable.

Thieu seemed to back off, sensing that we were heading toward some first-class brinkmanship. He stated that he understood that we might not be able to give him chapter and verse but that it would be most helpful if we could answer some general questions which he and his advisers were concerned about, such as the size of the ICCS, when it would be in place, when the ceasefire would take place with respect to the announcement, how the political process would occur, when we visualized unification of North and South would take place, etc. He stated that he had a meeting scheduled with his NSC this afternoon in which they would discuss the situation. He would then like to have me meet sometime tonight, after 9:00 pm Saigon time, with two or three of his key advisors to see how many of the outstanding questions we

could clarify to assist him in considering the broad question at another meeting with his NSC that would take place tomorrow morning Saigon time. Following this meeting, Thieu said he would meet with me at 3:00 pm Saigon time and provide me with an answer to the President's letter.

My judgment now is that Thieu cannot bring himself to an open break with us. On the other hand, he will exercise every ploy in his dictionary to achieve further delay, hopefully without a commitment. All of this tends to suggest that he intends to go along in the final analysis but we have been fooled before and may be faced with a firm no tomorrow afternoon.

In the interim, given the suspicious nature of the South Vietnamese, I think it would serve our purpose to be as forthcoming as possible as we can on the questions that they have. With respect to the specific positions that you would take in the Paris meetings, we have two options. The first (Option A) is to merely give Nha a written version of the talking points which I used this morning on the major changes. These, as you know, are general in character but would be less likely to reassure Thieu. The second option (Option B) would involve our actually giving the specific changes you intend to press for on the major items contained in the talking points. In each case, we would give the minimum or fallback position as agreed upon Wednesday in Washington. The disadvantage of this is that Thieu would then have a scorecard to assess your effectiveness in Paris and before that time he may demand other changes which will be even tougher to manage. The advantage is that we would be dealing in a most forthright way with Thieu and I think take a large step toward eliminating current suspicions which are virulent.

The decision on which option to pursue depends on your and the President's willingness to lay it on the line during my trip. In this morning's meeting, I brought it to the point of confrontation. There is no doubt in Thieu's mind that a negative response from him may well result in bilateral action by us. He obviously avoided, and I believe intends to continue to avoid, this kind of a rupture. If you wish me to push it to the hilt, I would strongly recommend that we take the second option. If on the other hand, you want to hold off risking a final break during my visit then the more general approach in Option A would make more sense. If I do not hear from you before our meeting tonight, I will use Option A since this is essentially a repeat of my oral presentation this morning.

I also need your guidance on how far I can go on technical questions related to how we visualize the implementation of the agreement itself. Bunker, Negroponte and myself will caveat each answer in any event to be sure we are protected. We will not make policy but when

we have discussed an issue such as the approximate size of the ICCS I think it serves our purpose to be as forthcoming as possible. Along this line, I believe it would be of value to give Thieu a copy of the draft protocol on the ICCS prepared by Sullivan. Since he has already officially circulated this, we should probably stick with his version. We can police up possible changes at a later date and the substantive differences between our staff draft and Sullivan's which you hold there in Key Biscayne are not that difficult to manage. I am sorry to disturb you at this hour but I am sure you recognize how important it is that I have your guidance before entering tonight's meeting. If it is not available, I intend to proceed as outlined herein so that Thieu will have absolutely no excuses for failing to bite the bullet tomorrow afternoon.

The meeting was tense but never emotional and despite the frankness of the discussion it never lost cordiality. Thieu seemed much more controlled and confident than during the October discussions.

Warm regards.

98. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig) in Saigon¹

Key Biscayne, Florida, November 10, 1972, 1230Z.

Tohaig 15/WHs 2320. Thank you for your cable. I favor Option B giving Thieu the proposed changes. But give him only absolute minimum position and warn him that it will be a negotiation, not an ultimatum so that we cannot guarantee outcome. In paragraph 9 regarding the NCNR, would not give him deletion of local councils and three segments. I would concentrate on fall-back only with milder Vietnamese word for administrative structure and both sides appointing half of three segments. I would be forthcoming on technical details like size of ICCS. I do not object to showing him draft protocol with proper caveats.²

Good morning.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² Haig and Bunker met that evening with Tran Kim Phuong, South Vietnamese Ambassador to the United States, and Hoang Duc Nha. Thieu did not attend. The South Vietnamese spoke from a prepared list of talking points that related mostly to security concerns. "In response," wrote Haig in backchannel message Haigto 4/257 from Saigon, November 10, 1645Z, "I went over much the same ground I had covered earlier [that day] with Thieu." Furthermore, Haig noted: "The tenor of discussion was positive and there was no nit-picking nor did they press us for the texts of any other changes than the ones you authorized me to provide them." (Ibid.)

99. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, November 11, 1972, 1453Z.

Haigto 8/263. Ambassador Bunker and I have just completed a three hour and fifteen minute meeting with President Thieu who again ambushed us by convening the entire NSC, including General Vien augmented by his three Ambassadors.² He, in effect, answered each paragraph of the President's letter³ point by point and is providing us later tonight with a more generalized written response, that he relied on me to fill in the details for the President. Summary of his point by point response is as follows:

—Re first paragraph of President's letter, Thieu said President's allegations are not just because all of his attacks have been against the Communists and not the United States. The fact that he had to attack the issue of the troops in the South and the administrative structure was dictated by his need to preserve the morale of his people and his army. If Hanoi had not disclosed their version of the contents of the agreement, he would have said nothing. He asked for President's understanding on this issue, stating that he never intended to attack the United States.

—Re paragraph 2, he expressed deep gratitude for expedited massive resupplies and for offer to meet with the President following agreement. In latter case, he stated meeting would depend on the situation. However, [garble—concerning his] emissaries, he stated that he had to do this to fulfill his duties to countries who had supported him and to explain his position.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 49, Geopolitical File, Vietnam, Peace Talks, Chronological File, 1 Nov.–15 Dec. 1972. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² Before the meeting, in Tohaig 26/WHS 2331, November 11, 0045Z, Kissinger sent Haig the following guidance: "I have just talked with the President. He wants you to make clear that we will not stand still for a repetition of events as they unfolded during the last two trips to Saigon. You should make clear that, given the complexion of the new Congress, we simply will not be able to hold Congressional support. This Congress is more liberal than the last. The only useful thing to discuss now is joint planning." (National Archives, Nixon Presidential Materials, NSC Files, Box 1019, Alexander M. Haig Special File, Gen. Haig's Saigon Trip, Tohaig/Haigto & Misc., November 9–13, 1973 [1 of 3])

³ See Document 96.

Concerning what Thieu described as the political provisions of the President's letter, Thieu made the following points:

—He agreed that deletion of the Communist expression “*chinh quyen*” should be made and emphasized that they wished it to be made clear in the draft agreement that the body is an administrative organ whose purpose is to oversee the elections as stipulated in the draft agreement, the character of the elections is to be decided through consultation between two parties.

—With respect to the three equal segments, Thieu stated that he accepts only the Council and wishes to see the deletion of the three equal components. He, therefore, is in agreement with the addition of the phrase “appointed equally by both sides” but once this addition is made Thieu states there is no more reason to retain any reference to three equal components.

—With respect to troops in the South, Thieu stated that this is a life or death issue; he and his people consider the North Vietnamese troops as foreigners and aggressors. When Hanoi demanded the withdrawal of foreign forces, the North Vietnamese forces should have been included. Thieu went on at great length, insisting that there are still 300,000 North Vietnamese forces in South Vietnam, with them there, there could be no expression of (the) free will from (of the) people with guns behind their backs. If Hanoi states they need troops in the South to guarantee the elections and the ceasefire they are incorrect. This is not their job but that of the commissions and the international conference.

—Thieu also insisted that there are far more than 100,000 to 150,000 North Vietnamese in the South. Rather there are over 300,000, many of whom have been integrated into the VC or broken down into small units, and are presently located in villages and hamlets. He listed enemy strength as 17 divisions, including 94 regiments and 554 battalions, not including numerous North Vietnamese troops in villages and hamlets. He stated that the provision for a one-to-one demobilization would never be abided by and that North Vietnamese troops would hide in the villages and serve as cadre with the VC. Therefore, he was asking President Nixon to demand the withdrawal of North Vietnamese troops from South Vietnam within the same time frame as the U.S. withdrawal.

—Reference the DMZ, Thieu stated he welcomes the effort of the U.S. to get the inclusion of a clause in Chapter V.

—Reference the question of the “three countries,” he stated he welcomes the addition of the proposed phrase since it will be understood by all to mean the four states of Indochina.

—With respect to the other changes referred to in the President's letter as technical, Thieu made the following proposition: he believes

these changes are interrelated to the more important substantive changes in the remainder of the agreement and that the U.S. and GVN should work on them by means of a joint task force before your next meeting, with the view toward unifying the U.S. and GVN positions.

—In sum, with respect to the changes in the agreement, Thieu stated he welcomed the President's efforts to press for change.

—Concerning the paragraph on page 2 of the President's letter which stated Thieu has two choices, he responded that he was not pursuing the course which would play into the hands of the enemy nor was he seeking a military victory. He insists he wishes to cooperate with the U.S. and President Nixon and recognizes that this is essential. On the other hand, Thieu emphasized that he must disagree with the Communists on an issue that he considers to be vital for the people of South Vietnam.

Thieu concluded by stating that there are two main points. First, the issue of the Council and, second, the issue of North Vietnamese troops in the South. With respect to the Council, he agrees that the membership can be appointed equally by both sides, that it has no government functions and is only an administrative organ which is concerned primarily with the elections which themselves are to be determined by the two parties.

On the troops in the South, Thieu asks that President Nixon join him in demanding the withdrawal of the troops, emphasizing that this is a minimum and just demand.

Thieu concluded his formal statement by criticizing the composition of the ICCS, stating that there are two countries which are Communist and two other countries which are not completely on the side of the GVN. He singled out Indonesia as being internally anti-Communist but externally influenced by the Soviets and a country which has relations with Hanoi. Concerning the international conference, Thieu stated that all of the countries in Indochina and Southeast Asia, as well as Asia, should be included. Specifically, he mentioned Laos and Cambodia, opposed France and recommended the inclusion of Japan.

Concerning the dispatch of a representative to Paris to work with you during the next meeting, Thieu stated that we should use his Paris delegation and Ambassador Lam. He stated that Ambassador Phuong in Washington can be the link between the United States and Paris and that Nha can serve as a messenger between Saigon and Paris.

Finally, Thieu stated that we should take advantage of South Vietnamese interpreters in assessing the text of the agreements. He stated that the current text uses a term to describe United States forces which is very derogatory in Vietnamese.

At the conclusion of his presentation, I stated to Thieu that it is now apparent that the United States and the GVN have fundamental

differences on the issue of the North Vietnamese troops in the South. I reviewed in great detail all of the considerations which you and I have discussed so often and concluded with a very strong statement to the effect that with a fundamental disagreement of this kind it was now apparent that the President would have to consider alternate courses as outlined in his letter. More importantly, I stated that it was very obvious that Thieu would surface very quickly as the obstacle to what most analysts consider a reasonable agreement. This being the case, the essentially Democratic Senate can be expected to promptly cut off the provision of further aid and assistance to the Government of South Vietnam.

I pointed out that his uncompromising and unconditional demand for the immediate withdrawal of North Vietnamese forces could not but have this effect, even if the executive branch were inclined to agree with this principle. Thieu and his associates were obviously shaken by my response, not so much because they accept the assurances that we had provided in the agreement for the means to reduce the threat of the North Vietnamese forces but rather because they understand that their position could have the effect of depriving them of further U.S. support. Thieu then softened his stance considerably with respect to the North Vietnamese forces, stating that his real problem was that he could not accept the ambiguous statement in the President's letter with respect to the one-for-one withdrawal. In a somewhat emotional way, he asked that we give him some specific clarification. He stated he must have the answers to the following questions:

1. If the North Vietnamese forces will go home, when will they do this?
2. How will they go home? And how will we verify that they have done so? And how many do they admit are in the South?
3. Will they take their weapons with them or bury them to use later?

Thieu then shifted to tougher argumentation and stronger demands, being joined by the Vice President, the Prime Minister and Mr. Duc. There is no question in my mind however that he was attempting to arrive at a compromise which would preclude a total break with us. We then went on at great length and I attempted to achieve additional concessions from him on the troop issue. In the discussion that followed, Thieu stated that he would immediately release all prisoners as soon as his had been released, including the political prisoners if they would go North. Thieu stated that he had no problems with an agreement that kept the South Vietnamese Communist forces in South Vietnam but could never accept the principle that the North Vietnamese had the right to permanently station forces in South Vietnam. I told him that this is precisely what the additions described in the President's

letter were designed to preclude. He replied that we then had something to work with providing he could have the answers to the questions cited above and providing that there were provisions in the agreement that were clear with respect to these obligations. He stated that he could not accept secret understandings on this issue. The principle must be clearly provided for in the agreement.

The meeting dragged on with continual exchanges by members of the NSC, some of which were emotional and irrational and which added nothing one way or the other to the central problem. I patiently tried to answer each question with varying degrees of success. At the conclusion of the meeting, I told Thieu that we should now work jointly to prepare for an outcome which could bring about a ceasefire in the near future. He agreed, stating that we should work at every level, using the points of contact he had established.

At the conclusion of the meeting, Thieu stated that he felt the discussions had been very constructive and helpful to both sides. I told him that I was going to Phnom Penh tomorrow and Seoul on Monday and that we would be in close touch as soon as I had conveyed his response to President Nixon.

In summary, I believe we have largely overcome all obstacles with the exception of the troops in the South. However, on this subject, Thieu has made every effort to prevent a complete break and, in my view, would accept some reasonable terms which would provide for their ultimate withdrawal under conditions which offered some means for verification. I recognize that it may be impossible to get such assurances from Hanoi and that we may, in effect, meet an unacceptable impasse. Nevertheless, Thieu showed sufficient flexibility on this issue for me to not push the issue any farther at this meeting. In my view, to have done so would have hardened his position and confronted him with a test of manhood in front of his advisers that he could not have gone back from.

The issue is now clearly drawn. If we are to bring Thieu along, we will have to enlarge somewhat on the proposed modification to the one-for-one phrase by the addition of some kind of a time frame and the provision of some kind of supervision although Thieu's demands were somewhat stiffer than this. I believe we could get him on board with this kind of a change. Thieu knows I have no authority to negotiate this and, therefore, I see no reason to delay any further. There has been the most intense press interest here and since all expect me to leave immediately, I will proceed to Phnom Penh departing Saigon at 0900 Sunday morning and from there proceed to Seoul, arriving late Sunday night, with the view toward meeting with Park on Monday. This will enable me to arrive in Washington on Monday afternoon.

Please give me a desired arrival time so that I can adjust my schedule accordingly.

Warm regards.

100. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, November 11, 1972, 1456Z.

Haigto 10/265. 1. Attached is Thieu reply delivered after this afternoon's session.² As you will see, Thieu has taken the moderate tone reflected in meeting with Bunker and me.³ The only part of the letter which is somewhat stiffer than our oral discussion deals with the timing of the withdrawal of North Vietnamese troops. In the letter, Thieu states that the withdrawal of North Vietnamese troops should be within the same period of time and under the same conditions as other foreign troops. He was not this explicit in the discussion with me and I feel sure that he would display a greater degree of flexibility on timing.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1019, Alexander M. Haig Special File, Haig's Vietnam Trip, November 9–13, 1972 [2 of 2]. Top Secret; Flash; Sensitive; Eyes Only.

² The letter from Thieu to Nixon, November 11, is attached but not printed.

³ See Document 99.

101. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

November 12, 1972, 0720Z.

Haigto 12. I had very useful morning in Phnom Penh, meeting first with Ambassador Swank and Enders, joined later by General Cleland and, finally, an hour and one half with Lon Nol and his Prime Minister.²

I carried out your instructions contained in your Tohaig 35³ and, indeed, as a result of your meeting with Lon Nol on Oct 22,⁴ GKR is planning the following three announcements just after Vietnam ceasefire: first a statement welcoming Vietnam ceasefire, second an announcement of cessation of offensive operations against the NVA and third, an announcement of cessation of offensive operations against the KC, with a simultaneous appeal that they rally.

In my presentation, I told Lon Nol about accelerated deliveries and add-ons, as well as fact that we are looking urgently into his other requests.⁵ He seemed pleased and reassured. I also impressed upon him need to get on with contingency planning in event of Vietnam ceasefire and need for every effort to use weeks ahead to open land LOCs.

Lon Nol confessed some confusion on his own part as to how best to proceed on international supervision. He said he feared Indians would not cooperate in reconvening 1954 ICC and wondered whether Vietnam ICCS could be used in Cambodia, at least for supervision of NVA/VC troop withdrawals. I told him we visualized entirely sepa-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Sensitive; Exclusively Eyes Only. Haig and his party were en route to Seoul.

² A memorandum of conversation, November 12, 11 a.m.–12:30 p.m., is *ibid.*, Kissinger Office Files, Box 122, Country Files, Far East, Vietnam Negotiations, CD-Related Memcons, October 1972–August 8, 1974. Haig, Swank, Enders, and Negroponte attended for the U.S. side while President Lon Nol and Hang Tun Hak, his Prime Minister, represented the Khmer Republic.

³ In this message, November 11, 2046Z, Kissinger wrote: "In your discussions with Lon Nol, in my judgment you should encourage him to declare a ceasefire with the understanding that if it is broken we will give him all out support. We can anticipate that the other side will not observe it and thus we will be able to hit them hard. I think they should go ahead with contingency planning and should make every effort now to clear their principal LOC's and regain as much control in the countryside as possible." (*Ibid.*, NSC Files, Box 1019, Alexander M. Haig Special File, Gen. Haig's Saigon Trip, Tohaig/Haigto & Misc., November 9–13, 1973 [1 of 3])

⁴ See Document 49.

⁵ Haig was referring here to military equipment and supplies.

rate supervisory mechanisms for each of the Indochina countries with the 1954 and 1962 ICC being applied to Cambodia and Laos respectively.

Lon Nol's health seemed measurably improved compared to the last time I had seen him and his remarks were relatively lucid and enthusiastic. My only concern is that, despite our explanations, he may be assuming that the NVA/VC will simply evaporate from Cambodia once a Vietnam agreement is reached; whereas in fact another negotiation on modalities of foreign troop withdrawals from Cambodia will probably be required which may involve distasteful political negotiations as well.

We are now enroute to Seoul from Bangkok. I saw Ambassador Unger briefly to bring him generally up to date on the state of play.

I told Unger to tell his host that I had just completed cordial, frank and constructive discussions in Saigon and that most of the differences between ourselves and Thieu had been ironed out, with the remaining problem centered on the status of the North Vietnamese troops in South Vietnam. I told Unger to inform his hosts that we would be in constant consultations with Thieu between now and the next meeting with Hanoi and that I am optimistic that we will enter this meeting in a unified stance. I also told Unger that I was confident that there would be a ceasefire and settlement in the near future and that we would welcome expressions of Thai confidence and support for what can only be described as a major victory for the forces of freedom in Southeast Asia.

In summary, the meeting with Lon Nol went exceptionally well and I believe was most reassuring to him. He remains enthusiastic and supportive and is especially grateful to President Nixon for the leadership he continues to demonstrate in Southeast Asia.

Warm regards.

102. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, November 12, 1972, 1945Z.

WHS 2243. Deliver at opening of business.

I would like to have your assessment of where things stand with President Thieu following Haig's trip and Thieu's reply to President Nixon. Thieu must be under no misapprehension that there can be changes beyond those enumerated in the President's letter or that there will be further meetings with the North Vietnamese after the next one. We are committed to reach a final agreement at next meeting and therefore must plan accordingly. We do not have time now for a protracted give and take negotiation with the GVN prior to that meeting.

With regard to withdrawal of NVA troops, we may not be able to get even what we already intend to request as outlined in the President's letter to President Thieu:

—De facto unilateral withdrawal of some NVA divisions from the northern part of South Vietnam.

—The change in Article 9h which would stipulate that troops should be reduced on a one-to-one basis and that they should return to their homes.

In my judgement ultimately we will be able to get these things through difficult bargaining but it will certainly be impossible to get an explicit or implicit commitment from the NVN to pull out all their troops. We may be able to get a target date such as the parties doing their utmost to accomplish reductions in military numbers within three months. We may also be able to get acceptance of this being done under international supervision. We will at least try for these changes. In any event, it seems to me that there are some advantages to the fact that the agreement does not explicitly recognize that NVA troops are in South Vietnam since official recognition of their presence would tend legitimize their right to be in the South. Fact that DRV continues to maintain fiction it has no troops in South adds weight to assertion they have no right to be there in any numbers. In addition to changes specified in President's letter, we will try to obtain technical changes but we cannot guarantee complete success in advance on these either. However, we will not be able to obtain further substantive concessions. Haig brought the maximum obtainable.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Sensitive; Exclusively Eyes Only.

We will be most happy to have a South Vietnamese interpreter in Paris to look over the text for language problems.² (In that regard I would be interested in knowing now what the very derogatory word in Vietnamese is that is used to describe U.S. forces in the current text.) They should get their Ambassador back to Washington as soon as possible if they want to use him for contacts here. It may help in a cosmetic sense. In your view, would this satisfy Thieu's request for "joint task forces to find ways to implement those changes in the draft agreement"?³ As I said, we cannot engage in protracted give-and-take.

The schedule Haig gave Thieu is the one on which we are going to proceed. We may be able to vary a few days but by the end of the first week in December it will essentially be completed. The President will of course talk to General Haig when he returns, but we can't be under any illusions that the schedule can be modified in any significant way.

I therefore would like on an urgent basis your best thoughts on where we stand and how to proceed. Since we are under tight time constraints, I would like to have this assessment prior to the time Haig is able to give me a full rundown on his return to Washington about noon on Monday.⁴ I am sending a copy of this message to Haig who can straighten out any misimpressions I may have in a message directly to you with copy to me.

On a new subject, it appears to me that ARVN is still not moving out aggressively in MR-3. This impression may just be a result of distortions in the reporting system, but I would appreciate having assessment of whether ARVN is taking advantage of this period to gain greater control in MR-3 and inflict heavy losses on the enemy units in that area.

Warm regards.

² As suggested by Thieu in the November 11 meeting; see Document 99.

³ The quotation is from Thieu's letter to Nixon; see footnote 2, Document 100.

⁴ November 13.

103. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Seoul, November 13, 1972, 0100Z.

Haigto 13. Have just received Tohaig 41 enclosing a copy of your message to Bunker.² Since I am on way to meeting with President Park, I will have to keep my comments brief and as a result somewhat imprecise.

As I pointed out in my reporting telegram after my second meeting with Thieu,³ I have a feeling that he will go along only if we at least explore the issue of North Vietnamese troops in the South at the meeting. He used the term explore on several occasions. In this context, he wanted a reference to timing and some means of verification. Like you, I am very uncertain that Hanoi will accept this. On the other hand, in the short term, without Thieu's acquiescence, I am not sure I understand where we are. If he refuses to accept the ceasefire negotiated for him by us under conditions which are unacceptable to him, have we really settled anything?

I hope you are under no illusions that I did not press Thieu absolutely to the wall or gave in any way. On the other hand, Thieu in effect gave on every issue except his request that we explore the troop issue with Hanoi.

It seems to me we have two options. We can send Bunker back in with a flat uncompromising ultimatum and a refusal to discuss preliminary measures further with Thieu or we can throw Thieu a few more bones and ask him to support our initial position going into the meeting. As far as the task force is concerned, I think the task force can be Bunker informing Thieu precisely what changes we intended to seek and using the next two or three days to try to line them up. If we do less and Bunker implements your instructions literally, I think we will have put Thieu in a position in which he will have no alternative but to break with us before, during and after your Paris sessions.

A second factor which concerns me mightily is the simple knowledge that Hanoi knows it can now split us from Thieu and that it will most likely enter the next round in a tough stance, with the view

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1019, Alexander M. Haig Special File, Gen. Haig's Saigon Trip, Tohaig/Haigto & Misc., November 9–13, 1973 [2 of 3]. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² Dated November 12, 2009Z. (Ibid., [1 of 3]) The enclosed Kissinger message to Bunker is Document 102.

³ Document 99.

toward accomplishing this. If they know we are dedicated to a “hell bent for leather” schedule, I suspect they will be all the tougher.

I see two very difficult tasks ahead. One is to exercise some patience with Thieu and attempt, through Bunker, to give him a few more initial positions with the caveat that we may not be able to attain them and with a blow-by-blow communications arrangement during the talks themselves. I, of course, made the point strongly to Thieu that we could not be insured that we would get even the points contained in the President’s letter so I think he understands completely that we are negotiating, not setting inflexible terms.

Secondly, I think you will have to consider very carefully your tactical approach to the talks, *vis-à-vis* the other side. I am not sure it is of any value for them to gain the impression that we are dedicated to their time schedule or rather our revised time schedule.

After all, they can play for two objectives. Barring no settlement, there are obvious advantages for them in continuing a protracted conflict in a situation where we have broken openly with Thieu. This appears to me to be the worst alternative. The second option is, of course for them to settle under the terms of a revised agreement. I recommend that we satisfy the task force requirement by instructing Bunker to inform Thieu immediately that he and Whitehouse are prepared to meet on an urgent basis with Thieu’s representatives in Saigon, with the view toward coordinating our initial negotiating position for the first day of the talks in Paris. We should shade our instructions to Bunker very clearly on each substantive item so that he does not leave the impression that each point is inflexible and must be attained in all instances. What I am referring to here are the other proposed changes in the draft agreement which we have not shared with Thieu.

We are now dealing with a razor’s edge situation. Thieu has firmly laid his prestige on the line with his entire government and I believe if we take a totally unreasonable stance with him, we may force him to commit political suicide. I am not sure that this would serve our best interests and therefore, recommend the scarier approach of trying to work this problem with Thieu right up to the wire, to include daily consultations at the end of each session in Paris. After all, you may be faced with a total North Vietnamese stonewall in which situation you would have burnt both bridges. The price of keeping Thieu aboard is of course risky but I do not believe unacceptable at this juncture.

The course of action which we select should be accomplished through the means of a carefully worded Presidential response to the Thieu letter which you now hold. The letter, I believe, should be tough and conditional with respect to the changes but at the same time somewhat sympathetic to Thieu’s own problems. There is no doubt in my mind that he knows that total intransigence would be fatal.

I have not sent this to Bunker but strongly recommend you call him telephonically and tell him to hold up until you have had an opportunity to consider my view. I should not be put in a position of giving instructions from here within the time frame you have given.

Warm regards.

104. Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Washington, November 13, 1972, 0720Z.

Tohaig 42/WH 29704. Ref: Haigto 13.²

I am still unclear as to precisely what you would propose we do at this juncture. We have made it absolutely clear to Thieu in the President's letter and to Hanoi, Moscow and Peking that we would finish this negotiation in one more session. I would not mind if we did not make it because the other side refused to accept a reasonable position which we put forward. But the position must be a reasonable one on which I would stand firm.

The positions which you took to Saigon were those we honestly believe we have a reasonable chance of getting. If you are proposing additional different changes of those positions, within the original framework, we could attempt to work them in. The only concern on that score, as you appreciate, is that we could get too precise in language which could cause interminable haggling without basic substance and place us in a situation of working against a check list.

I would certainly be agreeable to a daily briefing if this would help satisfy Thieu and ease his concerns.³

To further clarify please send me as soon as possible and as precisely as you can just what you believe we should be trying to incorporate in our position. Also please send me a draft of how you believe we

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Sensitive; Exclusively Eyes Only.

² Document 103.

³ Reference is to Thieu's proposal that Kissinger or his representative give a daily briefing to South Vietnamese Ambassadors/officials, probably three in number, when the Kissinger-Le Duc Tho talks resumed in Paris on November 20. See Document 99.

should answer Thieu's letter. We will of course be discussing this in detail when you return. But in view of time pressure we will be under this would be most helpful in giving me needed further time to reflect.

Warm regards.

105. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, November 13, 1972, 1145Z.

267. Refs: A) WHS 2243; B) Saigon 0263.²

1. In Ref B, Al Haig has given an excellent summation of our final meeting with Thieu November 11. I think that our exchange of views indicated that the concerns which Thieu had expressed regarding the role of the NCRC, the DMZ, and the elimination of the reference to the "three Indochinese countries" are all solvable. Our undertaking to shorten the sequence of cease-fire in Laos and Cambodia in an effort to make these conform more closely to the cease-fire in Viet-Nam and our statement that every effort will be made to ensure that the supervisory machinery can assume its functions with a minimum of delay from the signing of an agreement also provided additional assurance. The one fundamental difference remaining between us is that of the withdrawal of NVA troops from South Viet-Nam. This, I think, has always been Thieu's major concern. As long as NVA troops remain in South Viet-Nam he sees "real peace" as impossible to attain, rather a continuing state of turmoil, a fact which he feels is confirmed by intelligence we are getting on the other side's intentions; he believes that as long as the NVA remain in the South the NLF will be compelled to do their will, and that this will prevent a solution which he is convinced could be readily worked out between the GVN and the NLF. He believes that if it is just and correct that the U.S. and other allies are compelled to withdraw troops from South Viet-Nam, those who have invaded the country should likewise be compelled to withdraw.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 413, Backchannel Messages, From Amb. Bunker, Saigon, Sept. thru Dec. 1972. Top Secret; Immediate; Sensitive; Exclusively Eyes Only. Kissinger initialed the message.

² Reference A is printed as Document 102; reference B is printed as Document 99.

2. I think that Thieu feels that he has made a logical and reasonable counter-proposal, is hopeful that it will be accepted by us and that we will be able to obtain agreement from the other side.

3. Assuming that we cannot secure the terms for withdrawal of NVA troops as outlined in the President's letter, what is Thieu's final position likely to be? I think the following factors have a bearing:

—Thieu has been diligent in his efforts to unite people in support of his position in his role of defender of the interests of South Viet-Nam and in fact there is greater unity than had existed here since November 1968.

—It is obvious that Thieu accepts the fact that there will be a cease-fire. At a meeting with his corps commanders yesterday, he informed them that he expects a cease-fire will take place in about thirty days and outlined tasks which must be carried out in the interim. He is releasing 5,000 students from officer and NCO schools to be used as psywar teams to counter Communist proselytizing and propaganda efforts. The military commanders are taking the prospect calmly and do not seem to be disturbed by it, although strongly urging Thieu to require withdrawal of NVA forces from South Viet-Nam as one of the terms of any cease-fire agreement.

—The extended timeframe envisaged will give Thieu an additional period in which to make preparations.

—Widespread support which he has enlisted will give him confidence in any political contest with the NLF. In fact he sees no great difficulty in effecting a reconciliation with the NLF provided they are not dominated by Hanoi. It is the fear that they will be dominated that makes him so insistent on NVA withdrawal.

4. Assuming that Thieu concludes that the terms that we are able to secure on withdrawal of NVA troops are unacceptable, it seems to me that he has two alternatives:

—He may decide to go it alone, believing that the logistical support we have provided to RVNAF would enable them to carry on the war at least for the immediate future, or

—That after we have done our utmost to secure the changes he has requested, he will accede to the agreement because he realizes that he really has no other viable alternative. He may indicate that he has felt compelled to do so since there is no other way available to him, but that his vigilance and determination have brought about concessions which safeguard the people of South Viet-Nam, and call on the nationalists to close ranks in anticipation of the forthcoming political contest with the NLF. He might wish to attach a demurrer indicating that while he accepted, he did not agree with the lack of a provision regarding NVA troops in South Viet-Nam. I think this is the course he is most likely to follow.

5. I further believe that if this is the course he takes the settlement can be the basis for a long-range relationship which is acceptable both to us and to him. Many thoughtful observers at home will agree that his position is understandable while at the same time they will applaud the peace which the President has brought to Indochina. It appears from here that some, even considerable, carping by Thieu about the NVA issue should not present an obstacle to the GVN receiving the U.S. support it will continue to need.

6. It seems to me that in the immediate period ahead we must do all that we can to get him into this position. Close coordination with Lam in Paris and the setting up of a task force to vet the English and Vietnamese texts will also be helpful in offsetting the GVN's suspicion of Communist trickery. In sum, I think we should do whatever we can to let the GVN feel that they are participating as fully as possible in the process of reaching an agreement. I think they have felt keenly the fact that they have not had direct contacts with the other side and that developments have taken place more rapidly than they have been able to assimilate them.

7. We have had reports from the Palace that Thieu considered the meetings with General Haig "extremely constructive and cordial" and thus confirmed what he said to us on taking leave. He went on to say that he had enjoyed his relationship with General Haig who he considered "intelligent and perceptive". Thus I think the climate has measurably improved. By allowing the GVN to feel that they have greater participation in the negotiations, we may be able to lead them along to a voluntary acceptance of the agreement. On the other hand, we should be prepared for the fact that it is probable that Thieu will accept in the manner which I have described in paragraph 4.

8. Warm regards.

106. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

November 13, 1972, 1320Z.

Haigto 15. Ref: Tohaig 42.²

Your reference message presumably crossed my Haigto 14³ where I was more concrete as to how I believe we should proceed.

You will recall that Thieu specifically asked for more assurances on timing of NVA withdrawal, its supervision and disposition of NVA weapons. In presenting major changes to Thieu, I held to our minimum positions, and, as you know did not convey to him any of the detailed changes which we intended to propose.

Thus, on the demobilization clause I gave him the language on the "one-for-one basis" and "return to their homes" but did not give him the new sentence about the South Vietnamese parties doing their utmost to accomplish this in three months; nor did I tell him that we intended to propose adding a clause to the top of page 17 to the effect that the ICCS would supervise the return of these forces to their homes. To that clause, we might consider adding language to the effect that the ICCS will insure appropriate disposition of weapons of those troops being demobilized.

Thus, we already have, within the context of the reasonable position which you are prepared to work for, the means by which we can make one more effort to meet Thieu's concerns. This obviously something less than the demand he put into the letter to the President but does come a long way toward meeting it. In presenting these changes to Thieu, I would make a big deal of the concession that we have made

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1). Top Secret; Flash; Sensitive; Exclusively Eyes Only. Haig was probably en route from Seoul to Washington.

² Document 104.

³ In Haigto 14, November 13, 0500Z, Haig informed Kissinger: "We have until the 20th to work on Thieu. I cannot believe that there is any value to confronting him with an ultimatum today when it is evident that the python has only half digested the pig. If we proceed with patience and firmness, I am reasonably confident that we can enter the talks on the 20th in a unified position with Thieu—a position which will still preserve sufficient flexibility to enable us to claim that we fought hard for Thieu's position but fell somewhat short. We can also carefully fill the gap between Thieu's demands and what Hanoi has conceded through repeated assurances from President Nixon that he will enforce the agreement and that Thieu's own flexibility and reasonableness will be the essential ingredient which will enable him to do so." (National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1))

and insist that this is as far as we can go but also making it clear that we may not even be able to get this. In Thieu's letter, we also have the question of the ICCS composition and the conference. I would tell Thieu that we would not include Laos and Cambodia because of the representational problems that this would raise. In the President's response, I would suggest that we will make an effort to get Japan included on the conference but again make it clear that we will not reject a settlement on this basis alone. You will recall that you considered doing this in any event. With respect to the ICCS, Thieu's position is, of course, totally unjustified and I think we will have to reject it out of hand. However, in doing so, we should again make it clear that control commissions of any kind are of no value unless they are backed up by a firm resolve to enforce and here I would make it clear that we are including provisions for unilateral reporting with the reporting which could provide the basis for vigorous U.S. action.

In sum, when I presented to Thieu our position on the troop issue and, in fact, when we handed his agents the text of the changes we would seek, we gave him a minimum position so that we could hold the additional language for bargaining in the next round with Thieu and also because we wanted to preserve as much flexibility as possible for you at the table. Thus, in effect, what we would be doing on this next round with Thieu is to give up some of that flexibility, with the hope that it will be adequate to bring him on board.

In my judgement, our best bet is to provide Bunker with a new modified text. Concurrently, send a Presidential reply to Thieu's letter thanking him for his letter, reiterating again our firm intention to proceed but stating that in the light of the concerns expressed to General Haig, we are making one final effort to arrive at language agreeable to him on the troop issue. Reiterate again that his failure to accept this final compromise will surface him as the obstacle to peace and deprive us of any future ability to support him. Tell him that Ambassador Bunker has been provided the other changes which we think we can reasonably hope to achieve and suggest that his task force and Bunker meet immediately to complete a final agreed upon version which would serve as the basis for the first round of negotiations in Paris.

I would recommend that we give most of the changes to Bunker that we think we can reasonably achieve, including the technical changes which we have not given to Thieu and which he specifically asked to see. I would definitely give him the most forthcoming versions that we think we can reasonably achieve, again caveating very carefully the fact that they may not all be attainable. In the letter I would also take the position outlined above on the ICCS and international conference. I would add his paragraph on the essentiality of launching an all-out, combined effort to complete all of the planning tasks associated

with implementation of the agreement without further delay. I would add another paragraph formally acquiescing in the establishment of a system in which you will meet nightly in Paris with Ambassador Lam to keep him fully abreast of the development of the text and to permit his language expert to review the Vietnamese text. We will send you a separate message on some of the specifics which we visualize here.

For your information and ease of reference, Ambassador Bunker has available in Saigon all of the proposed technical as well as substantive changes as they stood before we departed Washington. He also holds a copy of the less forthcoming changes we provided to Thieu. In the last paragraph of the letter to Thieu, I would again lay it on the line that this is our final effort, summarizing some of the changes that we have made at Thieu's behest and reemphasizing again the strongest Presidential assurances that he will do whatever is necessary to enforce the provisions of the agreement. We will make a try at a draft reply for Thieu which I will forward subsequently.

Warm regards.

107. Letter From President Nixon to South Vietnamese President Thieu¹

Washington, November 14, 1972.

Dear Mr. President:

I was pleased to learn from General Haig that you held useful and constructive discussions with him in Saigon in preparation for Dr. Kissinger's forthcoming meeting with North Vietnam's negotiators in Paris.

After studying your letter of November 11² with great care I have concluded that we have made substantial progress towards reaching a common understanding on many of the important issues before us. You can be sure that we will pursue the proposed changes in the draft agreement that General Haig discussed with you with the utmost firmness and that, as these discussions proceed, we shall keep you fully

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [1 of 3]. Secret. Bunker delivered the letter to Thieu in a meeting on November 15. (Backchannel message 271 from Saigon, November 15, 1130Z; Library of Congress, Manuscript Division, Kissinger Papers, Box TS 49, Geopolitical File, Vietnam, Peace Talks, Chronological File, 1 Nov.–15 Dec. 1972)

² See Document 100.

informed through your Ambassador to the Paris Conference on Vietnam who will be briefed daily by Dr. Kissinger.

I understand from your letter and from General Haig's personal report³ that your principal remaining concern with respect to the draft agreement is the status of North Vietnamese forces now in South Vietnam. As General Haig explained to you, it is our intention to deal with this problem first by seeking to insert a reference to respect for the demilitarized zone in the proposed agreement and, second, by proposing a clause which provides for the reduction and demobilization of forces on both sides in South Vietnam on a one-to-one basis and to have demobilized personnel return to their homes.

Upon reviewing this proposed language, it is my conviction that such a provision can go a long way towards dealing with your concern with respect to North Vietnamese forces. General Haig tells me, however, that you are also seriously concerned about the timing and verification of such reductions. In light of this, I have asked Dr. Kissinger to convey to you, through Ambassador Bunker, some additional clauses we would propose adding to the agreement dealing with each of these points. In addition, I have asked that Dr. Kissinger send you the other technical and less important substantive changes which General Haig did not have the opportunity to discuss with you because they had not yet been fully developed in Washington.⁴ With these proposed modifications, I think you will agree that we have done everything we can to improve the existing draft while remaining within its general framework.

You also raise in your letter the question of participation by other Asian countries in the International Conference. As you know, the presently contemplated composition are the permanent members of the United Nations Security Council, the members of the ICCS, the parties to the Paris Conference on Vietnam and the Secretary General of the United Nations. We seriously considered Cambodian and Laotian participation but decided that these would be unnecessary complications with respect to representation. We do not, however, exclude the possibility of delegations from these countries participating in an observer status at the invitation of the conference. As for Japan, this question was raised earlier in our negotiations with Hanoi and set aside because of their strenuous objections to any Japanese role in guaranteeing the settlement and also because it inevitably raises the possibility of In-

³ See Document 99.

⁴ The additions and changes were sent to Bunker in backchannel message WHS 2244, November 14, 0030Z. (National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (1))

dian participation. I have, however, asked that Dr. Kissinger raise this matter again in Paris and he will inform your representative what progress we make on this. What we must recognize as a practical matter is that participation of Japan is very likely to lead to the participation of India. We would appreciate hearing your preference on whether it is better to include both countries or neither of them.

Finally, in respect to the composition of the ICCS, I must say in all candor that I do not share your view that its contemplated membership is unbalanced. I am hopeful that it will prove to be a useful mechanism in detecting and reporting violations of the agreement. In any event, what we both must recognize is that the supervisory mechanism in itself is in no measure as important as our own firm determination to see to it that the agreement works and our vigilance with respect to the prospect of its violation.

I will not repeat here all that I said to you in my letter of November 8,⁵ but I do wish to reaffirm its essential content and stress again my determination to work towards an early agreement along the lines of the schedule which General Haig explained to you. I must explain in all frankness that while we will do our very best to secure the changes in the agreement which General Haig discussed with you and those additional ones which Ambassador Bunker will bring you, we cannot expect to secure them all. For example, it is unrealistic to assume that we will be able to secure the absolute assurances which you would hope to have on the troop issue.

But far more important than what we say in the agreement on this issue is what we do in the event the enemy renews its aggression. You have my absolute assurance that if Hanoi fails to abide by the terms of this agreement it is my intention to take swift and severe retaliatory action.

I believe the existing agreement to be an essentially sound one which should become even more so if we succeed in obtaining some of the changes we have discussed. Our best assurance of success is to move into this new situation with confidence and cooperation.

With this attitude and the inherent strength of your government and army on the ground in South Vietnam, I am confident this agreement will be a successful one.

If, on the other hand, we are unable to agree on the course that I have outlined, it is difficult for me to see how we will be able to continue our common effort towards securing a just and honorable peace. As General Haig told you I would with great reluctance be forced to consider other alternatives. For this reason, it is essential that we have

⁵ Document 96.

your agreement as we proceed into our next meeting with Hanoi's negotiators. And I strongly urge you and your advisors to work promptly with Ambassador Bunker and our Mission in Saigon on the many practical problems which will face us in implementing the agreement. I cannot overemphasize the urgency of the task at hand nor my unalterable determination to proceed along the course which we have outlined.

Above all we must bear in mind what will really maintain the agreement. It is not any particular clause in the agreement but our joint willingness to maintain its clauses. I repeat my personal assurances to you that the United States will react very strongly and rapidly to any violation of the agreement. But in order to do this effectively it is essential that I have public support and that your Government does not emerge as the obstacle to a peace which American public opinion now universally desires. It is for this reason that I am pressing for the acceptance of an agreement which I am convinced is honorable and fair and which can be made essentially secure by our joint determination.

Mrs. Nixon joins me in extending our warmest personal regards to Madame Thieu and to you. We look forward to seeing you again at our home in California once the just peace we have both fought for so long is finally achieved.

Sincerely,

Richard Nixon

108. Transcript of a Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

November 15, 1972, 9:06 a.m.

K: Mr. President.

P: Did you get the letter² down there?

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 17, Chronological File. No classification marking. Nixon was at Camp David; Kissinger was in Washington. (Ibid., White House Central Files, President's Daily Diary)

² Document 107.

K: Yes, I got it last night. I thought it was tremendously improved.³

P: I thought we ought to put a few subtleties in there.

K: It has already in fact been delivered.

P: I put in tough—but I also put in some soft—see you in San Clemente.

K: I got it about 5:30 and got it off at 6:30 and it already has been delivered.⁴ That goddamn Thieu—he's going through his stalling act. Thieu wouldn't receive Bunker for 24 hours and now he asks for another 24 hours to study the letter. He just won't meet. We have to go ahead on Monday⁵—if we don't get his reply, without him.

P: I don't see—maybe—I don't see how he can continue to stall. What in the hell is he going to do? The way that letter is written—it's put in a context that we have to go another way if he doesn't go.

K: I think we should get the best agreement we can next week and if he doesn't accept it, go bilaterally with North Vietnam.⁶

P: We don't want to do that because in effect it will—they will say, "hell you could have done that all along." Although, we will do it!

K: The only thing—I don't know if we can make the Laotian and Cambodian—make them stick. Thieu—he can't be mad [enough] to drive it to that point—he just wants to hold to the last possible moment.

P: We just don't have any real communication between him and Bunker. Bunker used to go and talk with him.

K: Yes, as long as we did what he wanted.

P: Abrams is not there and he apparently doesn't talk to Weyand.

K: It is premature to draw any conclusions.

P: I suppose—I was looking over his letter to us⁷—it's just another song and dance.

³ A draft with Nixon's extensive handwritten changes is in the National Archives, Nixon Presidential Materials, NSC Files, Box 413, Backchannel Messages, To Amb. Bunker, Saigon, Sept. thru Dec. 1972 [Part 2].

⁴ According to Bunker's backchannel message 271 to Kissinger, November 15, 1130Z: "I finally saw Thieu at 1800 today and delivered the President's letter to him. He read the letter carefully, made notes as he went along, but offered no comment." (Ibid., From Amb. Bunker, Saigon, Sept. thru Dec. 1972) See Document 100.

⁵ November 20, the day Kissinger would meet with Le Duc Tho.

⁶ On the same morning Kissinger directed Negroponte to draft an alternate proposal for a bilateral United States-North Vietnam agreement. When Negroponte sent the draft to Kissinger, he commented in his covering memorandum: "The principal usefulness of such a document, as I see it, would be to show it to President Thieu as the course we intend to pursue if he does not join us in signing the Four Party Agreement." (National Archives, Nixon Presidential Materials, NSC Files, Box 1135, Jon Howe Trip Files, Negroponte Negotiations File)

⁷ See Document 100.

K: We have given him 15 changes which we are willing to press for and that's what they are now discussing. It is not unreasonable for him to study that. What is unreasonable is when Bunker wants to see him that he can't get an appointment.

P: He asked to deliver the letter and got put off?

K: No, he asked to deliver the changes and was put off and then when he had your letter he got in. He didn't even know the letter was coming when he gave him the appointment. He almost always keeps Bunker waiting for 24 hours when he wants an appointment.

P: We are going along on our course of action and we are asking him to come along.

K: We may have the North Vietnamese in a very tough frame of mind. We have no reason to believe that they will take all these changes. How many they take still remains to be seen. But I think at this moment they are less of a problem than Thieu.

P: Right. Okay, Henry.

K: I will come up on Friday morning, Mr. President.

109. Minutes of a Washington Special Actions Group Meeting¹

Washington, November 15, 1972, 10:04–11:26 a.m.

SUBJECT

Vietnam Planning

PARTICIPANTS

Chairman—Henry A. Kissinger

State

U. Alexis Johnson

William Sullivan

Defense

Kenneth Rush

G. Warren Nutter

R/Adm. Daniel J. Murphy

JCS

L/Gen. George Seignious

CIA

Richard Helms

George Carver

William Newton

NSC

M/Gen. Alexander Haig

Richard Kennedy

John Holdridge

James T. Hackett

SUMMARY OF CONCLUSIONS

It was agreed that:

—Overflights of Laos, Cambodia and South Vietnam for the collection of both photographic and signal intelligence are approved. Overflights of North Vietnam for any purpose will be prohibited by the agreement and may not be undertaken without Presidential approval.

—DOD will prepare a paper showing the total estimated number of U.S. Government and contract employees that will be required in Vietnam after the ceasefire.

—CIA will investigate the feasibility of transferring the intelligence processing activities now in Vietnam to Thailand.

—We should continue using sensors in Vietnam to the extent practicable, but they cannot be placed in North Vietnam after the agreement.

—The Navy should move slowly in removing the mines and should be careful not to remove all of them until all of our prisoners have been released.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-117, Washington Special Actions Group, WSAG Minutes (Originals) 7-27-72 to 9-20-73. Top Secret; Codeword; Sensitive. The meeting took place in the White House Situation Room. All brackets, except those indicating omitted material, are in the original. The original is incorrectly dated November 14; according to Kissinger's Record of Schedule, the meeting took place on November 15 from 10:05 until 11:28 a.m. (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968-76)

Mr. Kissinger: Dick [Helms], do you want to bring us up to date?

Mr. Helms read a situation report (copy attached).²

Mr. Kissinger: When did Le Duc Tho leave for Moscow?

Mr. Helms: Yesterday.

Mr. Johnson: According to press reports, his plane was forced down at Irkutsk, Siberia.

Mr. Kissinger: He was forced down?

Mr. Helms: No, that's a normal stop on that flight.

Mr. Johnson: I thought he was forced down by bad weather.

Mr. Kissinger: (smiling) Now they have blown our new meeting place.

Mr. Helms: The appearance of Hoang Van Hoan in Peking is very significant. He is an important member of the North Vietnamese Politburo.

Mr. Kissinger: I don't believe I remember him.

Mr. Helms: He is Vice Chairman of the Standing Committee of the National Assembly.

Mr. Kissinger: Oh, yes, I know who you mean. Is there anything the Joint Chiefs wish to report?

Gen. Seignious: I can discuss conceptually the command and control arrangements we are planning, if you wish.

Mr. Kissinger: What about the current situation?

Gen. Seignious: The air campaign is going very well. We made some good strikes yesterday and those programmed for today look good, too.

Mr. Kissinger: Are you dividing them between North and South?

Gen. Seignious: Yes, sir. There were about 400 in the South yesterday and about the same number in the North.

Adm. Murphy: There has been a big concentration of strikes in MR-1, though.

Gen. Seignious: That's right.

Mr. Kissinger: What are the NVA forces doing? Are they going into the South or coming out?

Mr. Helms: There's not much movement right now.

Mr. Kissinger: Are they breaking up into smaller units?

² Helms's briefing is *ibid.*, Box H-090, Washington Special Actions Group Meetings, WSAG Meeting Vietnam Planning 11-14-72.

Mr. Carver: Not much. There is no sign of any pullback yet. There is some armor moving south, but it hasn't yet crossed into South Vietnam. The situation is fairly static.

Mr. Kissinger: Has a new infiltration push started?

Mr. Carver: Yes, some increase is apparent. What is more significant is that draft calls in the North were up in September and way up in October.

Mr. Kissinger: So what do you conclude?

Mr. Carver: I would say they are throwing an anchor to windward in case they have to fight further.

Mr. Kissinger: Do you think they are planning to fight further?

Mr. Carver: I think they want to be prepared to grab as much as they can in the post-ceasefire period and to be ready to fight again if they have to, but this must be viewed in the context of the total situation. It may not be in their interest to break the ceasefire, if they are interested in the economic program.

Mr. Sullivan: Isn't it still pretty muddy on the trail?

Mr. Helms: Yes, and all those wounded on the trail are going to impede any big step-up in infiltration.

Mr. Carver: But they do appear to be getting ready for a push in infiltration. Of course, it may just be their counterpart to Project Enhance.

Mr. Kissinger: Alex [Johnson], do you have anything?

Mr. Johnson: We are having exchanges on several subjects with Saigon and we want to discuss the intelligence and military planning further with CIA and Defense. There is one conceptual difference that has arisen between us [State] and Embassy Saigon. Saigon wants to keep the CORDS organization in existence, while we prefer to move to a more typical organization, under which the consulates would be the area headquarters within the country. They would be the focal points of all activities in the regional areas, with all AID personnel reporting to the regional consulates.

Mr. Kissinger: Who do people report to under CORDS?

Mr. Johnson: To Saigon. They report directly to the Ambassador and Deputy Ambassador. The Ambassador may feel this gives him greater control, but I feel strongly that we will be better off with a decentralized organization, with the centralization of activities in each region in the consulate.

Mr. Kissinger: Why?

Mr. Johnson: I think it works better if you put one man in each area in charge of everything in that region and give him full responsibility for his area.

Mr. Kissinger: Doesn't everyone report to the Ambassador?

Mr. Johnson: Yes, but this would put greater responsibility on the man in the field, who knows what the problems are in his area. There is no disagreement on this with any other agency, it is just an internal disagreement over which would be the better organizational setup. I am convinced it would be more effective to have everyone in the field report to the local consulate.

Mr. Sullivan: We envision the consuls replacing the DEPCORDS. The South Vietnamese structure will still be the same in the provinces and this would fit in with their setup.

Mr. Kissinger: Then you would send higher ranking men than usual to head the consulates?

Mr. Johnson: Oh, sure.

Mr. Sullivan: We are considering just reassigning the DEPCORDS in MR-3 as the regional consul, and perhaps do the same thing elsewhere.

Mr. Kissinger: When can you get me a paper on this that I can send to the President for a decision?

Adm. Murphy: This is not at issue with us.

Mr. Rush: We [Defense] agree with State on this better than they agree with themselves.

Mr. Johnson: This is strictly an internal issue within State. I don't think this has to go to the President. What may have to go to the President for a decision is the question of the size and shape of the total U.S. structure in South Vietnam. How big should it be?

Mr. Kissinger: I can tell you that the President wants a structure large enough to maintain the Government of Vietnam and if there is to be a political decision on its future, to help win that decision. The structure we have should be able to react quickly and effectively if there are violations of the agreement. I don't mean minor jockeying for position, we expect that, but if there is a major violation, we will react—I am convinced that the President will order us to react. He has made it clear that he does not intend this to be a bugout, and you have to make your plans accordingly.

Mr. Sullivan: Yes, sir, we are doing that.

Adm. Murphy: We have about 1,000 DOD personnel in South Vietnam now and will have to increase that by several thousand when the military are pulled out.

Mr. Kissinger: I hope you are not going to increase the total U.S. presence in Vietnam. What do all these people do?

Adm. Murphy: A lot of them are involved in training the South Vietnamese, and others are performing maintenance. We are handling the complete maintenance of the South Vietnamese Air Force; they don't have people qualified to do it.

Mr. Johnson: We expect there will be six to seven thousand all together. Of these, three thousand would be U.S. Government employees and another three to four thousand under contract.

Mr. Kissinger: I don't think this has sunk in on old Le Duc Tho yet. We'd better take another look at this. Can I have a paper with some figures right away?

Adm. Murphy: We'd like a little time to scrub down these figures a bit.

Mr. Kissinger: They don't have to be precise, just get me some figures right away.

Adm. Murphy: O.K.

Mr. Johnson: There's a question about the disposition of the ROK equipment in South Vietnam. Shall we turn it over to ARVN?

Adm. Murphy: That's the only way you can handle it.

Mr. Sullivan: It should be transferred prior to X plus 60.

Mr. Johnson: But shouldn't it be prior to X day?

Mr. Kissinger: Yes, not after we sign the agreement.

Mr. Johnson: Then the ROKs will be without any guns.

Mr. Kissinger: No, they will be using loaned equipment, loaned to them by the South Vietnamese. Do we have any bases left to dismantle?

Adm. Murphy: We have nothing. The Defense Department has already turned everything over to South Vietnam or the State Department.

Mr. Kissinger: But there is a clause in the agreement that obliges us to dismantle all our bases.

Mr. Rush: We have no bases.

Mr. Kissinger: How do you think they are going to react to that?

Mr. Carver: It just shows that we are getting smart like them.

Mr. Sullivan: What about the clause requiring the removal of equipment?

Adm. Murphy: We have no equipment. It's all South Vietnamese.

Mr. Sullivan: Have we painted yellow and red flags on those airplanes?

Gen. Seignious: Not yet.

Mr. Kissinger: Le Duc Tho told me we cheated on every agreement we ever signed and I was outraged. Now how am I going to explain this? The next thing I'll learn is that our people will be taking out Vietnamese citizenship. Can we get together a list of what we are taking out and what we are leaving behind? Are we taking anything out?

Adm. Murphy: We are taking out a lot. We are taking out 283,000 tons of equipment.

Mr. Kissinger: What kind of equipment?

Adm. Murphy: All kinds, aircraft, everything.

Mr. Kissinger: Have we papers that show that all the rest has been legally transferred?

Adm. Murphy: Yes, sir.

Mr. Sullivan: Don't forget that all of this will be supervised by the ICCS.

Mr. Kissinger: They will check what has been taken out?

Mr. Sullivan: Yes, they will. I'd like to get Vietnamese flags painted on all the stuff we've given them.

Mr. Kissinger: Can we do that?

Gen. Haig: That could lead to problems. The first time a GI is shot down flying a Vietnamese helicopter the North Vietnamese will scream that American pilots are flying their equipment.

Mr. Kissinger: (to Adm. Murphy) Can you get away with turning equipment over to the State Department? What have you given them?

Adm. Murphy: Oh, a lot of things. I have a list here.

Mr. Johnson: (reviewing list) Tan Son Nhut Air Base! My God, do we own that? And you've given us the POW compound, too.

Mr. Kissinger: Can you get away with giving that to the State Department? I want a list of everything you have transferred, withdrawn or dumped.

Mr. Johnson: We have some old FSOs we'd like to dump.

Adm. Murphy: We can lease back any of the things we have turned over to them that we have to use.

Mr. Kissinger: Alex [Johnson], look over that list and let us know by tomorrow what problems you think we may have. I would like to construct something in the first section of the agreement so that all of this is clear. We want to provide what is necessary to South Vietnam, but let's be careful about the terms of the agreement.

Mr. Johnson: I agree. The ICCS, including our friends the Canadians, will be looking into these things.

Mr. Kissinger: Dick [Helms], do you want to discuss the intelligence planning?

Mr. Helms: I sent you a paper in response to your earlier request, outlining an intelligence plan for operations after the ceasefire, then Dick Kennedy called to suggest that with regard to overhead intelligence we were not living in the real world and he asked us to look again at the question of intelligence collection. In response to that request, we have written a paper describing what airborne intelligence collection is and why we need airborne platforms. This paper is not an argument in favor of such methods, but rather an explanation of them.

Very few people outside the experts in the intelligence community know what these methods produce and why they are so essential. This paper explains some of that and is intended merely to make you more cognizant of the value of and need for airborne platforms for the collection of intelligence. It is a very sensitive paper and I wish you would be extremely careful with it. (Paper distributed to principals only).

Mr. Kissinger: (reading paper) Let me give you a statement of our position on this matter. We are clearly, legally prohibited by the agreement from overflying North Vietnam. We can overfly South Vietnam, but this is not explicitly stated in the agreement and we don't want to raise it or propose a statement in the agreement saying that we can do it, as DOD has suggested. If we raise this point and they reject it, we will then be in trouble. As it is now, we have sufficient basis to overfly South Vietnam without a statement saying so.

Mr. Johnson: With the concurrence of the South Vietnamese Government.

Mr. Kissinger: Yes. The agreement prohibits hostile acts or acts of force, I think it says acts of force, in South Vietnam, so this should pose no problem for overflights.

Mr. Sullivan: It says acts of force.

Mr. Kissinger: With regard to Cambodia and Laos, we go back to the 1954 and 1962 Geneva Agreements.

Mr. Johnson: Where do we stand on this question under the 1962 Agreement?

Mr. Sullivan: We construed it then (1962) to mean that military acts were prohibited. Tactical recon flights were knocked off but U-2 flights were continued. (to Mr. Helms) Isn't that right? You did continue U-2 flights, didn't you?

Mr. Helms: I think so. We can check to verify that.

Mr. Sullivan: I believe tactical flights over Laos are out of the question.

Mr. Helms: If we could fly U-2's it would be a big help [*less than 1 line not declassified*].

Mr. Johnson: What's the difference with the U-2? It's like any other plane, isn't it?

Mr. Holdridge: It flies at 70,000 feet.

Mr. Sullivan: Of course, the Chinese can detect it.

Mr. Helms: Oh, yes, they will know we're flying them.

Mr. Carver: [*3 lines not declassified*]

Mr. Helms: [*1 line not declassified*]

Mr. Carver: [*less than 1 line not declassified*]

Mr. Kissinger: [*less than 1 line not declassified*]

Mr. Carver: [*1½ lines not declassified*]

Mr. Helms: [*less than 1 line not declassified*]

Mr. Carver: [*1½ lines not declassified*]

Mr. Kissinger: I don't see how we can overfly North Vietnam in view of the agreement. What is your concrete suggestion?

Mr. Helms: It is helpful to be able to overfly Laos and Cambodia. [*2½ lines not declassified*]

Mr. Kissinger: I see no problem with that. If you have evidence that major movement is taking place, I am sure that we can get the President's approval for SR-71 flights.

Mr. Johnson: Who could complain about this kind of violation of the agreement?

Mr. Sullivan: Anyone. Any member of the Geneva agreements could complain, including the Soviets, Chinese, etc.

Mr. Johnson: Who would they complain to, the co-chairmen?

Mr. Sullivan: That's right, and then they would complain to us.

Mr. Helms: I don't think this is such a big problem.

Mr. Sullivan: [*1½ lines not declassified*]

Mr. Carver: [*1½ lines not declassified*]

Mr. Helms: [*less than 1 line not declassified*]

Mr. Sullivan: [*1½ lines not declassified*]

Mr. Helms: [*1 line not declassified*]

Mr. Kissinger: Can you get me a paper on this by the weekend?

Mr. Sullivan: I'll have the lawyers go over the agreements and see precisely what we can do.

Mr. Kissinger: I want to push this to the absolute limit.

Mr. Carver: In what way?

Mr. Kissinger: I want to do as much as we can within the terms of the agreements.

Mr. Johnson: [*1½ lines not declassified*]

Mr. Carver: [*less than 1 line not declassified*]

Mr. Helms: The important point here is the first six months of the agreement. If they don't violate it then, we will probably be in pretty good shape. But we should monitor what they are doing during those first six months.

Mr. Sullivan: [*1½ lines not declassified*]

Mr. Carver: [*3½ lines not declassified*]

Mr. Helms: [*9 lines not declassified*]

Mr. Kissinger: [*1½ lines not declassified*]

Mr. Carver: [*1 line not declassified*]

Mr. Kissinger: There is no problem overflying Laos, only North Vietnam.

Mr. Carver: I'd like to overfly the North with SR-71s if we have evidence of violations of the agreement, with drones as a standby alternative.

Mr. Kissinger: [1 line not declassified]

Mr. Carver: [2½ lines not declassified]

Mr. Kissinger: [3 lines not declassified]

Mr. Helms: I agree. I'm not as pessimistic about this as George (Carver). I think the North Vietnamese may well want to abide by the agreement, but if we get significant [*less than 1 line not declassified*] evidence of a major violation, we can then go to the President for permission to fly SR-71 missions.

Mr. Kissinger: I'm almost certain we can get approval for a flight at that point.

Mr. Helms: I remember the speed with which we acted in the Tonkin Gulf on the basis of [*less than 1 line not declassified*] information, and we are still trying to sort that one out.

Mr. Kissinger: We want to make the agreement work if we can and don't want to violate it unless we have no choice. Can you give me a plan on this by Friday?

Mr. Helms: I don't want to put any of this in any papers. Let's just keep it as an understanding between ourselves.

Mr. Kissinger: O.K.

Mr. Johnson: Do we have the plans and forces in Vietnam to carry out these intelligence activities?

Mr. Carver: Yes, but with the military leaving we will need a U.S. advisory effort in South Vietnam.

Mr. Sullivan: Can these people all be replaced by civilians?

Mr. Carver: We'll have to have them take off their uniforms.

Mr. Helms: Can't we have any U.S. military advisors to any South Vietnamese units? What about the para-military?

Mr. Sullivan: You can't have any, not even to the police.

Mr. Helms: We'll have to do some sheep-dipping.

Mr. Sullivan: Why do you need so many advisors?

Mr. Carver: [4 lines not declassified]

Mr. Sullivan: But the planes will be flying out of Thailand.

Mr. Carver: Not the South Vietnamese flights.

Mr. Sullivan: Can you move them to Thailand?

Mr. Kissinger: Or call them PX personnel attached to the Embassy?

Mr. Carver: I don't know if we can move it all to Thailand. [*less than 1 line not declassified*]

Mr. Kissinger: I want you to understand that we have no problem with your performing this function, it's just a question of what you call the people who do it. If you can do it all out of Thailand it is even better.

Mr. Carver: I'll discuss that possibility [*less than 1 line not declassified*].

Gen. Seignious: Do the terms of the agreement refer only to military units?

Mr. Johnson: No, as Bill (Sullivan) indicated, it includes the para-military and even the police.

Mr. Carver: Just to summarize, as I understand it, [*less than 1 line not declassified*] photographic [*less than 1 line not declassified*] flights are permitted over Cambodia, Laos and South Vietnam.

Mr. Kissinger: No problem.

Mr. Sullivan: Are you talking about low level tactical photography?

Mr. Carver: No, I'm referring to U-2s.

Mr. Kissinger: [*1½ lines not declassified*]

Gen. Haig: [*2 lines not declassified*]

Mr. Carver: [*1 line not declassified*]

Gen. Seignious: [*3 lines not declassified*]

Mr. Kissinger: [*1 line not declassified*]

Mr. Carver: [*4 lines not declassified*]

Mr. Sullivan: [*1 line not declassified*]

Mr. Carver: [*1 line not declassified*]

Mr. Kissinger: [*1½ lines not declassified*]

Mr. Carver: [*less than 1 line not declassified*]

Mr. Kissinger: [*less than 1 line not declassified*]

Mr. Carver: [*2 lines not declassified*]

Mr. Helms: [*1½ lines not declassified*]

Mr. Kissinger: [*less than 1 line not declassified*]

Mr. Carver: [*1½ lines not declassified*]

Mr. Sullivan: [*1 line not declassified*]

Mr. Carver: [*1½ lines not declassified*]

Mr. Sullivan: [*2 lines not declassified*]

Gen. Seignious: [*less than 1 line not declassified*]

Mr. Carver: [*less than 1 line not declassified*]

Mr. Kissinger: [*less than 1 line not declassified*]

Mr. Sullivan: [*less than 1 line not declassified*]

Mr. Johnson: *[less than 1 line not declassified]*

Mr. Sullivan: *[less than 1 line not declassified]*

Mr. Kissinger: *[2 lines not declassified]*

Mr. Johnson: *[less than 1 line not declassified]*

Mr. Sullivan: I talked with the Thai this weekend on some of these questions. I don't think we will have any problem.

Mr. Kissinger: Now that State is taking over the military headquarters I detect a different attitude.

Mr. Sullivan: I don't know what we are going to do with MACV Headquarters.

Mr. Kissinger: (to Adm. Murphy) I don't want to try to write into the agreement that we have the right to overfly South Vietnam. It's implicit and let's leave it that way. The wording of the agreement is consistent with that interpretation. Concerning this question of the inspection of North Vietnamese prison camps that was raised the other day, in my judgment it will never happen. Regarding the mines, I want the Navy to go slow on moving those minesweepers.

Mr. Rush: They're on their way to Hawaii now.

Mr. Kissinger: All of them?

Adm. Murphy: Some are already at Hawaii and the rest are enroute.

Mr. Kissinger: I want them to go slowly. The longer we delay the better off we are. I don't want to remove anything from North Vietnam except our POWs.

Mr. Rush: We can go slowly.

Mr. Carver: Incidentally, if you use helicopters to remove mines from the inland waterways, you also have a good device for collecting intelligence.

Gen. Seignious: It should take at least sixty days to remove the mines.

Mr. Kissinger: We are not obliged to do it in sixty days. We said we would do it as soon as possible, but certainly not while our POWs are still there.

110. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, November 17, 1972, 0005Z.

WHS 2248. Deliver opening of business. Ref: Saigon 0272.²

1. Thank you for reftel concerning changes in the agreement. Following are our comments on the GVN suggestions, keyed to the paragraphs in your message. You should immediately meet with the GVN to give our response. You should make absolutely clear that these additional efforts we will make are as far as we can go. You should remind them that the changes we had already given them were already beyond what we can realistically expect to get and therefore adding still more is apt to overload the circuit further. We obviously will make maximum efforts in Paris but the GVN should be under no illusion that it is possible to obtain the very large number of changes we will now be seeking. With these caveats, you should seek the GVN's final positions on any questions left outstanding in our comments below, while at the same time making clear that there is no give in our positions wherever we say we cannot accept their suggestions. We must have this process wrapped up by opening of business Saturday, November 18 our time. The frame work for your approach remains the President's determination to proceed as outlined in his letter,³ and his strong view that the changes in the agreement that we are now discussing are all insignificant in comparison to the importance of unity between our two countries, vigilance with respect to implementation of the agreement, and the need to maintain U.S. public support for our policies.

2. Points of disagreement.

1) We believe trying for wording more specific than "return them to their homes" is totally unrealistic. We will not be able to get the DRV to admit officially it has forces in the South. Furthermore, the GVN

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 413, Backchannel Messages, To Amb. Bunker, Saigon, Sept. thru Dec. 1972 [Part 2]. Top Secret; Sensitive; Exclusively Eyes Only.

² Backchannel message 272 from Bunker to Kissinger, November 16, 1600Z, summarized the results of a meeting Bunker, Whitehouse, and Embassy Political Officer Josiah W. Bennett had with a South Vietnamese Task Force led by Foreign Minister Lam. (Ibid., From Amb. Bunker, Saigon, Sept. thru Dec. 1972) In a telephone conversation with Nixon at 6:17 p.m. on November 16, Kissinger said: "Just wanted to tell you that we've had a very long exchange with Bunker and things seem to be moving. We've got about 75 per cent of the issues either resolved or in shape where they can be resolved. And even on the troop issue they're beginning to backpeddle. So that I think we can assume there will not be a crisis." (Ibid., Kissinger Telephone Conversations, Box 17, Chronological File)

³ Document 107.

should consider the fact that if there were such an admission and then some NVA forces remained, the legitimacy of their presence is acknowledged. There is nothing in the agreement now which establishes Hanoi's right to have forces in the South.

2) There is no chance of getting international supervision of military assistance to North Vietnam. We are handling this problem in two ways. First, we have made a unilateral statement, which we will reiterate, (*begin text*) "in implementing the provisions of Article 7, the United States will take into account the need for replacement produced by the introduction of military equipment into those parts of Indochina not covered by that Article." (*End text*) Thus Hanoi knows, and the GVN should be reassured, that if military aid to the DRV threatens to upset the balance, we will compensate in our own aid to the GVN. In any event, the GVN, particularly after our massive resupply program, is in excellent shape vis-à-vis the DRV, in quality as well as quantity. Secondly, as I informed Thieu, we are working hard with Moscow and Peking on this question and they both know we expect them to limit their shipments under ceasefire conditions.

3) While it will not be possible to change the name of the council⁴ in English, we will, as already promised, change the Vietnamese translation of the phrase "administrative structure." We will also try to further dilute the functions of what is already not a governmental body, as Xuan Thuy himself has pointed out. We will try to delete "maintenance of the ceasefire" and replace "organize" with "have the specific task of organizing" the election. These changes, if we can get them, would underline what is already clear, i.e. that the council is a facilitative and intermediary body, not a governmental body.

4) As a further concession to the GVN we will try to eliminate the sentence concerning councils at lower levels, but this change is likely to prove unobtainable. In any event, as you pointed out, there is no obligation to set up such councils; the only obligation is to consult about the subject.

With further reference to Articles 9(f) and (g) you should reassure the GVN that we will stand fast on not accepting the time limits that Lam raised per your paragraph 12 in reftel.⁵

5) We will try to get the word "national" substituted for "general" with regard to elections, but we don't believe this is either attainable or important. We still don't believe that the Vietnamese implies elections for a constituent assembly. Furthermore, the record is clear on this

⁴ The National Council of National Reconciliation and Concord.

⁵ In backchannel message 272, Bunker transmitted Lam's argument on behalf of the South Vietnamese Government that there should be no date given as to when the election might take place.

point and you should point out that Xuan Thuy himself stated in an AFP interview on November 10 that the question concerning the nature of the elections “had not yet been settled: this question will be discussed by the two parties during the period which will follow the ceasefire. The two parties will together discuss the nature of the election.”

6) We cannot change the composition of ICCS. Our position remains as expressed in the President’s letter, and in any event we note that this is a relatively small point for the GVN.

7) You should as diplomatically as possible point out that it is just too late to consider including the GVN in our discussions with Le Duc Tho. However, we reaffirm our intention to consult daily with Ambassador Lam, and you should point out that we are seeking to engage the GVN in four-party and two-party negotiations in Paris concerning the protocols on the ICCS and the military commissions.

3. Points of clarification and modification.

1) We will try to move Chapter I to after Chapter III to reduce its prominence, but doubt we will be successful.⁶

2) As Haig and you have explained, we wish to insert “unconditional” to prevent the ceasefire being linked to other provisions, e.g. political conditions, and thus give a pretext for the war to start again if other aspects of the agreement run into difficulties. We consider this very important for our domestic opinion and would think the GVN would find it advantageous as well. Thus, unless we hear strong views to the contrary, we plan to seek this change.

3) We agree that reference to Article 9(i) is unnecessary and will refer to Article 9(b) only.

4) We thought our change would be helpful but we will defer to the GVN and keep the earlier version of Article 7, paragraph 2.

5) We were planning to substitute the word equality if we are successful in dropping the reference to three equal segments. Deletion of the latter will be one of our most difficult tasks, and if we are unsuccessful, we will not seek the addition of “equality.” The phrase “representing all political tendencies” corresponds to the approach of the January 25 joint plan and indeed we envisage that there would be some neutral elements appointed by both sides, though the three segment aspect would be fuzzed if we are successful in getting our language. The GVN, however, should be under no illusion that we are likely to be successful; if we fail, we will press for the sentence “each GVN party will

⁶ In backchannel message 272, Bunker wrote that the South Vietnamese believed doing this would “remove the apparent emphasis on the U.S. commitment to respect the sovereignty, etc. of Vietnam which the GVN sees as echoing Communist propaganda.”

appoint half the membership of the Council” in order to give the GVN sufficient control over the third segment. As for deleting the first “national” in the council’s title, we consider this strictly marginal and do not plan to press for it.

6) The GVN should again be reminded that Article 9(g) says that the task of the Council is “promoting” various functions assigned to the two South Vietnamese parties. To make this even clearer, we will try to have the sentence lead off by saying that “the Council shall have the task of promoting the following:”. Also as indicated above, we will try to delete “maintenance of the ceasefire” and give the Council “the specific task of organizing” the election. Thus, except for the elections, the Council only promotes functions which continue to remain with the South Vietnamese parties.

7) Our proposed addition of Quote within three months of the signing of this agreement End quote was designed to accommodate the GVN by giving some time frame for the demobilization provision. We believe this is an important and helpful proposal, but if the GVN prefers, we will not seek this addition.

8) We will try for this additional change in Article 10, but it is highly doubtful that we can get it.⁷

9) You should remind the GVN that the North Vietnamese only dropped India on the condition that we would drop Japan. We will of course nominate only Japan and not India, but in view of the record we expect to be faced with the choice of getting both countries or neither country. We still prefer having both countries at the conference, but the GVN comments imply that they prefer having neither. Thus you should get definitive GVN views on this choice.

10) Thieu’s letter⁸ accepted our proposal Quote The Indochinese states End quote. He said that it should be understood to mean the four Indochinese states. The GVN of course is free to interpret it in this way, so their position is protected with our formulation, but the DRV will not accept Quote four End quote in the text.

11) We will try to make Articles 16 and 17 a separate agreement.⁹

12) As indicated above, we will stand fast on keeping time limits out of Articles 9(f) and 9(g).

⁷ According to Bunker in backchannel message 272: “GVN proposed to add the following words to the first sentence: ‘At the 17th parallel and each other’s territory’, the reference to the 17th parallel at this point being necessary for precision.”

⁸ See Document 100.

⁹ Article 16 committed the United States to help heal the wounds of war in Indochina through a postwar reconstruction program. Article 17 concerned the normalization of relations between the United States and North Vietnam after the cease-fire.

4. We still await the GVN views on our proposed addition of the following sentence in Article 9(f): Quote until the completion of the political process provided for in Article 9(b), the existing authorities shall continue to exercise present internal and external functions. End quote. We still think this has the virtue of further underlining the fact that the Council is not governmental. Unless the GVN objects to this suggestion, we plan to go ahead with it.

5. I wish to underline again the necessity of having the GVN's final positions on each of the above questions by opening of business November 18 our time.

111. Memorandum From Secretary of Defense Laird to President Nixon¹

Washington, November 17, 1972.

SUBJECT

Expedited Delivery of Matériel to the RVNAF (Project Enhance Plus)

Enhance Plus is completed. All items are delivered in-country or enroute by surface shipping. Cooperation of the Services, JCS, field commands, State and your Ambassadors has been outstanding. I am going to briefly summarize this effort.

Enhance Plus was designed to accelerate deliveries of approved Vietnamization equipment programs and to further enhance the logistics and tactical capability of the RVNAF. This program started with the preparation of a very close hold shipping list on 14 October. It consisted of 29 Army items and 9 Air Force items. I was instructed to execute expedited deliveries of the 29 Army items and a revised list of Air Force items, to arrive in RVN by 1 November 1972, utilizing airlift. The revision provided C-130's, an increase in the quantity of A-37B's and F-5A's, and reduced the number of Air Force items to seven. Over the weekend of 21 October, 39 M-113's were airlifted and other equipment moved to aerial ports. In fact, by 6:00 A.M. on the morning of 21 Octo-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 106, Vietnam Subject Files, Vietnam: Cherokee Enhance Plus, October–December 1972. Top Secret. The five enclosures (Enhance Plus Aircraft; Army [weapons and equipment sent]; CONUS Shipping; PACOM Shipping; and Enhance Plus Ships Load List) are attached but not printed.

ber, 7,000 tons of matériel had been offered for shipment. On 22 October at about noon this program was stopped. Equipment at the aerial ports was returned to originating stations. Equipment enroute was allowed to go. I should mention here that had this program continued, we would have met the 1 November date.

The program was reinstated on 25 October with a new deadline date. This date was originally 20 November but was subsequently advanced to 15 November. It required matériel to be in-country or enroute by this date. Being concerned that an acceleration might develop and being desirous of some cushion, I decided that we would all plan to meet a 10 November date rather than 15 November. By 10 November all Enhance Plus was to be either delivered or enroute in international waters to Vietnam. This entire program was accomplished in just 16 days.

The 29 Army items and seven Air Force were subsequently increased to include one tactical radar system at Danang and 31 Marine Corps amphibious vehicles. Also, the program included reference to the ROK forces in Vietnam, providing that equipment of four of the six ROK brigades are to be transferred to the ARVN.

To implement this program the efforts of the Services, JCS and OSD were marshaled to provide a responsive coordinated effort. Logistics Operations Centers were established in all appropriate headquarters and operated around the clock.

The logistics results of this 16-day effort is portrayed in the following summary:

Army—All 29 Project Enhance items are delivered or enroute by ship to Vietnam. Manifest data on the ships still at sea is attached.

Air Force—The program is complete. All AC-119K's (22), A-37B's (90), 32 C-130A's, 277 UH-1H's, and 116 F-5A's have been delivered. Nineteen A-1's are in-country and nine are enroute by sealift. Eight hundred two of the 855 vehicles are delivered and 53 vehicles enroute from CONUS and PACOM. The Tactical Radar System for Danang has been delivered in-country by airlift.

Marine Corps—The Marine Corps Amphibious Vehicles have been delivered.

Shipping—Thirteen ships are enroute at present (10 from CONUS, Enclosure 3, and three from PACOM, Enclosure 4). Attached as Enclosure 5 is a listing of ships and the Enhance Plus cargo which they are carrying. This Enhance Plus cargo, of course, is in addition to other cargo related to Enhance and Crimp.

Title Transfer of Equipment—For all those Enhance Plus items that have not been physically turned over to the RVNAF by 10 November

(regardless of location, e.g., on the water and in US custody in-country), MACV has confirmed that title has been transferred to the RVNAF.

Secondary Items—The delivery of secondary items has been expedited concurrently with Enhance Plus major items. Since replenishment of these items should continue indefinitely, supply operations will be normalized and the one year in-country requisition objective maintained.

Ammunition—Desired stockage objectives (90 days for ARVN, 120 days for VNAF and VNN) have been achieved with the exception of CBU-55's, 60mm mortar illuminating and Claymore mines, which are production limited, but with substitutes available.

POL—Available secured tankage is near capacity (approximately one million barrels or about 60 days of supply) and the commercial pipeline is adequate to replenish consumption.

Contract Support—Our initial estimate of the amount of annual contract support that will be required to sustain the RVNAF after US military withdrawal, approximates \$200 million. We will continue to work with the Services and the JCS as the new organizations in South-east Asia take shape, in order to insure that adequate controls are maintained over the contracts remaining in-country. We visualize a small coordination staff element in the Defense Resource Surveillance Termination Office (DRSTO) with the Services retaining basic contract administration responsibility.

Base Transfers—All military facilities have been transferred to either the GVN/RVNAF or the Embassy. The Ambassador has requested 23 military facilities and six leased facilities to be transferred to the Embassy and retained for civil agency use.

Costs—The Services have estimated the operating cost impact of Enhance Plus to be \$100 million—Army \$35.5 million, Air Force \$63.7 million, and Navy \$1 million. On a category basis, \$38.2 million is for matériel cost, \$40.5 million for transportation cost and \$21.5 million for operating cost. The replacement costs on a preliminary basis are approximately \$500 million (\$50 million Army and \$450 million Air Force). The \$500 million replacement cost of Enhance Plus is principally for aircraft programs not previously programmed, such as the C-130 and the 277 UH-1H's, and above program Army ground equipment. The total excludes value of equipment which had been programmed and was delivered on an accelerated basis, the ROKV and other MAP equipment, and the matériel transferred with the current base turn-overs, which may total several hundred million dollars additional. The cost estimates are being examined in detail by my Comptroller. They are unbudgeted costs which should be added to the Defense FY 1973

budget to the extent they cannot be offset by savings in other Southeast Asia operations.

Enhance Plus is thus completed.

Melvin R. Laird

112. Transcript of a Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, November 18, 1972, noon.

[Omitted here is discussion of the President's post-election correspondence.]

[HK:] What I wanted to mention to you and check with you is this—now we had a phone call from Bunker—we've not had the actual message yet, saying that now apparently the South Vietnamese are beginning to kick over the traces again—

RN: Oh Christ.

HK: And I believe that we just have to continue now and get the best agreement we can and then face them with it afterwards.

RN: How are they kicking it over?

HK: Well, they have apparently submitted a memorandum² to him—but see he just said the news is not good, and their Ambassador here has also raised some questions—with Sullivan.

It's their old pattern—what they always do is first read what you give them and then they raise a few technical objections and then they just keep escalating it.

RN: Well, shall I send them another letter?

HK: No, I think we now have to wait Mr. President until we—until we see at least what will happen in Paris and once we have a text of an agreement in Paris, we'll have a new situation.

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 17, Chronological File. No classification marking. All blank underscores are omissions in the original.

² The memorandum, "Changes Proposed by the Government of the Republic of Vietnam in the Draft Agreement Revised by the Government of the United States on November 14, 1972," undated, is *ibid.*, NSC Files, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [1 of 3].

RN: Bunker says that they are taking over the crazes [*kicking over the traces*] and just being unreasonable as hell—is that it?

HK: That seems to be the case. And we can't delay the negotiations and we can't tell Hanoi that we are having trouble. Or they're going to play it [*us?*] like an accordion.

RN: I just can't see how Thieu's got any other choice, goddamn it, we've told him, we are doing everything we can and that's going to be it—but on the other hand the idea of just making a bilateral thing Henry is—

HK: Is repugnant—

RN: Is repugnant because we lose everything we've done—we could have done that years ago.

HK: Well, if we can get a ceasefire in Laos and Cambodia and we can of course say we have put them in a position where they can defend themselves.

RN: Ah huh.

HK: Well it's going to be a miserable exercise.

RN: Well it may not be.

HK: Well, we'll do it bilaterally—

RN: This may be bargaining on their part, knowing that you are going to Paris.

HK: Basically, I really don't know where the hell they are going to go. And they are still making all the preparations as if there will be a ceasefire—and I just wanted to check with you if in accord with your views we proceed [*with*] negotiations—we can't wait any longer for coordinating.

RN: Well what would be the choice otherwise?

HK: Well that we ask for another delay but I think that is almost impossible.

RN: Well you couldn't do that—

HK: No, not after we've announced it—

RN: Don't you really think they are trying [*to*] strengthen their bargaining position before you go to Paris?

HK: I think that is one possibility but they're just trying to prove that if they are going to cave, they are going to do it afterwards, not before, and probably since they figure since they will get less than what they agreed to they better ask for more.

RN: Well, I think we tell Bunker to play it damn tough—he is—

HK: Oh yes. On the other hand [*less than 1 line not declassified*] Siha-nouk says that his interests were completely sold out by the North Vietnamese [*less than 1 line not declassified*]*—it was one of the most shocking*

examples and it is an example of US/Soviet pressure and it's the Soviets who pressed the NVN into yielding.

RN: Yeh, yeh. Well go right ahead on the same track. Do the very best that you can—Haig has no doubts about going ahead now does he?

HK: Oh no, he is completely with us—

RN: And feels we have to do it.

HK: Haig is against an open break with them before the negotiation as I am.

RN: Oh absolutely. Go negotiate now, but _____ they are making public statements?

HK: No, no, this is a private communication.

RN: All right, just go ahead, do the very best you can. Get the very best agreement you can.

HK: Right.

RN: Fine, Henry.

113. Transcript of a Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, November 18, 1972, 12:18 p.m.

RN: Henry, you ought to inform Bunker that I have directed that we go ahead so that Bunker knows we are taking a hard line on this thing.

HK: Absolutely.

RN: And inform him so that Thieu knows that there is no fooling around here and that this bargaining is—the time is over—the fellow has got to be out of his mind after the letter that I wrote²—if after that we don't get anything why it may be one of those breaking of relations.

HK: He wants to send an emissary to see you personally too.

RN: Is that what they said?

HK: Yeh.

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 17, Chronological File. No classification marking.

² Document 107.

RN: No.

HK: They can't do that while we are negotiating in Paris—

RN: No, no, no. Not going to be any emissary—anything they have to say—is to be transmitted through Bunker—that's the way it is to be done.

HK: Right.

RN: And that we've had enough emissaries and that sort of thing—so we'll just ready to—we have any—I just think that Bunker has to get to him a message from me to the effect that we are going ahead and as pointed out in my letter we're going to negotiate as hard as we can for the best position we can and that we're on this course and that he must realize that we will not be subjected to harassment on this thing.

HK: Right. I think that essential to the negotiations.

RN: —there are to be no ultimatums to be come from them under any circumstances.

HK: Now I have the substance, it just came in³ and again the trouble with them is every draft we give back to them already incorporates 70% of their changes. This has now been going on for three weeks. Now they sent us another batch of changes. I would say again we could accept 50% of them but the trouble is if you accept all of these on top of all the others we have an entirely new document, and Le Duc Tho is going to walk out.

RN: No, no no—just say that the document that we already have is the basic framework. And that's that. And we're going to do the best we can, and he's to know that that's the situation.

HK: After Haig went out there—we already incorporated all the changes they made to me when I was there. Since then we have made two more revisions—based on comments they gave to him and comments they sent us afterwards. Now they have given us yet another 10 pages of comments. And the end result of that is to kill the agreement.

RN: How does it kill it?

HK: Because they are changing everything—for example, wherever they talk about the U.S., they say the U.S. will withdraw its forces, they want to say the North Vietnamese will withdraw—

RN: No, no, withdrawal has to be handled on the basis that we already suggested.

HK: And so they keep putting in needles—there is a phrase which says U.S. forces and those allied to the U.S.—

³ Kissinger was referring to the South Vietnamese memorandum; see footnote 2, Document 112.

RN: We rigged the deal so Bunker can handle this—we don't need to send an emissary—I don't mean Haig—but—

HK: I think we should wait until we see what we get—if Hanoi kicks us in the teeth then we don't have a problem, but if Hanoi accepts the changes we are bringing then an already good agreement becomes excellent and then we might consider sending somebody.

RN: Yeh, all right, but be sure Bunker tells them we are going forward and the document is—what we already have will be the basis for it—we'll do the best we can, but the negotiation involves give and take on both sides.

[Omitted here is discussion unrelated to Vietnam.]

114. Transcript of a Telephone Conversation Between the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan) and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, November 18, 1972, 4:25 p.m.

K: Hello.

S: Yes, Henry.

K: Bill, I talked to the President. What he's going to say in his message²—he's not going to refuse to see him all together. He's going to say that we have all the information we can possibly use for this meeting. That they should get Lam to Paris or if Duc is the emissary, they'll work with Duc and they can come back with us, and then he'll meet them.³

S: Okay. That's better, I think, than a turn down because if it leaves it open that he'll be meeting them, then I think Ellsworth still has *entrée*, otherwise I think they just cut him off cold.

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 17, Chronological File. No classification marking.

² The message is a November 18 letter from Nixon to Thieu. (Ibid., NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (2))

³ In a 3:50 p.m. conversation that same day, Sullivan convinced Kissinger that if the President refused to see Thieu's emissary in Washington, Bunker would be cut off from access to Thieu in Saigon. The two then discussed the complications to American policy this would cause and Sullivan persuaded him to consider that the President should receive an emissary after the negotiating round—scheduled to begin November 20—was over and therefore not while Kissinger, Haig, and Sullivan were in Paris. (Ibid., Kissinger Telephone Conversations, Box 17, Chronological File)

K: I'm not so sure that what they don't need is an absolute shot of brutality at this point.

S: Well, I think they've got that already in their minds, I think they understand that's coming or about to come. What I'm thing [*thinking*] more of is anything that appears publicly or openly to the North Vietnamese that they've got some opening that they can exploit between us, then they've really, as you said this morning, they've really yo yo to us.

K: Well, this is what the President has decided to do.

S: Well, I guess that's the answer then.

K: And, I think this is also, technically, the best way for us to operate. There's absolutely nothing we can do now in changing our position.

S: No. I trust in his answer he will make clear you have his full powers and full authority. That's the thing that I think still lingers somewhere in the back of their minds. If they could only get to him, they'd get him out from under that Svengali Kissinger.

K: Yes.

S: Okay.

K: Okay. He's only saved Thieu's neck.

S: Pardon!

K: He's only [saved] Thieu's position.

S: I told Phuong yesterday if Thieu had any doubts who his friends were, that we'd be happy to convince him, but if he didn't want to see that in a most brutal form that he'd better stick along with us. Okay.

K: Okay, bye.

S: Bye.

115. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, November 20, 1972, 1900Z.

WH 29732. Deliver in a sealed envelope marked eyes only to H.R. Haldeman. Mr. Kissinger has submitted the following situation report for the President:

Memorandum for: The President

From: Henry A. Kissinger

Today's meeting started at 10:30 a.m. at regular secret location.² We found press at location prior to our arrival, so venue is no longer secret.

After an exchange of pleasantries which were essentially cordial, Le Duc Tho spoke first, delivering a long opening statement which was tough and reasoned though devoid of vitriolics and polemic. The essential thrust of his opening statement was North Vietnamese dismay at our failure to accept the earlier agreement and its accompanying schedule. I responded in kind, listing the reasons for delays but emphasizing the need to concentrate on the future.

—Following these initial exchanges there was a break during which some substantive exchanges between Le Duc Tho and me occurred. During this exchange I made it clear that the most important remaining obstacle was the issue of North Vietnamese troops in the South. Although he did not reject some give on this issue he was essentially noncommittal in expressing any degree of flexibility.

—Upon resumption of the discussions I painstakingly covered all of the proposed changes which we have received from the South Vietnamese and our own review. This was a lengthy process in that there are some 67 specific changes³ involved in the draft text. Le Duc Tho was obviously somewhat taken aback by the extent of our proposed modifi-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 26, HAK Trip Files, HAK Paris Trip HAKto, November 18–25, 1972. Top Secret; Codeword; Sensitive. Sent via Kennedy and Haldeman. A stamped notation on the message reads: "The President has seen."

² The meeting ended at 4:45 p.m. A 37-page memorandum of conversation (which this message summarizes) with attachments is *ibid.*, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI, Minutes of Meetings.

³ Actually, it turned out to be 69 changes, as Kissinger pointed out that evening when he briefed 3 senior South Vietnamese diplomats—led by Pham Dang Lam, Chief of Delegation to the Talks—about his afternoon meeting with Le Duc Tho. (*Ibid.*, Vol. XXI, Briefing of South Vietnamese)

cations and indicated that they may have some changes of their own.⁴ Following the presentation of the US/GVN changes I discussed the importance of achieving greater simultaneity between the ceasefire in South Vietnam and those in Laos and Cambodia as well as discussing measures for bringing the ICCS into play at the time of the ceasefire. I warned strongly against intensifying North Vietnamese military activity not only in South Vietnam but in Laos and Cambodia as well.

—On the positive side, Le Duc Tho demonstrated a distinct eagerness to arrive at an agreement this week and to have it implemented at an early date and in conformance with a fixed schedule which we should jointly agree to during this session. This eagerness was combined with demands for assurances from us that there would be no more changes in the agreement once the week's activities have been concluded. This we had already given prior to the meeting to Hanoi as well as to Moscow and Peking.

—Finally, he warned that if we were to present the numerous changes which I had given them today in an inflexible way or as an ultimatum, there could be no agreement and the war would continue for four more years.

—At his request we agreed to meet again tomorrow at 3:00 pm local time, due to his stated need to study our proposals. He promised to have detailed comments on these proposals at tomorrow afternoon's session.

⁴ Kissinger later admitted that the presentation of all of the proposed changes at one time was a tactical error, writing in his memoirs: "The list was so preposterous, it went so far beyond what we had indicated both publicly and privately, that it must have strengthened Hanoi's already strong temptation to dig in its heels and push us against our Congressional deadlines. I put them forward in order to avoid the charge that we were less than meticulous in guarding Saigon's concerns—and to ease the task of obtaining Thieu's approval." (*White House Years*, p. 1417)

116. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, November 22, 1972, 0120Z.

Hakto 13. 1. Please pass the following summary report from Dr. Kissinger to the President.

Today's session lasted from 3:00 P.M. to 7:20 p.m.² The meeting place was blown with the first session yesterday and there were masses of press and photographers assembled before, during and after the meeting. At today's meeting the North Vietnamese responded to the approximately 69 change proposals we left with them yesterday with the following results:

—They accepted a few changes which were slanted primarily in the direction of preserving U.S. prestige or adopting technical improvements.

—They demonstrated absolutely no substantive give and in fact drastically hardened their position on the political conditions, the problem of political prisoners, and the presence of U.S. civilian personnel in South Vietnam following the 60-day withdrawal period.

—In several important areas they returned to former (pre-October 8) negotiating positions.

It is patently clear that in typical Communist fashion they have hardened their position in order to neutralize the many changes we have asked of them. It is now apparent that we have some very difficult negotiations ahead of us which will probably keep us here for the remainder of the week. We will meet again tomorrow, November 22 at 2:30 p.m. following my return from Brussels where I will meet briefly at 7:45 a.m. with Indonesian President Souharto.

During tomorrow's session we will attempt to reduce the now-serious areas of difference and focus more clearly on the more cru-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (2). Top Secret; Sensitive; Exclusively Eyes Only. Sent via Haig and Kennedy.

² A 34-page memorandum of conversation, which this message summarizes, plus attachments, is *ibid.*, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI, Minutes of Meetings.

cial changes which we must have.³ The task ahead is a considerable one but it is still obvious that the North Vietnamese do want a settlement. One of the main difficulties now will be to convince Saigon of the urgent necessity of dropping their petty demands and the need to focus on the few really critical issues.

In my absence Haig is meeting tonight with the South Vietnamese Ambassadors who are now in Paris with the view toward impressing upon them the seriousness of the setbacks which occurred today and the fatal consequences of our failure to arrive at a successful agreement.⁴ *End report.*

[Omitted here is a paragraph on SALT.]

3. Confirming my telephone discussion, please obtain from Defense a precise listing of the specific tasks of any military character which U.S. civilians are now or will in the future have to perform in South Vietnam. The focus of course should be on post-agreement requirements. Please break them into two categories: direct U.S. hire and contract personnel earmarking those who can or cannot be contracted for by the GVN versus the U.S. Government.

Warm regards.

³ One area of difference was the presence of the North Vietnamese troops in South Vietnam. Toward the end of the session, Kissinger said to Le Duc Tho: "It is a question of principle that you do not admit you have troops in South Vietnam. But it is also a matter of principle for the South Vietnamese not to admit that you have a right to keep your forces there. So what we are trying to do is to find formulations that are consistent with the self-respect of all parties and that will permit the evolution to occur on which the peace will ultimately depend. Therefore I am not asking you to answer me now with a concrete proposal, but I am asking you to consider some of these aspects overnight."

⁴ A memorandum of conversation of Haig's meeting, 10:16–11:50 p.m. is in the National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI, Briefings of South Vietnamese. At the meeting, Haig stated that he had some "blunt" things to say. Because Kissinger, on behalf of the South Vietnamese, had to present 69 changes in the proposed agreement, "The effect of today is that we are back in the position we were in before October 8, by opening up what can be considered nitpicks plus some serious substantive issues." Consequently, he continued: "for every issue you reopened they went back to their previous positions, including asking that President Thieu resign." Haig concluded: "Gentlemen, it was not a good day."

117. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, November 22, 1972.

Hakto 18. Please pass the following progress report from Henry to the President.

Begin report.

1. Today's meeting started at 2:30 p.m. and lasted until 6:30 p.m.² At the outset of the session I touched upon each of the positions outlined by Le Duc Tho at yesterday's session. We dropped several of our less important changes, calling concessions what actually amounted to returning to previously agreed upon language in the October draft. I stayed firm on the political section, the troops in the South issue, withdrawal of U.S. civilian personnel, South Vietnamese civilian prisoners, and Laos and Cambodia. I deferred our definitive position on the status of the DMZ, on which they had moved part way yesterday.

2. At the outset of the meeting we found the North Vietnamese delegation to be serious, restrained and far less friendly than they had been in the first two sessions. At the conclusion of my presentation Le Duc Tho was obviously unable to comment due to his lack of specific instructions from the Politburo. He therefore launched a strong attack on the substance of the remaining U.S. positions, charging that we had conceded on technical matters while holding firm on matters of grave principle to them. There were moments during his presentation which were reminiscent of pre-October North Vietnamese speeches which presaged a break-off of the talks. He indicated that we should do all or most of the further moving if there was to be an agreement.

3. I responded firmly, saying that we were not asking Hanoi to abandon principles but rather to elaborate more fully on principles they had already agreed to. I noted that you were making an exceptional effort in search of peace at a time when you had a strong mandate from the American people which removed any restrictions on your course of action. I pointed out that I had just made a series of moves which he could not simply bank but had to respond to. The message was not lost. Le Duc Tho quickly moderated his exposition and stated that he had not had sufficient time to study the detailed pro-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (2). Top Secret; Sensitive; Exclusively Eyes Only. Sent via Haig and Kennedy.

² A memorandum of conversation, which this message summarizes, plus attachments, is *ibid.*, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI, Minutes of Meetings.

posals I made today. He urged that both sides make a great effort to reach compromises on the remaining points at the next meeting. Throughout his presentations Le Duc Tho placed great stress on the difficulties our failure to meet the earlier schedule had posed for them, as well as him personally, and the great difficulties that the remaining issue represented for Hanoi.

4. Prior to today's session I met with the South Vietnamese Ambassadorial contingent here in Paris³ and again reiterated what Haig told them last night, urging them to come to grips with the drastic consequences for the GVN of our failure to arrive at a settlement; pointing out your determination to proceed; stressing the unacceptability of continued criticism from Saigon; and underlining the need for us to work together.

5. We are meeting again with the South Vietnamese tonight to bring them abreast of today's proceedings.⁴ We are scheduled to meet with the North Vietnamese at 10:30 in the morning, at which time I anticipate some of the hardest bargaining we have yet encountered. Despite Hanoi's reduced flexibility, however, it is still evident that they are anxious to settle and the sooner the better. *End of report.*

³ A memorandum of conversation of the meeting, November 22, 12:47–1:15 p.m., is *ibid.*, Vol. XXI, Briefings of South Vietnamese.

⁴ A 9-page transcript of the meeting, November 22, 7:54–8:48 p.m., is *ibid.*

118. Message From Richard T. Kennedy of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Haig) in Paris¹

Washington, November 22, 1972, 1745Z.

Tohak 49/WHP 124. Haldeman called me at the President's request. After reading Mr. Kissinger's report last night,² the President felt that he should arm him with a strong statement. Haldeman emphasized that this is not repeat not a directive. It is provided for Mr. Kissinger's use on a wholly discretionary basis to be introduced when and if

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (2). Top Secret; Sensitive; Eyes Only. Sent via Guay.

² Document 117.

he believes it would be helpful to do so in an effort to move the negotiations forward. It should not be misunderstood as the President giving an order to Mr. Kissinger. He simply believed that on the basis of Mr. Kissinger's report yesterday he should arm him with this now.³

The message is as follows:

"The President is very disappointed in the lack of progress in the negotiations to date. Under the circumstances, unless the other side shows the same willingness to be reasonable that we are showing, I am directing you to discontinue the talks and we shall then have to resume military activity until the other side is ready to negotiate. They must be disabused of the idea they seem to have that we have no other choice but to settle on their terms. You should inform them directly without equivocation that we do have another choice and if they were surprised that the President would take the strong action he did prior to the Moscow Summit and prior to the election, they will find now, with the election behind us, he will take whatever action he considers necessary to protect the United States' interest."

End message.

Warm regards.

End of message.

³ Haldeman recorded in his diary on November 23 that, despite assurance to the contrary, Kennedy was "a little concerned about the cable, because it—in effect—tells Henry to make a settlement regardless of what the South Vietnamese think, and that had Kennedy somewhat worried, but he's going ahead with it." (*Haldeman Diaries: Multimedia Edition*)

119. Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Paris, November 22, 1972, 2100Z.

Hakto 19. Please send the following message immediately to Ambassador Bunker for delivery as close as possible to opening of business, November 23.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 26, HAK Trip Files, HAK Paris Trip Hakto, November 18–25, 1972. Top Secret; Sensitive; Eyes Only. Sent via Haig and Kennedy.

The President has asked that you deliver the following message from him to President Thieu as soon as possible.²

Via Bunker Channel

To: Ambassador Bunker

From: Henry A. Kissinger

Begin text. I am increasingly dismayed and apprehensive over the press campaign emanating from Saigon. There are allegations that my associates are not informing me accurately of your views and that you have therefore dispatched a special emissary to Washington to accomplish this task. The unfounded attacks on the draft agreement have continued with increasing frequency.

In addition, I am struck by the dilatory tactics which we are experiencing from your side in Paris. It is evident that your representatives there have been unable to obtain with sufficient timeliness the answers to questions which we must have if we are adequately to represent your views during the negotiations, including the protocols related to the draft agreement which were provided to your government in Saigon some two weeks ago.

As I told you in my letters of November 8, 14, and 18, I will proceed promptly to a final solution if an acceptable final agreement is arrived at in Paris this week. Given my clear messages and those conveyed by my representatives these past several weeks, any further delay from your side can only be interpreted as an effort to scuttle the agreement. This would have a disastrous effect on our ability to continue to support you and your government.

I look forward to seeing your emissary in Washington as soon as the Paris sessions have been concluded, but in the interim I must urge you this one last time not to put ourselves irrevocably at odds. If the current course continues and you fail to join us in concluding a satisfactory agreement with Hanoi, you must understand that I will proceed at whatever the cost. *End text.*

For Kennedy: Please give a copy of the above text to Haldeman and tell him that this is the issue HAK discussed with him on the phone and that it was absolutely essential that he take this action.

End of message.

² Bunker delivered the message to the Presidential Palace on November 23 but could not personally hand it to Thieu, who was meeting with his National Security Council. (Backchannel message Tohak 62/278 from Saigon, November 23, 0615Z; *ibid.*, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (2))

120. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, November 23, 1972, 2130Z.

Hakto 23. Please pass the following message to the President from Henry.

Memorandum for: The President

From: Henry A. Kissinger

1. We have just completed a six-hour meeting with the North Vietnamese² which proved to be every bit as difficult as predicted. After granting some improvements, including a more satisfactory statement on the status of the DMZ, the other side held rigidly firm that there would be only minor changes in the political chapter, and no improvements whatsoever in the text of the agreement with respect to the issue of their troops in South Vietnam.

Concurrently, they reiterated their demand that the political prisoners held by Thieu be released within the same time frame as U.S. prisoners of war, i.e., 60 days. In return for minor changes in the political chapter and the release of the political prisoners, Le Duc Tho stated they would make a commitment to relocate some of their forces in MR-1 and to bring the ceasefire in Laos close to the time of the ceasefire in South Vietnam. He insisted that both of these arrangements should be in the form of understandings rather than firm written commitments. He indicated that if we meet their demands on prisoners and the political chapter, they would give an appropriate response on the number of troops that would be relocated.

2. Thus at this point, in assessing the ledger, we have received a vague commitment based on an understanding to relocate some troops from the northern part of South Vietnam and to bring the ceasefire in Laos somewhat closer to the ceasefire in South Vietnam, together with some improved language and textual changes which are moderately helpful, especially with respect to the DMZ.

At the same time, we are confronted with an intransigent North Vietnamese stance on improved political positions and with respect to

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (2). Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Haig and Kennedy. A retyped copy bears the stamped notation: "The President has seen." (Ibid., Kissinger Office Files, Box 26, HAK Trip Files, HAK Paris Trip Hakto, November 18–25, 1972)

² The memorandum of conversation of the meeting summarized here, with an attachment, is *ibid.*, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI, Minutes of Meetings.

a formal commitment in the agreement regarding the troops in the South. In addition, the question of civilian U.S. advisors in South Vietnam following the settlement is still a point of contention. Most seriously, however, we are confronted with the demand that all of the political prisoners now held by Thieu be released within the same frame as U.S. prisoners.

It is obvious that, barring a sudden give by the North Vietnamese, we do not have an acceptable deal. The North Vietnamese package proposal would produce an agreement less advantageous than the one that was negotiated in October.

3. It is our view that we now have two basic options. The first is to break off the talks at our next meeting, and the second is to make the following proposal. Insist on the original positions on the political prisoners held by Thieu, giving him the ability to negotiate with the Viet Cong for their release; attempt to obtain a minor change in the political provisions along the lines Thieu has requested; and insist on the addition of a sentence with regard to the demobilization of Vietnamese forces which would specify that this is to be done on a one-for-one basis by both sides. This proposal would be combined with an understanding that Thieu would release some political prisoners in return for the movement of some North Vietnamese forces from MR-1. This proposal would be substantially better optically and marginally better substantively than the agreement we concluded in October. It gives Thieu the minimum that he has asked for if he wants to be reasonable, which he shows absolutely no inclination of being at this time.

4. I met with the South Vietnamese delegation tonight in an effort to get their support in eliciting Saigon's views.³ Although the Ambassadors seemed impressed with the criticality of the situation, I am not optimistic that Thieu will come along.

5. I have requested a private meeting for Haig and me with Le Duc Tho tomorrow outside of the forum of the regular sessions to try to impress upon him the gravity of the current situation and the implications of a breakdown at this juncture. I will draw heavily upon your message in this discussion.⁴ We would then meet again with the full delegations on Saturday morning,⁵ by which time we will have the final South Vietnamese position in hand.

6. Based on today's session it appears that our earlier judgments were correct that now the November 7 deadline has passed so has the incentive for Hanoi to proceed in the same panicky fashion which moti-

³ The memorandum of conversation of the meeting is *ibid.*, Vol. XXI, Briefings of South Vietnamese.

⁴ See Document 118.

⁵ November 25.

vated them in October. Thus it is very possible that we will have to face a breakdown in the talks and the need for a drastic step-up in our bombing of the North accompanied by a review of our negotiating strategy. At this point, because of our public position and difficulties with Saigon, I believe we will have to hold firm at the minimum positions outlined above if we can get Saigon to join us. I do not believe we should contemplate a less satisfactory settlement at this juncture, although we may ultimately decide to opt for this course.

7. There is still some chance that if Saigon can bring itself to understand the serious problem we have in continuing to support them in the wake of a collapse, they will provide us with a workable compromise for Saturday's session. However, at this juncture the prospects are discouraging.

8. Warm regards.

121. Message From President Nixon to the President's Deputy Assistant for National Security Affairs (Haig) in Paris¹

Washington, November 24, 1972, 0507Z.

Tohak 71/WHP 141. To be delivered to General Haig when he gets up.

The President dictated the following message for Dr. Kissinger after studying Hakto 23:² Quote: Because of expectations that have been built up in this country that a settlement will be reached, we face a very difficult situation if the talks collapse. Consequently you should inform the Saigon representatives that all military and economic aid will be cut off by the Congress if an agreement is not reached. Inform them also that, under these circumstances, I will be unable to get the Congressional support that is needed.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (2). Top Secret; Sensitive; Exclusively Eyes Only. Sent via Kennedy and Haig. Kennedy sent a subsequent message to Haig, Tohak 72/WHP 142, 0510Z, elaborating on this one. According to Kennedy, Haldeman "said that you and Dr. Kissinger would understand that this is meant in context of a reasonable position on Hanoi's part not in a situation of intransigence on their part. But we could not forgo a good agreement if they were willing to settle for one. He indicated that if in light of the circumstances there Dr. Kissinger and you were not comfortable with this position you would come back." (Ibid.)

² Document 120.

You should proceed therefore on option two,³ playing your hand just as hard as you can recognizing that we have now reached the point where resumption of heavy bombing of the North is probably not a viable option for us. Obviously you must play out the hand as though it were still a viable option, but we have now reached the point, by reason among other things of my statement just before the election that we would soon reach agreement,⁴ that we must reach the best agreement that we can.

In my view the October 8 agreement was one which certainly would have been in our interest. You should try to improve it to take account of Saigon's conditions as much as possible. But most important we must recognize the fundamental reality that we have no choice but to reach agreement along the lines of the October 8 principles. Unquote.

End of message.

³ In Haktó 23.

⁴ The President spoke on nationwide television from San Clemente on November 6, the evening before the election; for text of his remarks, see *Public Papers: Nixon, 1972*, pp. 1138–1139.

122. Memorandum of Conversation¹

Paris, November 24, 1972, 11 a.m.–12:20 p.m.

PARTICIPANTS

Dr. Henry A. Kissinger
Major General Alexander M. Haig, Jr.
Special Advisor Le Duc Tho
Minister Xuan Thuy
Nguyen Dinh Phuong, Interpreter

Dr. Kissinger opened the meeting, which he characterized as an exclusive private session between restricted participants designed to impress upon Special Advisor Le Duc Tho and the North Vietnamese side the fact that the negotiations had reached a most serious point. Both

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI, Minutes of Meetings. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at 11 rue Darthé, Choisy-le-roi.

parties had worked together for a long time, in fact for over 100 hours of discussions. Subjectively, it was evident that the U.S. and North Vietnamese negotiators—Dr. Kissinger on the U.S. side, Le Duc Tho and Minister Xuan Thuy on the North Vietnamese side—wished to end the war. But now the talks had reached a serious point.

For this reason, Dr. Kissinger wished to read a Presidential telegram he had received the night before. It should not, however, be interpreted as an official diplomatic communication, but merely an effort by Dr. Kissinger to convey the mood in Washington today. It was in effect a message to Dr. Kissinger from the President and therefore should not become a part of the official record of the proceedings, since it was directed to Dr. Kissinger and not to the North Vietnamese Government.

Dr. Kissinger read verbatim the text at Tab A.²

“The President is very disappointed at the tone as well as the substance of the last meeting with Le Duc Tho. Under the circumstances, unless the other side shows the same willingness to be reasonable that we are showing, I am directing you to discontinue the talks and we shall then have to resume military activity until the other side is ready to negotiate. They must be disabused of the idea they seem to have that we have no other choice but to settle on their terms. You should inform them directly without equivocation that we do have another choice and if they were surprised that the President would take the strong action he did prior to the Moscow Summit and prior to the election, they will find now, with the election behind us, he will take whatever action he considers necessary to protect the United States’ interest.”

Upon reading the telegram, Dr. Kissinger said he recognized the text was not diplomatically phrased, but he could think of no other device to indicate more clearly that the United States did have another choice. If North Vietnam was surprised at the strong U.S. action taken prior to the Summit and prior to the U.S. domestic election, they would now find that President Nixon would take whatever action he considered U.S. national interests dictated.

Dr. Kissinger had been in further contact with the President and had received his authorization to make one more maximum effort, at a meeting which Dr. Kissinger was proposing be held tomorrow, Saturday, November 25. In the U.S. view, the choice was directly up to the North Vietnamese side.

The Special Advisor should now be aware of the difficulty the U.S. side was facing, Dr. Kissinger continued. North Vietnam had its principles, but the United States also had its own. The U.S. side had given great weight to North Vietnamese principles. For example, it had gone

² Tab A is attached but printed as Document 118.

along with the charade that North Vietnamese troops in South Vietnam were really southerners or the sons of southerners. The U.S. had not publicly challenged North Vietnam on this, although everyone knew the real situation. The U.S. principle was that it must take into account the views of its allies. It was true that in October this point was made clear and the U.S. had not had an opportunity to present the draft agreement to its allies or to discuss it with them. Certainly if the U.S. had wanted to stall for time at that juncture, Dr. Kissinger could have insisted on going to Saigon and then returning to Paris, thus prolonging the sequence of events.

But that was all history. The problem now was to solve the current impasse. The final agreement must provide a document which could demonstrate that some of the South Vietnamese views had been listened to. The current status of the document fell far short of what Saigon had asked for. Nevertheless the U.S. was prepared to make an absolutely maximum effort, including Presidential action and direct intervention publicly, to demonstrate the President's personal support for the agreement and in fact to seek public pressure on Saigon to accept it. But this could be done only if the United States could in good conscience say it had made every effort and that the North Vietnamese side had made an exceptional effort. If this could be said, then the United States would have a moral basis to implement the agreement within foreseeable limits.

On the other hand, if Hanoi pushed the United States beyond these foreseeable limits and deprived it of its principles, then the effort could not be made, nor could the agreement be accepted. All of the recent efforts that had been made would be in vain, and the war would continue with greater violence. Hanoi must not be misled by the journalists with whom they were in contact. The U.S. had always done what it said it would do.

This, therefore, was the dilemma. Tomorrow, the United States would make a maximum effort. Under no circumstances could it agree to a document which was weaker than what had already been published. The Special Advisor had spoken of the difficulty that he had in changing the terms of the agreement, but the Special Advisor must also consider the United States' problem as well, especially the changes which Hanoi sought in Article 8(c).³ Nevertheless the United States would review again all that the Special Advisor had said at this week's meetings and would make an effort, including concessions to the degree that that was possible. But if the United States was pushed beyond

³ This article concerned the release of Vietnamese civilian personnel captured and detained in South Vietnam.

this, then a complete deadlock would result. This view was stated with an open heart.

Special Advisor Le Duc Tho and Dr. Kissinger had been enemies; they had also been colleagues in a common effort, Dr. Kissinger continued. He would prefer nothing more than to visit Hanoi as a culmination of these common efforts. But precisely because the task had been so tedious and the effort so prolonged, Dr. Kissinger had requested this personal meeting to convey the seriousness of the situation. The U.S. was at a point where its cupboards were empty.

Dr. Kissinger therefore proposed a meeting for Noon on Saturday, at which time the final U.S. position would be presented.

Special Advisor Le Duc Tho replied that as the meeting today was held as a special private session, he would speak all of his thoughts in an open-hearted way. Yesterday the Special Advisor had presented his views. His views were expressed as a result of a great effort. The U.S. side also made a great effort. But certainly, the North Vietnamese effort confirmed its new strategy of peace. If this were not so, North Vietnam would not have made its earlier efforts. But what did the United States expect of North Vietnam? How could Hanoi sign an agreement in which there was mention of the withdrawal of North Vietnamese troops? North Vietnam could not do this. Therefore, the Special Advisor had put forward the proposition that it would agree to relocate some of the forces from the northern region of South Vietnam after consultation with the Provisional Revolutionary Government. Thus what greater effort could be made?

President Nixon referred to U.S. honor. North Vietnam had its honor also. In this war the United States sent troops to intervene. Now it was pulling its troops out. North Vietnam was now told it must do so also. How could North Vietnam bear this demand? North Vietnam had tried to put forth a *de facto* formula on this issue. This demonstrated its good will.

Secondly, how could North Vietnam sign an agreement in which thousands of its people remained in jail? If there were no provisions for these people, how could North Vietnam accept? If peace was really achieved these people must be reunited with their families. So the question was how this sentimental question could be accepted. It had been raised repeatedly. Everyone with a conscience knew that this North Vietnamese demand was both fair and reasonable. It was a most difficult question.

Thirdly, with respect to the political question in South Vietnam, here again Hanoi had made a large effort. They had required now only a Council of the two parties, with a third segment which was not pro-Hanoi. If this were not true Saigon need not agree. Moreover, the third segment would be chosen by agreement of the other two through

consultation and unanimous decision. Thus the two parties must agree. As to the lower levels of the Council, they also would be agreed upon by the two parties, and even in this instance the organizations at the lower levels had not yet even been discussed by the two parties. Thus this solution could pose no difficulties.

Hanoi had made great concessions on the political side, Le Duc Tho continued. Now only the foregoing three questions remained: could one imagine an agreement which implied the withdrawal of North Vietnamese troops, had no provisions for the release of detained civilians, and dropped the provision for a three-segment government and dropped the provision that Thieu must step down? How could Hanoi sign such an agreement?

This did not mean that Hanoi did not pay attention to U.S. problems. Hanoi had agreed to reduce the number of troops in the northern part of South Vietnam. It had met U.S. concerns about the timing of the ceasefire with respect to the Laos question. This was done at the last meeting. Therefore U.S. concerns were met. Obviously the United States was worried that if the conflict in Laos continued then there would be a means for infiltration into South Vietnam. For this reason North Vietnam had agreed to make the ceasefire earlier in Laos. Now the United States must respond to North Vietnam's difficulty. An agreement that ignored the issues remaining could not be signed by North Vietnam.

It was clear that peace was near. Dr. Kissinger was like the Special Advisor; he recognized that with peace so near we should not now return to war. But what did Dr. Kissinger suggest? If there were an agreement with the implication of the withdrawal of North Vietnam forces, continued civilian incarceration, dropping the three segments, retaining President Thieu, changes in the Council—how could this ever be explained to the North Vietnamese people? Even the world press, in fact even the press in Saigon, confirmed that North Vietnam had made a large effort. The United States had seen Hanoi's strategy of peace. Dr. Kissinger could not overlook the fact that North Vietnam had been in a state of war but the fact that it would receive him in Hanoi was evidence of its peace strategy. However, Dr. Kissinger must understand that North Vietnam had made its last proposal, its greatest effort.

The Special Advisor said he understood that the situation was in fact at a decisive point. He had considered the matter overnight and had concluded that there were only two possibilities—either the restoration of peace or continued war. War would not be by desire or by an unwillingness to reach an agreement. But North Vietnamese good will had its limits. If now these limits were surpassed the war would continue despite Hanoi's wishes. If it was now necessary for Hanoi to make concessions, this would be a camouflaged surrender. The United

States had fought North Vietnam for ten years. Dr. Kissinger had negotiated for over four, and he knew that the North Vietnamese people could not surrender. He knew the history of the people of North Vietnam. He should make an effort, and North Vietnam would do the same, in an effort to reach a settlement.

Hanoi desired peace, but if peace was impossible the war would continue. Dr. Kissinger stated that Hanoi was responsible; the fact was the United States would be responsible. North Vietnam never threatened since they were an oppressed people. This was an historic reality. But Hanoi opposed threats and oppression. Dr. Kissinger studied North Vietnamese history and was aware. This discussion was private, so the Special Advisor could speak frankly. While we were at a decisive point, the Special Advisor must be responsible to his country and his people. He understood well that the losses would be great, but the North Vietnamese people would never accept an agreement which was tantamount to camouflaged surrender. If the negotiations failed, North Vietnam would fight again even though this would be against its will. Dr. Kissinger should consider this view. If Dr. Kissinger made an effort the Special Advisor would do the same. If there was no settlement this was contrary to the North Vietnamese desire.

Thus far, the Special Advisor had expressed all of his views. He had carefully thought over what he had said because of the decisiveness of this juncture. The Special Advisor and Dr. Kissinger had long been acquaintances; they had understood each other. If the war continued the problems would be very difficult. Sometimes the negotiations had been heated. Nevertheless Dr. Kissinger was a close acquaintance. After peace this relationship would become good. This was a practical reality. Dr. Kissinger asked about the remark made by the Special Advisor the day before on what he would do in the future. Certainly after the war they would become friends, the Special Advisor replied. That he was confident of.

Dr. Kissinger then urged the Special Advisor to consider the following points overnight. North Vietnam asked how there could be peace with North Vietnamese people in jail in the south? Dr. Kissinger had always sympathized with that question, but the Special Advisor should imagine the United States problem of telling its allies that Saigon should make peace, leaving 200 thousand hostile troops in its territory. This was the reason why redeployment was useful and helpful. On Article 8(c) it was clear that Hanoi had been prepared to accept this once, despite the difficulties. Now it was impossible for the United States to emerge from this round with the paragraph on this issue which was less of a concession. This showed a change in Hanoi's good will. If Dr. Kissinger were to agree to this, the President would reject it, and if the President agreed, then Saigon would reject it, and there

would be no basis for an agreement. The U.S. side would consider the political question carefully. If, however, the largest part of the North Vietnamese troops were withdrawn, the question of the political prisoners would be solved. Then there would be no moral basis for holding them.

Special Advisor Le Duc Tho confirmed that Hanoi had agreed to their continued retention on the basis of an October 31 signing of the agreement. Hanoi recognized that the United States would have difficulty in accepting a change in this position. That is why it had agreed to the relocation of forces in the northern part of South Vietnam. This issue had been taken into account. Dr. Kissinger replied that unless this figure were very large it could not help. Le Duc Tho asked how large it should be—total withdrawal? Dr. Kissinger said that if it were in the neighborhood of one hundred thousand, then he thought one could solve the political prisoner issue.

Le Duc Tho said this amounted to wishful thinking and was hardly different from demanding total withdrawal. Dr. Kissinger denied this. He emphasized that the point he was making involved the fact that the North Vietnamese position on Article 8(c) now posed an unmanageable problem in the United States. The Special Advisor should understand that if the war continued, this was the reason. Nevertheless the U.S. would carefully review the Special Advisor's statements. The Special Advisor had told us what he could not change. He stated what he could not do. Each of the Articles would be reviewed and North Vietnamese views and principles will be kept in mind. Then an assessment would be made. The North Vietnamese views were clear.

Le Duc Tho said that all the North Vietnamese views had been expressed, but it was now clear that President Nixon's message, although addressed to Dr. Kissinger, must be considered as a threat. As had been made clear, threats could have no effect. North Vietnam had fought for ten years and negotiated for many years. Therefore, both sides should have a correct attitude. There could be no threats. North Vietnam would not allow others to threaten it. If threats were received North Vietnam would oppose. So in the negotiations, threats should cease. If the negotiations were prompted by good will there was no need for threats. North Vietnamese views had been expressed completely. All available positions had been put forward. The meeting would occur tomorrow and another effort would be made. The United States should do the same. If this was so, a good settlement would be found.

Dr. Kissinger reaffirmed that the United States would make the utmost effort, keeping in mind the principles involved.

The meeting adjourned at 12:20.

123. Message From President Nixon to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, November 24, 1972, 1150Z.

Tohak 78/WHP 148. The President just called to dictate the following message which is to supplement the instruction he sent earlier:²

Quote: To strengthen your bargaining position with the North Vietnamese if they continue in their intransigence today, you should use your judgement with regard to breaking off the talks at the direction of the President for the purpose of giving negotiators from both sides the opportunity to consult with their principals and to resume one week later.

In the event the North Vietnamese agree to this, for your information, I would be prepared to authorize a massive strike on the North in the interval before the talks are resumed. I recognize that this is a high risk option, but it is one I am prepared to take if the only alternative is an agreement which is worse than that of October 8 and which does not clear up any of the ambiguities which we and Saigon are concerned about in the October 8 draft.

In sum, take a hard line with Saigon and an equally hard line with Hanoi. In our own mind, we know that as far as the Hanoi side is concerned there is a disadvantage but we cannot make a bad deal simply because of the fact that the massive expectations which have been built up in this country for a settlement would lead to an equally massive let down if bombing were resumed.

Our aim will continue to be to end the war with honor. And if because of the pursuit of our strategy and the accident of the timing of the election we are now in a public relations corner, we must take our lumps and see it through.

In giving this direction, we all must realize that there is no way whatever that we can mobilize public opinion behind us as in the case of November 3, Cambodia and May 8.³ But at least with the election be-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (2). Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Kennedy and Haig.

² Document 121.

³ Nixon was referring to three speeches he gave to the nation at critical junctures in the Vietnam war: on November 3, 1969, he announced his Vietnamization policy; on April 30, 1970, that the Cambodian incursion had begun and the reasons for it; and on May 8, 1972, that he had ordered the mining of Haiphong Harbor and other ports along North Vietnam's coastline as well as a stepped-up bombing campaign against the North. See, respectively, *Public Papers: Nixon, 1969*, pp. 901–909; *ibid.*, 1970, pp. 405–410; and *ibid.*, 1972, pp. 583–587.

hind us, we owe it to the sacrifice that has been made to date by so many to do what is right even though the cost in our public support will be massive.

I know these sessions have been a very great burden for you and for Al. You have my total confidence and best wishes. Call Haldeman today as soon as you get any indication of what will happen. In the event you have to break off talks, I will cancel my trip to New York where I am scheduled to spend the weekend.

If you determine it is advisable to break off talks you are to tell North Vietnamese curtly that you reported the sessions to date in full to the President. His reaction is that the North Vietnamese position is totally unacceptable and has ordered you to return to Washington immediately for consultations. Use this message as you deem necessary.

End of message.

124. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, November 24, 1972, 1800Z.

Hakto 25. Please immediately pass the following message to the President from me.

Begin text:

1. Your messages have been invaluable. Haig and I have met with Le Duc Tho and Xuan Thuy for an hour and 20 minutes this morning² and I covered your message of November 22 in detail.³ There is no question that it sobered him considerably. He drew heavily upon Communist jargon about oppressed peoples reacting strongly to threats but the manner in which he outlined his position clearly indicated that the message got through. He then, in a conciliatory rational way pointed out that North Vietnam's problem was that they had emasculated their political demands, agreed to leave Thieu in office, met our demands with respect to the cease-fire in Laos and had now even agreed to the de facto removal of some troops from the northern part of South Viet-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 26, HAK Trip Files, HAK Paris Trip Hakto, November 18–25, 1972. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Kennedy.

² See Document 122.

³ Document 118.

nam. How, he asked, could they now be expected to leave thousands of their people languishing in South Vietnamese jails and agree to specific language with respect to North Vietnamese troops in the South. I impressed upon him that we were now at the decisive stage. He agreed and indicated a willingness to make another effort. I am meeting with the South Vietnamese Ambassadors at 6:30 tonight, Paris time and will cover with them your excellent message of November 24.⁴

The overall situation is now as follows:

2. After four meetings with the North Vietnamese and my private session with Le Duc Tho this morning here is where we stand in the negotiations and a suggested course of action.

3. We came into this round of talks with an agreement that we already considered excellent. This week we have further improved the agreement by securing roughly a dozen changes, some of substance and others more technical, but all in our favor. Following are the significant ones so far:

—In several articles, including the first one, we have removed invidious references to the U.S. by changing purely American obligation to ones required of all foreign countries. This includes respect for the independence, etc. of Vietnam and not imposing a political solution on South Vietnam. Thus, the document has a better tone and the obligations are made on both sides.

—We have inserted language which allows military aid replacements for material which has been “used up” as well as “destroyed” in South Vietnam. As Le Duc Tho pointed out, he recognizes that there are now no practical inhibitions on our military assistance.

—In the political chapter we have made a very slight improvement by deleting from the tasks of the National Council the “maintenance of the ceasefire” and “preservation of peace,” thus marginally reducing the Council’s prerogatives. We have also improved the tone of the article dealing with South Vietnam’s future foreign policy.

—We have achieved significant improvement in the chapter on reunification and the demilitarized zone, based partly on GVN suggestions. There is now a specific obligation for North and South Vietnam to respect the DMZ.

—We have obtained modest improvements in the chapter on Cambodia and Laos. There is new language which says that the parties shall strictly respect their obligations under the 1954 and 1962 Geneva

⁴ Nixon sent Kissinger three messages on November 24. See Documents 121 and 123. The third message is in Tohak 84/WHP 149, 1455Z, which Kissinger read to the South Vietnamese Ambassadors in the meeting. See Document 125 and footnote 4 thereto.

Agreements, and making clear that the parties are not to encroach on the sovereignty and security of one another in Indochina. Finally, we have deleted the reference to “three” Indochinese countries, which the GVN felt strongly about; no number is now used.

In addition to the above, Le Duc Tho has offered to make understandings outside the agreement with respect to redeploying some North Vietnamese troops from MR-1 and making the Laos ceasefire closer to the Vietnam ceasefire than the one-month period that was agreed in October. However, these offers now are only part of an unacceptable package which would require freeing political prisoners in South Vietnam and no further changes in the political chapter.

4. We thus have improved somewhat an already sound agreement, despite Hanoi’s continual public insistence that the agreement should not be changed in any way. On the other hand, we face the problem of a balking GVN. Their resistance has centered on two issues, the political structure and the issue of North Vietnamese troops in South Vietnam. With respect to the political issues, the GVN’s position is totally unreasonable. As Le Duc Tho has freely admitted, they completely collapsed on the political side in October with their dropping of demands for Thieu’s resignation and a coalition government, the maintenance of the entire GVN political and military structure, and agreement on a non-governmental body which operates on the basis of unanimity. What could have been, and should have been, trumpeted as a major political victory Saigon has been distorting into a setback.

5. On the troop issue, the GVN does have a case. However I am convinced from years of negotiations with Hanoi and study of Vietnam, that the North Vietnamese will never agree to handle this issue directly in a document. We have built into the present agreement conditions which would effectively take care of this problem; the North Vietnamese forces in South Vietnam could not be maintained if the agreement’s provisions on the DMZ, Cambodia and Laos are satisfactorily implemented. If they are not carried out, we would, of course, be vulnerable. But if these provisions are not carried out, adding another unenforced provision will not help matters much. We would have a public relations problem which Thieu would certainly magnify.

6. As you know from my previous message,⁵ we face a very tough North Vietnamese position, both with regard to any further changes that we want, and their own proposed changes to release political prisoners in South Vietnam in parallel with our own prisoners, and the withdrawal of U.S. civilians from South Vietnam. We have not as yet accepted any changes that the other side wants. In this morning’s

⁵ Document 120.

meeting I rejected linking political prisoners to our prisoners. As for the withdrawal of civilians, we are examining our needs to see whether we can safely include certain categories without significant effects, in order to give ourselves some negotiating potential.

7. We must, however, keep North Vietnam's present tough position in perspective. They first said they would not meet again and then said they would make no changes in the agreement if we did meet. They now have agreed to a dozen changes in our favor, some of them of substantive significance, which have further improved the agreement. Furthermore it is extremely interesting that for the first time in years of negotiations, they have been willing to discuss concretely the issue of their troops in the South. This has always been a matter of firm principle for them. While there is virtually no chance they will write anything specific into the agreement on this question, we now have an opening which we might be able to exploit to ease this problem for the GVN in a de facto way. In any event the present situation is still fluid. I believe with extremely hard bargaining that we might get some further improvements along the lines of my previous message to you. Together with the changes we have already attempted this week, we could then point with pride to an agreement that already satisfied us in October.

8. On the other hand, even this package would fall far short of Saigon's minimum demands, not to mention their inflated public positions. We must face up to the reality that despite our intensive efforts over recent weeks and improvements in the agreement, a major break with Thieu seems all but inevitable if we completed the agreement this week. It is clear from cable intercepts, as well as Saigon press play, that Thieu is in a deliberate stalling pattern. He has refused to work effectively with us this week; his representatives here, though somewhat more sympathetic, have been given no flexibility; Mr. Duc did not attend last night's meeting, etc.

9. I believe this situation argues for our asking for a break in the talks and resumption in a week. I would return home with Mr. Duc who would see you. Saigon would know unequivocally that you are in charge of these negotiations and that their delays must cease.

If we go home tomorrow there will, of course, be massive speculation concerning a breakdown or at least a deadlock in the negotiation, after our predictions that only one more session would be needed. However, we should be able to ride this out for a week, so long as we announce publicly tomorrow that we will meet again in a week. It would clearly demonstrate to Hanoi that we are not frantic, and that you have other options. It would indicate that we have reached the outer limits of our positions. It might therefore improve our chances to get the above package, which is no mean task in any event.

Equally important we would significantly disarm Thieu and the GVN who now expect us to plough ahead this week to the finish line. Thieu's representative Duc would see you personally before the agreement was locked; you would be conveying your position directly rather than through intermediaries; and we would once more be taking account of GVN concerns and giving it more time. We would, in short, be in a stronger position with the GVN once we had an agreement and subsequently with public opinion if nevertheless we have to break with the GVN.

10. I would appreciate your views on this.⁶

Warm regards.

End text.

⁶ In Tohak 94/WHP 156, November 25, 0032Z, Kennedy informed Kissinger that the President wanted the talks to continue: "If, however, you believe that there is no chance that further progress can be made there at this stage, then he agrees with your recommendation that we ask for a break in the talks with resumption in a week or ten days." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 26, HAK Trip Files, HAK Paris Trip Haktto, November 18–25, 1972)

125. Memorandum of Conversation¹

Paris, November 24, 1972, 7:30–8:45 p.m.

PARTICIPANTS

Nguyen Phu Duc, Special Assistant to President Thieu
 Pham Dang Lam, Chief of GVN Delegation to Paris Peace Talks
 Tran Kim Phuong, Ambassador to the U.S.
 Nguyen Xuan Phong, Deputy Chief of GVN Delegation to Paris Peace Talks
 Vuong Van Bac, Ambassador to the United Kingdom
 Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
 Major General Alexander M. Haig, Jr., Deputy Assistant to the President for
 National Security Affairs
 Ambassador William Sullivan, Deputy Assistant Secretary, Department of State
 Ambassador William Porter, U.S. Chief Delegate to the Paris Peace Talks
 Hayward Isham, U.S. Delegation to the Paris Peace Talks
 Peter W. Rodman, NSC Staff

Ambassador Lam: Saigon gave us this memorandum to give you which indicates our instructions. [Hands over the memorandum at Tab A]²

Dr. Kissinger: Thank you. [Reads it] I have seen Le Duc Tho this morning³ and told him what I told you yesterday I would tell him, and I also requested a meeting for my delegation and me for tomorrow afternoon—to which he agreed. In the light of this reply I will now ask him for a private meeting at 10 o'clock tomorrow, and I will request a postponement of the full meeting for one week. If there is a breakdown, the consequences for your government will be disastrous, and you will bear full responsibility.

I also want to read you a message I have received from the President, of which I will give you a copy:⁴

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI, Briefings of South Vietnamese. Top Secret; Sensitive; Exclusive Eyes Only. All brackets are in the original. The meeting was held in the library at the Ambassador's residence, 41 rue du Faubourg St. Honoré.

² The memorandum, dated November 24, is attached but not printed.

³ See Document 124.

⁴ The message quoted here, transmitted in Tohak 84/WHP 149, November 24, 1455Z, is in the National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXI (2).

November 24, 1972

"I have checked today as to the attitude of the leading Democrats and Republicans who support us in the Senate on Vietnam. In preparing them for the consultation which must take place once agreement is reached we have informed them of the key elements of the October 8 agreement: the return of our POWs, a ceasefire, and a formula under which Thieu remains in power and all South Vietnamese have an opportunity to participate in a free election to determine what government they want for the future. The result of this check indicates that they were not only unanimous but vehement in stating their conclusions that if Saigon is the only roadblock for reaching agreement on this basis they will personally lead the fight when the new Congress reconvenes on January 3 to cut off all military and economic assistance to Saigon. My evaluation is that the date of the cut-off would be February 1. They further believe that under such circumstances we have no choice but to go it alone and to make a separate deal with North Vietnam for the return of our POWs and for our withdrawal.

"These are men who have loyally supported us on November 3, Cambodia, and Laos, and May 8. They have great affection for the South Vietnamese people and great respect for President Thieu personally, but they point out that the votes in the Senate this past year for appropriations for support of the effort in Vietnam have been won only by great effort and by very small margins. They also point out that this time the House cannot save appropriations because the Senate would block any House move to restore funds which, incidentally, in view of the makeup of the new House, is highly unlikely, by simply letting the appropriations bill die in conference.

"This message, unless you have strong feelings otherwise, should be immediately passed on through the South Vietnamese negotiators to Thieu. Tell him the fat is in the fire. It is time to fish or cut bait. We do not want to go it alone. I personally want to stand by Thieu and the South Vietnamese Government but as I have told him in three separate messages, what really counts is not the agreement but my determination to take massive action against North Vietnam in the event they break the agreement. The North Vietnamese troops in the South mean absolutely nothing in that eventuality. If they had no forces there at all and I refused to order air retaliation on the North when infiltration started to begin, the war would be resumed and the outcome would be very much in doubt.

"You must tell Thieu that I feel we have now reached the crossroads. Whether [*Either*] he trusts me and signs what I have determined is the best agreement we can get or we have to go it alone and end our own involvement in the war on the best terms we can get. I do not give

him this very tough option by personal desire, but because of the political reality in the United States it is not possible for me, even with the massive mandate I personally received in the election, to get the support from a hostile Congress to continue the war when the North Vietnamese on October 8 offered an agreement which was far better than both the House and the Senate by resolution and directive to the President during this last session indicated they thought we ought to accept.

"Tell Thieu that I cannot keep the lid on his strong supporters in the House and Senate much longer. They are terribly disturbed by what they read and hear out of Saigon. It is time for us to decide to go forward together or to go our separate ways. If we go separate ways, all that we fought for, for so many years, will be lost. If, on the other hand, he will join us in going forward together on the course I have laid out we can, over the long pull, win a very significant victory.

"The third option of our trying to continue to go forward together on the basis of continuing the war is simply not open. The door has been slammed shut hard and fast by the longtime supporters of the hard line in Vietnam in the House and Senate who control the purse strings."

[Dr. Kissinger then hands them a copy.]

This is all I have to tell you. I will see Le Duc Tho at 10 o'clock in the morning and seek a postponement of one week. If he refuses a negotiation, we have no choice but to go our own way. If he accepts a negotiation you have one week for consultations.

If you wish to get in touch with me before 10 o'clock, you are free to do so.

Ambassador Bac: Do you think he will accept?

Dr. Kissinger: I don't know. It is fifty-fifty. You give us no choice.

Mr. Duc: Did you give him our November 19 proposal about withdrawal of North Vietnamese troops and demobilization in two phases?⁵ What was his reaction?

Dr. Kissinger: I told him. He said there were no North Vietnamese in the South and the only forces are southerners or the sons of southerners who regrouped in the North. I told you yesterday this was an absurdity. I told him today that it was a lie, which we went along with only because it has the advantage of not claiming any North Vietnamese right to keep forces in the South. It is the principal subject we have discussed. Out of twenty hours of conversation with him we have spent almost sixteen on this. The only context in which we can discuss it is the withdrawal of some troops in MR-1. As I have told you I think

⁵ Presumably the South Vietnamese memorandum given to Bunker; see footnote 2, Document 112.

this is a bad deal for you. The prisoners you have are a tangible reality; the withdrawal of a few troops is not, because they can easily reinfiltate—not legally but practically.

If the provisions on Laos and Cambodia and the DMZ are maintained they cannot maintain their forces in the South. If these provisions are not kept, adding an additional provision that is not maintained won't help.

The only context in which they are willing to negotiate is in the context of demobilization, and in negotiation with the PRG. There is no chance whatever that they will go beyond this.

What do my colleagues think?

General Haig: That would be tantamount to surrender.

Dr. Kissinger: They tell us that they have given up their demand for the immediate resignation of President Thieu and the installation of a coalition government, and stripped their political demands to nothing.

Mr. Duc: You say the agreement is a surrender for them, but there are a number of obligations for the United States and South Vietnam, but what obligations are there for North Vietnam?

Dr. Kissinger: The ceasefire, respect for the DMZ, Laos and Cambodia, and a political process. In all other negotiations they have constantly demanded the resignation of Thieu and a coalition government. As a result of this agreement, the legitimacy of the GVN is established, the possibility of unlimited American aid is legally maintained for the postwar period, and the possibility of strong American action to defend the agreement is preserved. I told President Thieu that we should treat this as a joint victory. You have managed to turn it from a victory into a setback.

If the President—who has supported you all alone, all along—has lost his patience as this letter indicates, imagine how the others are.

You [Ambassador Phuong and Mr. Duc] can come back with us if you like. We are trying for a 4:00 p.m. departure.

Mr. Duc: I tried to get here earlier.

Dr. Kissinger: If there is another negotiation or not, you have run out of time. I will leave Friday morning⁶ for Paris again.

Mr. Duc: Whatever the decision President Nixon has to take, we remain grateful for all your help, particularly Vietnamization, which has succeeded. But for us to accept an agreement that does not explicitly deal with the North Vietnamese troops, our Government could not explain to the people.

⁶ December 1.

Dr. Kissinger: I will ask him for one week. If he accepts you have a deadline. If he refuses, the negotiations are at an end and the consequences described in the President's letter will take place.

You have had seven weeks to work with us.

Mr. Duc: The North Vietnamese troops do not have to be mentioned by name, but the agreement can refer to a general comprehensive formula.

Dr. Kissinger: "Non-South Vietnamese forces." We have submitted every single change you wanted, but the limit to what they will agree to is maybe "demobilization on a one-for-one basis" and to have the Council's members "appointed equally by the two sides." Maybe they will withdraw some forces out of MR-1 in conjunction with release of civilian prisoners. Maybe they will accept this, maybe they will refuse.

Mr. Duc: You think their refusal is unreasonable?

Dr. Kissinger: We have to look at it from our point of view. For four years, by maneuvering and manipulation, we have managed to keep the Congress from passing resolutions requiring United States withdrawal in exchange for our POWs. This was my nightmare. On October 8 I thought that their acceptance of our proposal plus your enthusiastic support would make the American people so proud of what we had achieved that they would enable us to support your government. Imagine now the attitude of a Mid-westerner who reads every day that we are accused of betrayal. If it is portrayed as a worthless agreement, how can the American people support it?

What is your protection? Your protection is our unity. Your protection is our enthusiastic support. You won't be able to wave a document at them, whatever is in it. The North Vietnamese fear is whether the B-52s may come again; if we convince them of this, the agreement will be kept. If we can't convince them of this, all your 69 changes mean nothing.

We think we are watching a suicide. You are losing your public support. Why did we want an agreement in October, in November and now? The election meant nothing. If we got it now it would be our success. If it happens next March, every liberal newspaper in the country would think it had brought it about.

It has to be an agreement that you say is a success.

If we had wanted to sell you out, we had more opportunities for this. We have fought for four years and sent you another billion dollars of aid.

Mr. Duc: We never said it was a sell-out.

Dr. Kissinger: That is the impression you are giving in America.

Mr. Duc: You say the best guarantee is not a scrap of paper but your willingness to retaliate. I am not arguing with this. But if there is no provision about the North Vietnamese troops, on what basis could you retaliate?

Dr. Kissinger: In the agreement there are the following provisions: respect for the DMZ, respect for Laos and Cambodia, a ceasefire, a ban on the introduction of military personnel into South Vietnam, and military equipment on a replacement basis. In addition, there is the unilateral statement we gave you yesterday in which we announce that we do not recognize any right of North Vietnam to keep troops in the South. And in his speech announcing the agreement, the President would say that if there is any violation we would respond violently.

I must tell you, the next thing our opponents will do is try to undermine any remaining obligation of ours to you. The more we disagree, the easier it is for them.

Ambassador Lam: You said you have gotten no response at all from Saigon. I am obliged to be more precise, because I have transmitted to you Saigon's responses. Saigon's decision not to respond concretely is a choice, a decision between accepting the agreement or not accepting the agreement. If it does not deal with the two main questions it is a difficult choice for us, to weigh the pros and cons.

Dr. Kissinger: I understand your motives. You are in a difficult position. The argument is not between you and me. The argument is now exactly as the President put it. This is now the case. We have told you since the end of October where we should go. We have been on a confrontation course when we should be cooperating. There is no other choice any more. If the talks break down the consequences will follow. If there is one more meeting either we will have your answer or we go unilaterally. We will do our best to get another meeting. But I can add nothing to the President's letter. It explains the situation, what we have to do, and why we have to do it. It will destroy you and all we have done. Al?

General Haig: Mutual confidence between us is the key and this has broken down.

Mr. Duc: No, we still maintain confidence in you.

Dr. Kissinger: Not actively.

Mr. Duc: The disagreement is because Vietnam is an important problem for you but a vital matter for us.

Dr. Kissinger: If you say your vital interests are ruined, they will be ruined. The agreement is better than anything we thought we could achieve or than Congress was willing to support. Look over the Congressional debates: did any of our supporters ever argue that your government had to be maintained or that military aid had to be maintained

or that anything had to be done for Laos and Cambodia? The only issue was withdrawal for prisoners and the question of a ceasefire.

Bill, you testified before Congress. What is your reading?

Ambassador Sullivan: I told Ambassador Phuong the very same thing in Washington two weeks ago, exactly as the President said. I want to say three things. If you had driven out the North Vietnamese you would, of course, be in a different position in a ceasefire. Secondly, an agreement that does not limit your sovereignty and includes provisions that prevent the reintroduction of the NVA and keeps your prisoners . . .

Dr. Kissinger: We hope.

Ambassador Sullivan: We had this on October 22. Le Duc Tho looks at this not as a North Vietnamese but as a leader of the Lao Dong party, and he has to worry about his cadre in the South. The only thing he can point to to Madam Binh or to Nguyen Huu Tho is the leverage of their troops.

So you ask, is there any realism in North Vietnamese forces being permitted in a ceasefire situation while preserving the principle that they must withdraw? I say yes, because there is an opportunity to negotiate them out, using the leverage of the prisoners which President Thieu has always said could be a minor problem.

If you face this situation saying "We don't have confidence in ourselves and don't have confidence in the U.S. to back us up," then how can we have confidence in you? Many leaders in Congress lost their offices, defeated because they supported you.

Dr. Kissinger: Allott lost, and Margaret Chase Smith and Jack Miller. These are serious losses.⁷ They had seniority and stood by us.

We kept the war going by always keeping North Vietnam in the position of looking unreasonable on issues that Americans could understand, like overthrowing an ally. But even that would not last beyond next year.

There is another fact. We cannot keep all our carriers there beyond January because of the operation of the military establishment.

Ambassador Sullivan: You have the example of South Korea. In 1953 Syngman Rhee did not like the agreement and did not trust us. But we have kept every commitment to South Korea, and today South Korea is in the strongest position and North Korea has come to them and done things they have always said were contrary to their principles.

⁷ Senators Gordon L. Allot (R-CO), Margaret Chase Smith (R-ME), and Jack R. Miller (R-IA) lost their re-election bids in 1972.

Dr. Kissinger: Let's face it. A unilateral deal will be only our prisoners in exchange for our withdrawal.

Ambassador Sullivan: The military aid bill won't come up until about June. On economic aid we never got a bill last year, only a continuing resolution. Therefore we have to submit new bills on January 3. They may never come out of Committee.

Mr. Duc: Let me discuss the troops. North Vietnam violated the agreements they made on Laos.

Ambassador Sullivan: A piece of paper.

Mr. Duc: They did not keep it. They won't keep this one.

Ambassador Sullivan: Do you know this? Because the 1962 agreement was forced upon them by Khrushchev. They violated it from the first moment. But this time I am convinced it is different. One part of my mind says you can never trust them, and there is plenty of experience with that, but another part of my mind says it is different now.

Dr. Kissinger: Let me make a more fundamental point. We have no more time for debate. We do not believe you can start another round of discussions. There is no more time for working groups and memoranda. The President will tell you the same. Hopefully Le Duc Tho will agree to another meeting. Hopefully, we can bluff him with a threat of air attacks—which we did. By the latest by next Thursday, we will have a common position or we will go alone.

Mr. Duc: I did not mean to start a debate but you say we should try to portray it as a victory.

Dr. Kissinger: You have made it hard for yourselves now.

Mr. Duc: But it says nothing about the big issue of North Vietnamese troops.

Dr. Kissinger: I would point to the demobilization provisions. I would say that we had repelled North Vietnamese aggression. I would claim victory.

Mr. Duc: We repelled the offensive but the North Vietnamese troops are there.

Dr. Kissinger: The North Vietnamese troops are in small enclaves and along the DMZ. You turned it into a formidable force by talking about it.

Mr. Duc: Though there is nothing in the agreement that gives them the right to stay there, in Vietnamese eyes it is there indirectly. You and all our allies have to leave. It mentions three Indochinese countries . . .

Dr. Kissinger: The "three" is out.

Mr. Duc: But the intention is there.

Dr. Kissinger: It is up to you to say it is four.

Mr. Duc: The agreement talks about “the question of Vietnamese forces in South Vietnam.” The word “South” is suppressed but the two South Vietnamese forces are to discuss them.

Dr. Kissinger: That is a good point.

General Haig: It is a good point but it is no longer pertinent. We have got a problem. We can no longer afford this. The key is the kind of support we gave you on May 8. You are depriving us of the ability to support you.

Ambassador Porter: It is incredible that you are on a march to disaster instead of marching with us.

Dr. Kissinger: Look at October 26. You all misunderstood what I was doing. I was preventing President Thieu from being isolated. I was saying that the concerns are ours, not just yours. Or else you would have been killed. It would have been easy to say that President Thieu was the one.

And then we see your press attacking me.

Mr. Duc: No.

Dr. Kissinger: We know who Nha is. We know it is instigated from the Palace.

After October 26 liberal members of the press called me and General Haig and didn’t believe what was in it. They accused me of lying because North Vietnam could not have agreed to it. Everything they had been writing before then assumed that a coalition government would have to be imposed. The left cannot accept that this is a good agreement because, if so, it was all worthwhile. So the left attacks it. The right, which isn’t all that unhappy with the agreement, watches you, and now they won’t support the agreement. You are getting support now only from left wingers who are using it not because they support you, but to attack us. But you wait until the talks break down. Then you will see that all the people who joined some of the criticism you have made are not your friends.

The choice isn’t between this agreement and the continuation of the war. It is between this agreement and a Congressional cut-off of aid. We don’t like it. Your choice is to join with us or destroy yourselves. These are facts. I tried to tell you this in Saigon. General Haig tried to tell you this in Saigon.

General Haig: One other thing is not understood. At present Hanoi is licked, defeated.

Mr. Duc: Militarily, not politically.

Dr. Kissinger: Militarily and politically, because the cadres know what they fought for. When I first told Le Duc Tho our proposal for a ceasefire some years ago, he laughed: “Did we fight for twenty years to stop fighting? We have fought to bring about a political solution. The

objective of war is victory.” Yet now he is pushing for a ceasefire without a political settlement. His cadre knows what this means. The fruit of ten years of revolutionary war is a ceasefire with your government still there.

They are pleading with us for economic aid. Do they think they can get economic aid from us if they are fighting our ally?

Mr. Duc: Economic aid is not a sufficient incentive.

Dr. Kissinger: Their objective is to destroy you. But North Korea’s objective is to destroy South Korea. The key isn’t what the intention is. In peace, over five years, which Vietnam will advance more economically? North Vietnam will always want to destroy you unless you wipe it off the map. We are not children. Our common objective is to prevent it. That is what we are on the brink of totally jeopardizing.

Mr. Duc: Suppose we demanded that the whole Hanoi politburo had to resign and the government had to be dismantled and then new elections held. And then we dropped this demand. This would not be proof of goodwill.

Dr. Kissinger: You are partly right. But to the American people . . . A poll was taken during the campaign which asked: “Do you support the GVN if the resignation of President Thieu is the only obstacle to a settlement”? Only eight percent said yes.

Mr. Duc: President Thieu has argued for mutual withdrawal at Manila and at Guam.

Dr. Kissinger: He has done it courageously, but we have run out of time. I will be back here leaving Friday morning.

Mr. Duc: I shall come.

Dr. Kissinger: The President will see you on the day of your arrival.

Mr. Duc: I assume I can be there on Monday or Tuesday.⁸

Ambassador Sullivan: That is cutting it fairly close.

Dr. Kissinger: That is your business. We offered you a ride on our plane and thought it was accepted. But it is up to you.

Do not believe that by protracting your arrival it will change by one hour.

Mr. Duc: No, we are not. I need instructions from President Thieu on what I am to say to President Nixon.

Ambassador Sullivan: Can’t you await them in Washington?

Mr. Duc: I am under instructions to await them here.

Dr. Kissinger: You are playing a delaying game with an inflexible schedule. Any time you use is your own.

⁸ November 27 or 28.

I would appreciate, in view of the importance of this, you may want to stay a few minutes and go over with General Haig and Ambassador Sullivan what we have conveyed to you, just to make sure you have understood what we have said.

Mr. Phong: We think we got it.

Dr. Kissinger: It is up to you.

Mr. Duc: Can you have another working session with them on the issues we raised?

Dr. Kissinger: No. It will break up. The only way to avoid a breakup is to delay a week. If I go back on the issues . . .

Mr. Duc: Does he maintain "an administrative structure of three equal segments"?

Dr. Kissinger: There may be a failure of communications. We gave him a new Vietnamese word and we will insist on it. He did not reject it, but I cannot be sure. But we think we can get "three equal segments equally appointed by the two sides."

Mr. Duc: Can you tell us by tomorrow what his decision is on it?

Dr. Kissinger: I frankly think it is better not to negotiate tomorrow. It would be a great mistake. If he gives you it ("administrative structure") he will ask for something back.

Our only hope is that at the last session we say: "This is our position. We concede on this and insist on that. This is our final offer." If we ask for things one at a time, he will come back one at a time. If they really want peace they may agree.

Ambassador Phuong: One thing I would like to ask. Yesterday you talked about three options. What happened to Article 8(c)? Is it in or out?

Dr. Kissinger: Article 8(c) we want in. Of the three options, option one was to reject the whole thing. This is not realistic. Option two is to drop Article 8(c) if they withdraw 100,000 of their forces.

Ambassador Phuong: Yesterday that was option three.

Dr. Kissinger: Yes, you are right. I tried that with Le Duc Tho today. He laughed. The other option, our preferred one, is to say: we maintain Article 8(c); we add the phrase "appointed equally by the two sides" to the political chapter; we add "demobilization on a one-for-one basis" and "the parties will do their utmost to accomplish this within three months"; and we have an understanding with them to have you release some prisoners in return for some withdrawal from MR-1. So our preferred one, which yesterday was option 2, would keep Article 8(c).

Ambassador Phuong: The withdrawal would be a small one.

Ambassador Sullivan: In proportion to your release of their prisoners.

Dr. Kissinger: We have not up to now agreed to have “three equal segments.” That would be our concession.

There is one thing: in the Laos and Cambodia chapter they have rejected the phrase about “the principle that Indochinese forces shall stay within their frontiers.” We might try—we can think if we have a week—using some phrase without the word “troops,” such as “the Indochinese countries will not use military pressure against each other.”

Incidentally, when we reminded him about demobilization and “return to their native places,” he denied he ever said it.

Good. I will meet with you again tomorrow.

[After closing pleasantries, the meeting ended.]

126. Message From the President’s Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, November 25, 1972, 2240Z.

Hakto 27/WH 29771. Please deliver urgently.

Please pass the following message from Dr. Kissinger to the President:

Begin report.

1. As you know, I decided to play for a week’s delay before seeking final agreement with Le Duc Tho. This decision was based on two major considerations: First, the still intransigent position of the South Vietnamese, especially Thieu and his closest advisors; and second, the rigidity of the North Vietnamese on the remaining issue—their demand that South Vietnamese civilian prisoners be released.

The South Vietnamese

Last night’s meeting was the first one with Thieu’s special emissary Duc, whom you will see, as well as the other Ambassadors. The session was lengthy, blunt and highly charged.² I decided to read your

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 26, HAK Trip Files, HAK Paris Trip Hakto, November 18–25, 1972. Top Secret; Sensitive; Exclusively Eyes Only. Sent via Haig and Kennedy. A stamped notation on the message reads: “The President has seen.”

² See Document 125.

message on Congressional attitudes, and it had enormous impact, so much so that I provided a copy for Mr. Duc to send to Thieu.

We reviewed for Duc all the strategic, military, security, and political factors which dictate Thieu's acceptance of the draft agreement with modifications that are possible. These include continued retention of the political prisoners by Thieu for bargaining purposes, some modest additional changes in the political section, and a reference to the demobilization on a one-for-one basis of North and South Vietnamese troops during the post-settlement period. Duc was obviously still intent on quibbling over an array of details in the draft agreement and on delaying final signature rather than face Thieu with the political contest which the settlement will entail.

The discussion was prolonged and spirited. During the exchange I informed Duc in the strongest terms that time had run out for the South Vietnamese and that from this point on further delays would be at their own expense. I told him that you would re-affirm your personal determination to proceed with the agreement, with or without Thieu, and that in the latter case the outcome would be suicidal for the South Vietnamese Government. I emphasized that their protection was not this or that clause in the agreement but your determination to maintain the freedom of Vietnam.

In addition to the legislative realities so effectively presented in your message, I pointed out that the continued display of disunity between Saigon and Washington would result in strengthening Saigon's enemies in the United States, thereby jeopardizing the support you needed to guarantee the agreement in the case of North Vietnamese violations. I also emphasized that this same disunity and an ultimate break with us provided the surest incentive for Hanoi to seek to violate the agreement and for the Soviet Union to back them up.

Duc and the entire South Vietnamese delegation were visibly shaken. I think for the first time they appreciate the true situation and the dilemma with which they are faced.

I saw the same group³ following this morning's meeting with Le Duc Tho⁴ and again reviewed all of the considerations impelling them to join with us. For the first time Duc showed an interest in the actions

³ A memorandum of conversation is in the National Archives, Nixon Presidential Materials, NSC Files, Box 858, Vol. XXI, Briefings of South Vietnamese. Kissinger also met briefly with Pham Dang Lam and Tran Kim Phuong before his morning meeting with Le Duc Tho. The Ambassadors informed him that they had received instructions from Saigon on the negotiations, which were a restatement of South Vietnam's insistence that North Vietnamese troops must withdraw from the South as part of any settlement and that South Vietnam must have the right to determine its future. A memorandum of conversation is *ibid.*

⁴ A memorandum of conversation is *ibid.*, Vol. XXI, Minutes of Meetings.

which South Vietnam should take following their acceptance of the agreement.

While the South Vietnamese representatives are now seized with the realities of the situation, I seriously doubt that President Thieu himself has yet grasped the problem accurately. For this reason, it will be essential for you to reinforce for Duc in the bluntest terms all that I have said to Thieu and his representatives. You will want to draw primarily on two themes: first your determination to proceed because it is a sound agreement and in the light of U.S. domestic realities as outlined in your message to me; and second, the essential role that mutual trust between you and Thieu will have in making the final agreement viable.

In sum, it is now evident that we have at least gotten the South Vietnamese attention. The Ambassadors who have been in Paris with us all week now seem definitely in favor of proceeding. Duc appears to be convinced. I suspect Thieu remains intransigent.

The North Vietnamese

The meeting between Haig and myself and Le Duc Tho and Xuan Thuy this morning was equally electric. For the reasons outlined in my message of yesterday⁵ I decided before the meeting that we should seek a week's delay, although there was a risk the North Vietnamese would refuse.

I seized the initiative at the opening by accusing the North Vietnamese of leaking an account of this week's meetings to the *Washington Post*, an article which also appeared in Paris this morning in the *Herald Tribune*.⁶ It was highly slanted in favor of the North Vietnamese; we had had a report last night that a member of the North Vietnamese delegation had provided it to Randal of the *Post* through a neutralist intermediary. I informed Le Duc Tho that in the future a violation of the confidence between us of this magnitude would prevent a settlement. He denied that the North Vietnamese were the source of the story but seemed somewhat defensive. From that point on I pressed home to him that if we were to hold a regular business session today it was apparent from my discussions with him yesterday that we would have quickly reached an impasse. The result would be a breakdown in negotiations and a resumption of military activity, this time on a scale not heretofore contemplated. Le Duc Tho reacted sharply, obviously greatly disturbed at the thought of another delay which he seemed to recognize placed

⁵ Document 124.

⁶ The article, "Key Session Due in Paris: Snags Seen," reads in part: "The North Vietnamese were said by the source to be so incensed by the toughening American demands that they, in turn, have insisted on major revisions of the draft which they had previously said was final, according to Randal." (*The Washington Post*, November 25, 1972, p. A1)

the North Vietnamese in an even more disadvantageous position. Nevertheless, he grudgingly acceded and agreed to another week's delay, saying this would give the U.S. an opportunity to restudy the positions outlined by him and afford me an opportunity to consult personally with you and with our South Vietnamese allies. Le Duc Tho agreed for his part carefully to reconsider the adamant positions he had insisted upon on both 23 and 24 November. We agreed that both sides must return next Monday prepared to make a great effort in search of a final solution.

In my judgment today's meeting enabled us to re seize the initiative with respect to the North Vietnamese, just as this week's work with the South Vietnamese has provided us with the same advantage. I am now reasonably confident that with the toughest presentation by you to Duc we can succeed this coming week in bringing home to Thieu the precariousness of his own position. I feel equally confident that with some hard going we will be able to arrive at a final settlement during the week of December 4. I will provide you with a more detailed resume during our meeting in New York later tonight.

Warm regards.

127. Editorial Note

While briefing senior South Vietnamese diplomats on the current negotiating round with Le Duc Tho in Paris on November 24, 1972, Henry A. Kissinger, the President's Assistant for National Security Affairs, read aloud a letter from President Richard M. Nixon (see Document 125). Afterwards he gave a copy to Nguyen Phu Duc, Special Assistant to South Vietnamese President Nguyen Van Thieu.

The following morning in Saigon, Thieu's confidant, Presidential Private and Press Secretary Hoang Duc Nha, received a copy of the letter from Nguyen Phu Duc and discussed it with Thieu. According to a memorandum of the conversation which Kennedy sent in message Tohak 109/WH 29769 to Haig, November 25, 2020Z:

"Nha quoted from Dr. Kissinger's text, as conveyed in Duc's message, as follows: 'We have reached a crossroads. We will go forward together or we will go our separate ways. If you do not go along with us, we will have a separate arrangement with North Vietnam.' Nha then cited a passage of Dr. Kissinger's [*President Nixon's*] note indicating that all United States troops would be withdrawn and aid to Vietnam cut off. He then quoted further, 'You are playing a dangerous game on an

inflexible deadline. Time is running out for you. Now debate is senseless; memoranda are futile; working sessions are useless.' Nha then quoted Duc's note as saying that, while the exact date of Dr. Kissinger's departure from Paris for Washington had not been set, Dr. Kissinger was insisting that he had to be in Washington as soon as possible. Nha then quoted further from Dr. Kissinger's note as conveyed by Duc: 'You are on your own time. You are playing with fire. You will go with us or you will destroy yourself.' Nha then indicated that Duc's message requested instructions by no later than 30 November. Nha quoted Duc as saying that after 30 November, 'the course of events will be irreversible,' since Dr. Kissinger would return to Paris, after his quick trip to Washington, on 1 December. Duc's message added that Dr. Kissinger was calling on Thieu to do nothing that 'would divide' the Government of Vietnam (GVN) from President Nixon.

"Nha went on to discuss further the contents of Duc's message. Of the very limited options apparently mentioned by Dr. Kissinger, one concerned the acceptance by Thieu of the original Dr. Kissinger-Le Duc Tho agreement with certain modifications; involved in this would be an attempt by Dr. Kissinger to obtain agreement for a one-for-one demobilization of the North Vietnamese Army (NVA) with the South Vietnamese Army, if Thieu could agree to the three-component National Council of Reconciliation and Concord with the third component appointed equally by the GVN and the National Liberation Front (NLF). If Thieu would agree to this, Dr. Kissinger thought it would be possible to obtain some kind of agreement from the North Vietnamese to carry out a *de facto* troop withdrawal which Nha estimated would come to roughly 100,000 men. Nha explained to Thieu what '*de facto*' meant, namely, that nothing would appear in the agreement itself. Nha added that, according to Duc's message, Dr. Kissinger had only encountered protestations by the North Vietnamese that there were no NVA in South Vietnam—they were all NLF—and, therefore, any agreement on withdrawal would have to be *de facto*. Nha explained that a related question would be an agreement from Thieu to release all political prisoners, in return for which Dr. Kissinger would hope to persuade the North Vietnamese to effect a *de facto* troop withdrawal from Military Region 1; both an NVA withdrawal and a GVN prisoner release would be *de facto*." An analytical comment at the end of the memorandum noted that: "Thieu was calm in the face of what he took for an ultimatum, but he clearly did not know what to do; it was Nha who led the conversation." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 26, HAK Trip Files, HAK Paris Trip Hakto, November 18–25, 1972)

On his return to Washington, Kissinger conveyed his developing approach in backchannel message WHS 2257, November 26, 0510Z, to

Ambassador to Vietnam Ellsworth Bunker: "In course our last few discussions with GVN reps in Paris, and in light of various intelligence reports we have seen, we have become seriously concerned that President Thieu has not rpt not received an accurate impression of the situation in which we find ourselves and the nature of the course of action we propose to take. I am therefore sending you in this message two items which we have given to GNV reps Paris and have asked them to transport to Thieu." The items were messages for Thieu. The first told Thieu without qualification that the new Congress, when it convened in January, would not support the Nixon administration's Vietnam policy if Saigon appeared as the principal obstacle to a settlement. The second detailed the administration's preferred course of action on the three-segment Council and on the withdrawal issue, and listed the positive results achieved in the November 20–25 negotiating round. Bunker was to insist on an immediate appointment with Thieu and personally deliver the two messages. He was also to tell him that Duc should come to Washington immediately for consultation on Thieu's behalf, and that Nixon intended to give Kissinger his final instructions for the next round of negotiations on December 1 before Kissinger left for Paris on December 3. Finally, Kissinger observed: "We understand Nha will carry a letter to Paris which Duc will then deliver to President Nixon. It is imperative that this letter be relevant to reality. Therefore, in your tone and your bearing you at the end of the line and that this is absolutely the last chance Thieu has to come to grips with a satisfactory solution to the current impasse. After December 1 failing GVN agreement we will proceed unilaterally." (Ibid., NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (1))

Later the same day, in conversation with Assistant to the President H.R. Haldeman, Kissinger expanded on his approach. As Haldeman recorded in his diary: "Henry says the main thing now is to keep the P pumped up to sound tough with the South Vietnamese until we get over that hurdle." Kissinger then concluded that the President "must be brutal to Duc, the emissary, he can't talk gently to him." (*Haldeman Diaries: Multimedia Edition*, November 26)

In Paris, Ambassador William J. Porter, Chief of the U.S. Delegation to the Paris Peace Talks, presented his analysis and approach. He met with Pham Dang Lam, Chief of the GVN Delegation to the Peace Talks on the morning of November 27 and reported the following to Kissinger in a message sent November 27, 1535Z:

"He [Lam] stressed need for preparing Saigon psychologically for draft agreement. He said that when agreement was presented in Saigon by you, it had come as a 'bomb' because Bunker had briefed Thieu that October 8–11 meetings had produced indications of serious DRV inten-

tion to negotiate and willingness to separate military from political issues, but nothing more than this bare outline. Thus when draft agreement was presented as best which would be achieved at that time, Saigon leadership did not understand fully why we [the United States] believed that to be so.

“Lam said question of U.S. public opinion and Congressional support is major factor which had not been grasped earlier by Saigon, and that you also said some very important things about US/GVN relationships after conclusion of the accord. If these things had been grasped earlier by Saigon, they would have greatly helped the process of psychological preparation.

“I believe that he was trying to tell us he now understands need to get into more constructive position with respect to the accord by pretending that they had not fully understood until you told them here in Paris about such matters. Whether I am correct or not, he did make it quite clear that he now urges that when President talks with Duc [two days hence], there be emphasis on need for Saigon to adjust itself to reality, and that he believes assurances as to future US/GVN relationship will be important element in face-saving process. He says importance of latter should not be underestimated as means to adjust SVN people’s thinking away from old GVN position that ‘if peace is to come, no North Vietnamese troops can remain in South Vietnam.’ ” (National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President’s Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (1))

Bunker also held a meeting with Thieu on November 27. He first gave the two texts summarized above to Thieu. Then, according to his report to Kissinger contained in backchannel message 282 from Saigon, November 27, 0320Z: “I said that I had been asked to deliver these messages which had been given to his negotiators in Paris to him in order to be absolutely certain that they had been accurately received by him. I said that these would be the subject of discussion between the President and Mr. Duc. As per your instructions, I did not discuss the substance of the messages with Thieu, but I made it clear to him that we have come to the time when a final decision must be made on the substance of the negotiations; that the President would give you final instructions on December 1 and that you will leave for Paris December [3]. I made it very clear to Thieu that as the President has stated if we do not together come to an agreement we will proceed unilaterally.”

Bunker continued:

“Assuming that Thieu, as I believe he will, decides that he must accede to the agreement because there is no other viable alternative, he may then, in order to protect his position here against accusations of capitulation to our pressures, try to make his acceptance less than

wholehearted. It seems to me this could jeopardize future Congressional support and that in order to prevent this it will be necessary for Duc and Nha to make clear to Thieu that any attempt to squirm out of signing the agreement by inventing some new procedural gimmick will have very unfortunate results.

“It seems to me we have reached that point where we have given the Vietnamese the resources to do the job, that the draft agreement you have worked out gives them the opportunity, and that we have discharged fully our responsibilities. It is up to them now to make it possible for us to support them.” (Ibid., Box 413, Backchannel Messages, From Amb. Bunker, Saigon, Sept. thru Dec. 1972)

128. Minutes of a Washington Special Actions Group Meeting¹

Washington, November 28, 1972, 11:11 a.m.–noon.

SUBJECT

Indochina

PARTICIPANTS

Chairman—Henry A. Kissinger

State

U. Alexis Johnson

William Sullivan

Defense

Kenneth Rush

G. Warren Nutter

R/Adm. Daniel J. Murphy

JCS

Adm. Thomas H. Moorer

V/Adm. John P. Weinell

CIA

Richard Helms

George Carver

William Newton

NSC

M/Gen. Alexander M. Haig

Richard Kennedy

John Holdridge

James Hackett

SUMMARY OF CONCLUSIONS

It was agreed that:

—There are to be no more leaks on any matter relating to the peace agreement or post-cease fire arrangements.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-117, Washington Special Actions Group, WSAG Minutes (Originals) 7-27-72 to 9-20-73. Top Secret; Sensitive. The meeting took place in the White House Situation Room.

—DOD will prepare an options paper on U.S. civilian employees in Vietnam, which will provide information and options on the following:

- a. The smallest number of American civilians required.
- b. The shortest time they will be needed in Vietnam.
- c. The greatest dissociation of civilian employees from the Mission that can be arranged.
- d. The possibility of using third country nationals.

—DOD will determine whether it is possible to have foreign assistance legislation concerning Vietnam referred to the Senate Armed Services Committee instead of the Foreign Relations Committee.

—Contingency plans should be prepared as soon as possible for our forces in South Vietnam, Laos and Cambodia.

Mr. Sullivan: Thao just made the plane with five minutes to spare; he damn near missed it.

Mr. Kissinger: Who is he?

Mr. Sullivan: He is Duc's (Nguyen Phu Duc) assistant.

Mr. Kissinger: Dick (Helms), want to go ahead?

Mr. Helms read a prepared statement (copy attached).²

Mr. Kissinger: Tom (Moorer), do you have anything to add?

Adm. Moorer: Yes, the North Vietnamese are moving some of their surface to air missiles south of the 20th parallel. They have a total of forty battalions of SAMs, of which 28 have been north of the parallel and 12 south. They now are moving eight south, so they will have twenty north and twenty south. They are also moving some tanks down the trail, in the area of the Bolovens Plateau.

Mr. Kissinger: Are we hitting them?

Adm. Moorer: Yes, we are.

Mr. Kissinger: We are killing ourselves with this leaking that has been going on. We had a sensible provision on civilians in the agreement, but after all these stories in the press, the other side is taking issue with us on this and now are insisting on no U.S. civilians. This is an issue that is in the national interest. It is not just a question of which self-serving agency can get the biggest post-war operation in Vietnam. Do you think the President can go to the American people and tell them the settlement has broken down because we need 20,000 American civilians in Vietnam to service the airplanes we just gave them? We have

² In Helms's briefing, entitled "The Situation in Indochina," November 28, he indicated that "there have been no major new military developments" in South Vietnam for two weeks. (Ibid., Box H-090, Washington Special Actions Group Meetings, WSAG Meeting Vietnam Planning 11-28-72)

a cable in from (Ambassador) Porter reporting what damage the *New York Times* article³ is doing to him. He is sure the North Vietnamese will raise it in the meeting in Paris tomorrow. I didn't need Porter to tell me it was a problem; I spent four days with Le Duc Tho on this last week. I can tell you it's a serious problem. They may be giving us more trouble on one or two other issues, but this one is bad enough. Do you think the President really cares whether we have a major general or a civilian as head of these activities? These news stories are claiming that we plan to have fifty officers supervising thousands of civilians. Where did they come from? They didn't come out of thin air. In my opinion, they are the result of deliberate leaks by high-level officials. What do you think the North Vietnamese reaction will be? They are not idiots; they know what they're doing. The sections of the agreement on POWs and civilians were favorable. Now they are reading the *Times* and they know the section on civilians is weak. They're going to give us hell on it and we'll have to work out the greatest dissociation we can of these civilians and our Mission. We'll also have to figure the smallest number of civilians we can manage with and the shortest time we need to have them stay. I need answers to these questions within the next twenty-four hours. No one knew anything about this civilian personnel problem until two weeks ago. There have been high-level leaks, either in Saigon or here, I don't know which, but I'm afraid the damage has been done. We'll be lucky if we can keep any civilians in Vietnam.

Mr. Johnson: I've been working with Fred Buzhardt at Defense on the legalities of handling contractor personnel. Defense has to be told, or it has to be reiterated to them, that the policy is that the contracting must be done by the GVN with the U.S. Government providing the money. The contracting can't be done directly by the USG.

Mr. Kissinger: Will the Senate Foreign Relations Committee approve our providing the money for this?

Mr. Johnson: No, they won't, but perhaps we won't have to go to them for six months.

Mr. Kissinger: If they won't approve it, you would accomplish nothing that way.

Adm. Moorer: The Armed Services are putting up \$500 million, we have to cover them.

Mr. Johnson: Not those under contract. We estimate 3,000 people and a total cost of \$200 million per year.

Mr. Kissinger: How can you do it without Senate Foreign Relations Committee approval?

³ Fox Butterfield, "U.S. to Keep Many Civilians in Vietnam," *The New York Times*, November 27, 1972, p. 1.

Mr. Johnson: Maybe it can come out of the DOD budget. Is that possible?

Adm. Murphy: I don't think so.

Mr. Rush: Neither do I.

Mr. Kissinger: What is happening here is that we are being forced into a position in which we may have no civilians in Vietnam. How can we go to the people and the Congress and say the agreement is breaking down because we must have American civilians there? Would you take another look at this problem? We can't rely on the Senate Foreign Relations Committee and I don't want to have to go to them. We have to find a different solution.

Mr. Johnson: Is the issue that is causing the North Vietnamese concern whether the civilians are direct employees of DOD or indirect contract employees, or is it the question of the number of civilians?

Mr. Kissinger: What they want to do is change the agreement by adding the phrase that civilians performing supply, storage and maintenance functions would be withdrawn. At this point they are thinking of U.S. Government civilian employees. If we raise the question of contract civilians, or if a story on that point appears in the *Times*, they will add them to their request. We have to keep quiet about these things. In October they wanted to include in the agreement a provision prohibiting civilians from performing military functions. I asked them what they had in mind and they didn't know. Now they know—they have read all the news stories. They had no idea when we talked of fifty attachés that they would be the nucleus of a huge civilian operation; that we would replace thousands of military personnel with thousands of civilians. Now they are probably going to criticize the fifty military they have already agreed to.

Adm. Moorer: Can't you call their attention to all the flights of Soviet military equipment they are receiving?

Mr. Kissinger: We'll make all those arguments, but we are going to take a battering on this.

Adm. Murphy: Can the President waive the requirement for end-user checks of the equipment we have given the South Vietnamese?

Mr. Kissinger: I want all of this under GVN contracts.

Mr. Sullivan: How many civilians will be required to make the end-user checks?

Mr. Johnson: We have been discussing 1,500 to 2,000 DOD civilians. If we remove the end-user checks, could we cut that to 1,200?

Adm. Murphy: It would be less than that, but I don't think numbers is the problem.

Mr. Nutter: Neither do I.

Adm. Murphy: If the GVN is handling everything, it will all have to be done in-country, without offshore contracting.

Mr. Kissinger: You say 1,200 to 2,000, who are the other 30,000 we have talked about, all Vietnamese?

Adm. Murphy: Yes, South Vietnamese.

Mr. Kissinger: Now we have a major problem concerning the function of the military attachés.

Mr. Johnson: I anticipate a very limited number of DOD civilian employees in Saigon. Most of them would be handling maintenance at the airfields.

Mr. Kissinger: Must the maintenance be done by Americans?

Adm. Murphy: They would not be DOD civilians, just U.S. citizen employees under contract.

Mr. Kissinger: How many of these would there be?

Adm. Murphy: About 5,000.

Mr. Kissinger: I don't think the North Vietnamese ever focussed on this. (to Gen. Haig) What do you think?

Gen. Haig: No, they didn't. They focussed on CORDS and the MRs.

Mr. Kissinger: When we asked them what other civilians they had in mind, they couldn't think of any.

Gen. Haig: They mentioned Paul Vann.

Mr. Kissinger: That's right, they mentioned Vann. I don't know, maybe they'll be so hungry for an agreement next week they won't make a big issue of this, but I doubt it.

Mr. Sullivan: But don't you need some choices before you go back?

Mr. Kissinger: Yes, I need some options, perhaps some time limits for the retention of our civilians. If we suggest two years, I don't think it will make them happy.

Mr. Johnson: Offshore contracting is not a problem?

Gen. Haig: No.

Mr. Kissinger: Not now it isn't, because they haven't thought of it yet. But if we publish it in our newspapers, it will become a problem.

Mr. Rush: Maybe we shouldn't mention anything about this until the agreement is signed.

Mr. Kissinger: After that *New York Times* story they will raise it and they'll also attack the fifty military. I'm afraid the damage is already done.

Adm. Murphy: Would they accept U.S. citizen employees under GVN contract?

Mr. Kissinger: The agreement isn't that specific, it says U.S. personnel will withdraw. One way of partly getting around the problem is to put a time limit on the withdrawal.

Adm. Murphy: I see two ways of handling the civilian employees. One is to do what we are doing now and the other is to have South Vietnam hire the civilians, with us financing it by providing budget support to the GVN. If we do it that way, it would have to go through the Fulbright Committee⁴ and they'll kill it.

Mr. Sullivan: Well, I don't know, it could be buried in the foreign assistance budget.

Mr. Kennedy: No, it can't. It's so big, it's 25% of the foreign assistance budget, that it can't be hidden. It's just too big.

Mr. Sullivan: We're in trouble if we have to go to Fulbright.

Mr. Kissinger: It's impossible to go to Fulbright. If we briefed him in advance, the problem would immediately be in the public arena. Can we possibly put it before the Armed Forces Committee?

Mr. Johnson: I don't know, maybe we can. (to Mr. Rush) What do you think?

Mr. Rush: We'll check to see if it's possible.

Mr. Sullivan: The last time the North Vietnamese gave us a list of functions they left out "repair and maintenance." Maybe it was just an oversight on their part, but we may have something we can work on there.

Mr. Kissinger: Can you review the list and see if we can leave some of those items in and take some others out?

Mr. Sullivan: I'll take a look at it.

Adm. Murphy: It looks like they have our list.

Mr. Kissinger: No, they have been reading the papers.

Adm. Murphy: What about using Filipinos or other foreign nationals for some of the supply and maintenance activities?

Mr. Sullivan: The Filipinos are supposed to leave under the agreement.

Mr. Kissinger: And now New Zealand appears about to leave SEATO.

Adm. Murphy: Can you ask if third-country nationals can be used?

Mr. Kissinger: No, you can't do it that way. You can't ask them anything. If you ask them, they will say no. We had it the way we wanted until the papers started publishing organization charts.

⁴ Senator Fulbright chaired the Senate Foreign Relations Committee.

Adm. Murphy: We'll give you a memo on this.

Mr. Kissinger: Yes, give us a memo by COB tomorrow.

Adm. Murphy: Can you give us a few extra hours?

Mr. Kissinger: O.K., make it by open of business on Thursday; that will give you twelve additional hours. The President may leave town at noon on Thursday, so get it in if you want him to act on it. (to Mr. Helms) Where do we stand on intelligence?

Mr. Johnson: On the question of overt intelligence, we have identified one hundred Vietnamese-speaking Foreign Service Officers and can send them to Vietnam right away. We can send them there initially for ninety days and then see how we handle it thereafter.

Mr. Kissinger: What does that have to do with intelligence?

Mr. Johnson: They would be reporting overt intelligence. When the one hundred arrive in Vietnam, we will have the 150 overt intelligence reporters in the country that the intelligence committee recommended. They will work in the countryside, in many cases in the same provinces where they were stationed before, so they will know the area and the people. Their activities will be coordinated out of the consulates and at the Embassy level at Saigon. They will be able to perform a dual function, reporting both intelligence and any violations of the ceasefire that may occur in their areas. The station chief will be responsible for covert intelligence activities, while these FSOs collect overt intelligence. The covert and overt activities will be coordinated by the consuls in their areas and overall by the Embassy. This may get hairy and we may lose a few of these people, but I think it will work effectively. George (Carver), do you see any coordination problem?

Mr. Carver: No, the set-up sounds fine.

Mr. Johnson: We're all set here, but we have to work this out with Embassy Saigon before going ahead.

Mr. Kissinger: (to Mr. Carver) You want to fly twenty F-4 and three P-3 flights a day?

Mr. Carver: I'd like to have authorization to do so. We don't plan to actually make that many flights, but we'd like authorization in case we need it.

Mr. Kissinger: What's the story on Canadian participation in the ICCS?

Mr. Sullivan: The Canadians are still saying they are not pregnant about this, but they sent five generals and three colonels down here to discuss the ICCS.

Mr. Johnson: The Canadians are pregnant about it. They wouldn't miss this for the world.

Mr. Sullivan: Canadian Brigadier General Kirby spoke to Pheng Phongsavan in Laos about the role of the ICCS. Pheng talked about a force of "regiments" guarding the passes.

Mr. Kissinger: What size force have we been planning?

Mr. Sullivan: 4,500.

Mr. Kissinger: That's not bad. If they want 1,000, maybe we can get them up to 2,000.

Mr. Johnson: It's better than we expected.

Mr. Kissinger: The Indonesians are planning a large force. Suharto says he wants to help the South Vietnamese Army wipe out the leopard spots. (Laughing) I don't think he fully understands the function of the ICCS.

Mr. Johnson: You didn't discourage him, did you?

Mr. Kissinger: Of course not. (Laughing) He's right in the spirit of things.

Mr. Johnson: The ICCS will need helicopters.

Mr. Sullivan: Yes, and other things. According to our present draft, we will pay 28% of the cost.

Mr. Kissinger: I have a few odd items to discuss. How are we coming with the delivery of items by sea? When is the last ship due to arrive?

Adm. Murphy: December 16. Everything is underway.

Mr. Kissinger: You see, by holding up the negotiations we have given you enough time to get it all delivered. What about the replacement of consumables?

Adm. Murphy: We plan to deliver POL as required. Big items of hardware, such as tanks and guns, can be delivered quarterly, monthly, or any way that's necessary.

Mr. Kissinger: Are we dismantling any bases?

Adm. Murphy: No, sir. We don't own anything in Vietnam. State may want to dismantle something they own.

Mr. Kissinger: It's a pleasure to do business this way. We promised to remove our forces and dismantle our bases, but we have no forces and no bases, so now we can say we have nothing there. Are you sure that in all of Vietnam there is not one lousy American base?

Adm. Murphy: Not that the Defense Department owns.

Mr. Kissinger: (to Gen. Haig) Do we have the paper we need on that?

Gen. Haig: (nodded yes)

Mr. Kissinger: How about the F-5A/F-5E trade-off?

Adm. Murphy: That's several years away.

Adm. Moorer: The F-5Es aren't even being built yet.

Mr. Kissinger: *[less than 1 line not declassified]*

Mr. Carver: *[less than 1 line not declassified]*

Mr. Kissinger: [less than 1 line not declassified]

Mr. Carver: [2 lines not declassified]

Mr. Sullivan: [less than 1 line not declassified]

Mr. Carver: [less than 1 line not declassified]

Mr. Kissinger: We should have another WSAG later this week. I want contingency plans for our forces in South Vietnam, Laos and Cambodia. For example, the SGU forces in Laos should remain until all foreign forces are withdrawn. These points should all be clear to our people in the field. I want another meeting on Friday (December 1) to discuss those contingencies.

129. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, November 28, 1972.

SUBJECT

Your Meeting with Nguyen Phu Duc, Wednesday, November 26, 1972 at 3:00 P.M.

Mr. Duc is President Thieu's Palace foreign policy advisor and special envoy. He will bring a letter from his President and make an urgent appeal for changes and delay in the Vietnam peace agreement. South Vietnamese Ambassador Tran Kim Phuong, General Haig and I will sit in. There will be pictures at the outset of the meeting.

Purpose of the Meeting

The purpose of this crucial meeting is to convince an almost psychopathically distrustful Thieu, through a key member of his Palace inner circle, to close ranks with us this week on the Paris agreement.

Our massive efforts in recent weeks have finally had some impact: on the GVN envoys in Paris who seemed to grasp realities, and on other important figures, such as the Prime Minister and Chairman of

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 192, Paris Talks/Meetings, Paris Talks [2 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. A stamped notation on the first page reads: "The President has seen," and Nixon handwritten the following words: "I know Communists (piece of paper or action of President) K + Haig speak for me—No delay in schedule. If not settled—aid is cut. 1. Agreement meets our realities 2. I need support 1) for aid— 2) for massive retaliation. Attacks on RN dangerous. This is a must. RN."

the Joint Staff, who are ready to accept the agreement. But Thieu, of course, is the key, and he remains intransigent. Rather than joining us, he has rallied personal support with his tough independent stance and fought violently in public and private for changes and delays. The performance of this shrewd, paranoid Mandarin probably reflects a blend of genuine opposition to aspects of the agreement; distrust of us as well as the communists; fear of peace and political struggle after years of war; patriotism; personal ambition; domestic politics; and bluff.

Thus you will have to combine brutality with reassurance in your approach to one of the few Palace guards to whom Thieu listens:

—You must ruthlessly convince Duc that the GVN must *decide this week to accept (1) the agreement*, with whatever further changes we can get in the December 4 round, and *(2) the unalterable schedule* leading to a signature three weeks from now. Thieu must realize that the alternative is a Congressional cutoff of funds within weeks and suicide for South Vietnam.

—At the same time it is essential that Thieu and the GVN *approach the settlement with confidence in its abilities and our backing*. We must reassure the South Vietnamese that they have the assets to prevail under the terms of the settlement, and most importantly, that you will do whatever is required to ensure that the agreement is observed by the communists.

Conduct of the Meeting

You should first invite Mr. Duc's views. He will hand you a letter from President Thieu which will undoubtedly attack the agreement, with particular emphasis on the questions of North Vietnamese troops and the political provisions. At Tab A² is a draft of the conclusion of this letter which we obtained through intercepts.

After reading the letter and hearing Duc's presentation you should first make the point that *I always act upon your strict instructions*. The Saigon line that you and I differ is both inaccurate and mischievous and it must stop. It has already had a very bad effect on Hanoi.

You should then express sympathy with the South Vietnamese concerns and suspicions of the communists. You can acknowledge their patriotism and valor, and link it with our own long and costly efforts side by side with them.

Having established this sympathetic base, *you should then shift to the political realities of the present situation*, including Congressional attitudes which you have personally canvassed. These impel agreement in Paris next week and signature two weeks later. No other course is open

² Attached but not printed.

to us. Dr. Kissinger will give Mr. Duc the precise position we plan to take at the meeting, as well as our firm timetable thereafter, which we have not yet given to the North Vietnamese.

You should then stress with maximum emphasis that the GVN should prevail under the terms of the agreement and that you will see to it that these terms are honored. The U.S. will react violently to communist violations.

Finally you should emphasize the need for US–GVN trust and cooperation as we carry out the agreement. A self-confident, positive approach will help psychologically and politically in both our countries, assure U.S. domestic support for retaliatory actions, and deter Hanoi and its allies from violating the agreement. As Dr. Kissinger told them, you plan to take the following steps if the GVN joins us:

—You will make a statement at the time of the signing that we recognize the GVN as the only legal government in South Vietnam; that we do not recognize the right of any foreign troops to be present in South Vietnam; and that any violation of the agreement will provoke an extremely strong reaction by the U.S.

—We will reinforce these points with Hanoi's major allies.

—You will be prepared to meet with President Thieu personally within two weeks after the agreement is signed.

*Talking Points*³

—First let me stress that *Dr. Kissinger always speaks for me*. The Saigon campaign about differences in our approach is absolutely unfounded, and must stop. The views that Dr. Kissinger and General Haig have expressed to your government are based strictly on instructions I personally dictated. The many personal letters and messages that I have sent to President Thieu in recent weeks should already have made this point clear.

—*President Thieu's letter and your presentation are both moving and perceptive*. If I were leading your people, I would express myself in similar terms about North Vietnamese aggression and the risks of any settlement with Hanoi.

—If you and we had unlimited time, the case could be made for holding out until we reached an agreement that explicitly ratified the defeat of the communists. But, *together, we must face up to certain realities*.

³ After reading the talking points, Nixon, in a telephone conversation with Kissinger at 11:33 a.m. on November 29, said: "I read your talking points and I deferred on them. I am not going to go into quite as much detail as these points would indicate because I think that it will get across more coldly and roughly if they think, you know what I mean, if you make two points you might through one, and I'm going to pick the points that I think are important and we'll get it across. I'm going to make a very tough statement to them." (National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 17, Chronological File)

—*We have achieved an agreement that I am firmly convinced meets our mutual objectives.* At considerable risks we have gained two extra rounds of negotiations. Last week we fought hard for all GVN concerns and we obtained a dozen changes, all in our favor.

—*I am instructing Dr. Kissinger to make a final settlement at the session next week.* He will give you the precise positions we will present. After that round I will consider the agreement satisfactory and the text will be final. We will sign within two weeks thereafter. There will be no delays or turning back.

—*Your government must decide this week whether we are to proceed jointly or whether the U.S. must proceed alone.*

—*If your present course continues, the U.S. Congress will cut off all military and economic aid within weeks.* I personally canvassed Congressional leaders last week and there is no doubt about this, as I told you in my message which Dr. Kissinger gave you on November 24 in Paris.⁴ We have prevented Congressional restrictions the past couple of years only by holding out the promise of a sound negotiated settlement. If we lose an agreement which exceeds the recommendations of even your best friends in the Congress, there is no way we can maintain our assistance. Your strongest supporters in the House and Senate will not try to head off a cutoff of funds; indeed, they have told me they will personally lead such a move.

—*It would be equally damaging if your government went along with a defeatist and critical attitude.* All our mutual assets would then be lost; Your government would be on the defensive politically and psychologically within your own country. You would erode support in my country for strong vigilance against violations of the agreement as well as for financial assistance. Hanoi might be tempted to violate the agreement when it saw the split between Washington and Saigon and thus discounted the possibility of strong U.S. reaction. Moscow and Peking in turn would have every incentive to back Hanoi and step up their military aid.

—*I am convinced that this agreement represents a victory for your armed forces and your people. You and we should treat it as such.* If you will act with confidence and self-assurance you would not only prevail in the coming political struggle in your country, but you will also give me the means to continue our support and help insure the agreement is honored by the communists.

—*If the provisions of this agreement are respected, your security should be fully protected and you should dominate the political competition.* Now I share your suspicion of communist motives and inten-

⁴ See Documents 123 and 125.

tions. The only thing they understand is strength. They must be convinced that breaking this agreement will be met with the strongest possible reaction.

—*I want to reiterate my personal assurances to President Thieu that if the settlement is violated the U.S. will respond with full force against the communists. We are maintaining a powerful military presence in the region for this contingency.*

—*The main guarantee of the settlement is this U.S. determination to continue assistance to your government and to retaliate strongly against violations. This is the language that Hanoi and its allies understand.*

—*Our ability to do this depends on American public attitudes. If the American people can be proud of this agreement and the outcome of our Vietnam policy, we will maintain the necessary domestic base for strong actions. This factor is infinitely more crucial than changing clauses in the agreement. The GVN's press campaign threatens to destroy American pride and confidence in the settlement, elements which are much more valuable than all the changes you are seeking.*

So I urgently appeal to your President to join with us in this agreement and schedule. Let us reaffirm the mutual trust and cooperation that has marked our efforts all these years.

—*As Dr. Kissinger has told you, I plan to take the following steps if you will join us in positive fashion: I will make a statement at the time of the signing that we recognize your government as the only legal government in South Vietnam; that we do not recognize the right of any foreign troops to be present in your country; and that any violation of the agreement will provoke an extremely strong reaction by the U.S. We will reinforce these points with Hanoi's major allies. I will be prepared to meet with President Thieu personally within two weeks after the agreement is signed.*

—*I must have your final answer by opening of business Saturday Washington time.*⁵

⁵ December 2.

130. Telephone Conversation Between President Nixon and the President's Deputy Assistant for National Security Affairs (Haig)¹

Washington, November 29, 1972.

Nixon: Now, on the matter today, we've got that I think is—I don't know what more we can do with these clowns but we'll—

Haig: Yeah, I think we've got a couple of tough nuts to get over here between now and the time they leave.² They're still pretty strong on a couple of points and that's what we're working on.

Nixon: Well, they're [chuckles]—they're tough on the points that are almost insoluble. That—

Haig: That's right. That's right.

Nixon: But we've got to stand firm, you see? We—I mean, they just got to realize it, and it's really true that January 3d³ is too late.

Haig: That's right. Well, I think they—

Nixon: Don't you agree?

Haig: —got that message—yes, sir, and I think they're just hoping beyond hope that they can get some changes, some of which are impossible to get.

Nixon: But don't you think we should stand firm?

Haig: We have to.

Nixon: Yeah. All right. That's what we'll do then.

Haig: Right, sir. Well then—

Nixon: And, uh—

Haig: —it's going to take some work.

Nixon: Are you going to be with Henry in—?

Haig: In Paris. Yes, sir.

Nixon: Good. Well, you just have to see that he stays right on track, and—

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Conversation 34–5. No classification marking. According to the President's Daily Diary, Nixon held a telephone conversation with Haig from 7:53 to 7:55 p.m. (Ibid., White House Central Files) The editors transcribed the portions of the conversation printed here specifically for this volume.

² Haig's reference is to the visit of Nguyen Phu Duc, Special Assistant to President Thieu, accompanied by Tran Kim Phuong, South Vietnamese Ambassador to the United States. They had met with Nixon earlier in the day (see Document 131) and would meet with him again the next day.

³ The Constitution required Congress to convene on January 3d, unless they chose by law to do otherwise. Congress did not convene until January 18.

Haig: Oh, he will. Uh-huh. I'm not worried about—

Nixon: No, he'll do everything he can.

Haig: Yes, sir.

Nixon: But, in the meantime, what these people—there's really nothing more we can do, you know? Those—they've just got to realize that all this—

Haig: Exactly, exactly.

Nixon: You know, that—

Haig: So, they're [unclear]—it's coming through. It's just a traumatic thing for them.

Nixon: I know.

Haig: They just [unclear].

Nixon: Well, I couldn't have given the message to them stronger today than I did, you know, I think.

Haig: Oh, no. God. There wasn't any doubt about it. They—they know.

Nixon: Um-hmm.

Haig: They know, and I think tomorrow we'll have it sorted down to the manageable two or three pieces.

Nixon: Right.

Haig: And we'll just put the frosting on the cake.

Nixon: Right. Okay, Al. Fine.

Haig: Good, sir.

131. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, November 30, 1972, 1448Z.

WHS 2261. Deliver immediately.

1. Presidential meeting with Duc and Phuong on November 29

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (1). Top Secret; Sensitive; Exclusively Eyes Only.

lasted some two and a half hours.² Duc presented President Nixon with a 24-page double-spaced letter from President Thieu³ which attacked North Vietnamese intransigence, emphasized the unsatisfactory character of the current draft, noted inevitable North Vietnamese duplicity and the essentiality of the principle of North Vietnamese withdrawal and the inadequacies of the current language on the political solution. Thieu's letter also emphasized the GVN had been making major efforts to put forth constructive formulas, denied provoking a press campaign, hinted that it was time for the two leaders to discuss frankly the objectives of a satisfactory peace settlement and offered to release immediately 10,000 NVA prisoners in a separate arrangement which would permit return of U.S. prisoners. We will send you the full text.

2. The President emphasized that he intended to proceed with the schedule outlined by me in Paris and urged Duc to inform Thieu that it is essential that the U.S. and the GVN proceed together. He made the following specific points:

—I always speak for him.

—President Thieu's and Mr. Duc's presentations were moving and perceptive; however, the time has come to face up to certain realities.

—The draft agreement meets U.S. and GVN mutual objectives and the U.S. fought hard for all GVN concerns.

—He is instructing me to make final settlement at the session next week.

—The GVN must decide whether we are to proceed jointly or whether the U.S. must proceed alone. In the latter case, the U.S. Congress will cut off all military and economic aid within weeks.

—President Nixon provided strong personal assurances to President Thieu that he will respond with full force should the settlement be violated by North Vietnam and committed the United States to continued assistance in the post-settlement period.

—Finally, the President promised to take the following steps if the GVN joins the U.S. in a positive fashion:

1. He will make a statement at the time of signing that the U.S. recognizes the GVN as the only legal government of South Vietnam;

2. The U.S. does not recognize the right of any foreign troops to be present on GVN territory;

3. The U.S. will react strongly in the event of violation;

² A memorandum of conversation of the meeting is *ibid.*, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [2 of 3].

³ The letter, dated November 26, is *ibid.*, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (1).

4. The President is prepared to meet with President Thieu personally within two weeks after the agreement is signed.

3. Duc argued persistently and effectively, and suggested an early meeting between President Nixon and President Thieu. President Nixon insisted that such a meeting should occur after a settlement has been arrived at since a summit between the two leaders that failed would be disastrous.⁴

4. Following the meeting, Duc and Phuong met with me in my office for an additional hour and 45 minutes,⁵ during which Duc suggested that there were three basic issues on which we would have to obtain additional concessions from Hanoi:

1. Some articulation of the principle that North Vietnamese troops have no right to be in South Vietnam. This principle is more crucial than limited actual withdrawal.

2. Elimination of the tri-partite character of the CNCR and a proper description of it, and

3. No mention of the PRG in the text of the agreement.

I explained to Duc the impossibility of achieving all of these things and insisted that he consider carefully the absolute minimum essential concessions which the GVN must have and meet with me again on the morning of November 30 to complete the final strategy for next week's session. I am meeting with him at 9:15 a.m. on November 30 and will bring him in to the President later this morning to be sure that there are absolutely no misunderstandings about the President's determination to proceed.

Warm regards.

⁴ Haldeman assessed the meeting in these words: "Apparently the meeting with the South Vietnamese envoy didn't go very well. The P spent a long time with him, about two and a half hours. The net result was the P softened a little bit, which was bad. They're going to have to meet tomorrow to try to clean that up, but the South Vietnamese, after the meeting, came back and told Henry to tell the P they would probably have to go it alone. And that we should just go in, make a settlement to get our prisoners back, and stop fighting as far as we're concerned, and let the Vietnamese go on fighting it out. They don't seem to understand that our Congress won't continue to supply them, if they take that route. And that they have to go along with us on a settlement, a point which Henry would like to get across to them (and the P) in the meeting tomorrow." (*Haldeman Diaries: Multimedia Edition*, November 29)

⁵ A memorandum of conversation of the meeting is in the National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [2 of 3].

132. Memorandum for the President's Files by the President's Deputy Assistant for National Security Affairs (Haig)¹

Washington, November 30, 1972, 10:15 a.m.

SUBJECT

The President's Meeting with the Joint Chiefs of Staff

PARTICIPANTS

President Nixon

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

Gen. Alexander M. Haig, Jr., Deputy Assistant to the President for National Security Affairs

Melvin R. Laird, Secretary of Defense

Kenneth Rush, Deputy Secretary of Defense

Admiral Thomas H. Moorer, Chairman of the Joint Chiefs of Staff

Admiral Elmo R. Zumwalt, USN, Chief of Naval Operations

General Creighton W. Abrams, Chief of Staff, Army

General Robert E. Cushman, Jr., USMC, Commandant of the Marine Corps

General Horace M. Wade, USAF, Vice Chief of Air Staff

Following press photographs, President Nixon introduced the meeting by pointing out that circumstances had prevented adequate exposure between himself and the Joint Chiefs. He complimented them on the presentations they had made on foreign policy.

The President then said that the meeting would be confined to thinking about contingencies for South Vietnam. It was especially important that there be no debriefing of the contents of the meeting. The problem was endemic. The Beecher story in Wednesday's *New York Times*² was a flagrant contravention of the U.S. agreement with the North Vietnamese. Therefore, the planning that results from the meeting should be done by the Chiefs themselves. It should encompass two contingencies:

—The first is if the talks break off. What military action should be taken?

—The second is if the talks succeed but the agreement is subsequently violated. What action should be taken?

¹ Source: National Archives, Nixon Presidential Materials, White House Special Files, President's Office Files, Box 90, Memoranda for the President, Beginning 26 November 1972. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held in the Oval Office. According to the President's Daily Diary, the meeting ended at 11:34 a.m. (Ibid., White House Central Files)

² The only article by William Beecher in *The New York Times* on Wednesday, November 29, was entitled "Laird Says Draft Will Call Fewer Than 10,000 in '73," p. 1. Nixon probably meant the Thursday, November 30, Beecher story, "U.S. Aides Report Yielding by Hanoi on Truce Issues," p. 1.

The President then stated that Dr. Kissinger would brief the details of the agreement. The main problem facing the United States is the provision of necessary funds. Secretary Laird interjected that the requirement for funds must be kept quiet until the negotiations are concluded. President Nixon continued that Dr. Kissinger would give the outlines of the agreement. He noted that he had spoken to General Westmoreland several weeks ago,³ and that General Abrams, like General Westmoreland, had long agonized over the war. Westmoreland felt a total withdrawal should be insisted on, and that all of Thieu's political concerns must be met. But the fact is, the President continued, that the U.S. has stayed one step ahead of the sheriff, just missing fund cutoffs. During the recent Presidential campaign, the opponents were demanding more of the U.S. than Hanoi was demanding. While the American people have proved that they do not like the war, they have also proved that they reject surrender and humiliation.

On May 8, the U.S. laid out three conditions for peace; one, a cease-fire; two, return of American prisoners of war and an accounting of the missing in action; and third, assurance that the people of South Vietnam will have the right to determine their future without the imposition of a communist government or communist coalition. The proposal made by Hanoi on October 8 meets these requirements but now Saigon and some in the U.S. say this is not enough. The facts are, however, that if the American people knew all the details of what has been offered, they would never continue to support a prolongation of the war.

Secretary Laird responded categorically that he agreed with the President's judgment completely. The President continued by asserting that an American President can only go so far. The Congress controls the purse strings. As of January 3, 1973, when the Congress reconvenes, continuation of the war is no longer a viable proposition. It is important that America's military express pride in the accomplishment of the proposed agreement. If all of the sacrifices are not to be in vain, the military cannot criticize it. The American left will do this with the view towards making it appear that the war itself was useless. The proposition is a good one, but our determination to enforce it is what is really critical—the settlement of the Versailles, the settlement of World War II and even the Korean settlement were not based on the provisions contained in the formal document, but the conviction behind the document. Thieu is now having problems with language. He wants to bargain with us. Dr. Kissinger will now review the agreement.

Dr. Kissinger stated that he would touch upon the agreement's main provisions, the changes made in Paris last week, and what is in

³ See Document 33.

store for the coming week. The first operative chapter contains the provisions for a ceasefire:

—There are to be no reconnaissance flights over North Vietnam although they are authorized in the South. The WSAG has developed a coverage plan which will provide surveillance of North Vietnam.

—There are provisions for a 60 day U.S. troop withdrawal which permits the continuation of economic aid.

—Originally, the civilians in paramilitary functions were included in the withdrawal provisions. Now, as a result of stories in the press, Hanoi is insisting that all civilians involved in technical, logistical, training, and other functions must also be withdrawn. We have not accepted this demand and we will not.

—There is a provision for the dismantling of U.S. military bases.

—There is a provision for no reenforcement of troops which affects primarily North Vietnam, and there is a total ban on infiltration.

—Matériel can be replaced on a one for one basis and at the last meeting we included categories of equipment destroyed, damaged, worn out or used up. Thus we can maintain the high equipment levels currently achieved.

Secretary Laird remarked that there are 500 helicopter engines in South Vietnam as a result of the step up in delivery. Dr. Kissinger continued by noting that while it is impossible to increase the numbers of equipment, equipment can be replaced on a one to one basis. Quantity can be maintained and force modernization accomplished. Also, the U.S. has prepared a unilateral statement that it will gauge its adherence to those provisions in relation to the flow of supplies into North Vietnam. The President noted that the day's intelligence indicates that Hanoi is moving 87 tanks into the South. Dr. Kissinger commented that this would be prohibited under the agreement. The President commented that, of course, this point can be made on paper but it really means nothing. What counts is the knowledge that Saigon is getting U.S. support and that Washington is intent on enforcing the paper commitments. Also whether the war resumes depends on Chinese and Soviet intentions. There is now a distinctly different relationship between the major powers. Both Peking and Moscow have other fish to fry. We now have substantial new leverage on the Soviets. Also the agreement provides that we will furnish aid to North Vietnam after the settlement. This adds additional leverage. But the contract is only as good as the will of the parties. The settlement which we are speaking about is not just the specific treaty itself. It is a series of interlocking understandings with other powers and reflects the strategic realities related to the conflict. It is these realities of power that count, not political mechanisms such as the ICCS. Unfortunately, Thieu is now hung up on the language cosmetics.

Admiral Zumwalt asked if these strategic points can be made by the JCS. The President agreed. Dr. Kissinger added “except the part about the Chinese role and that of the Soviets”. The President said to just refer vaguely to the strategic advantage. Dr. Kissinger stated that we have almost made an arrangement with the Soviets and have some understanding with Peking with respect to their support for Hanoi.

President Nixon then recalled that Mr. Duc had made the point that President Thieu thought we would abandon our former policy to contain the People’s Republic of China and, therefore, the danger was greater. The President had contradicted this. It is obvious that we have been able to do more from within than from without. The Shanghai communiqué⁴ confirms this. The PRC has proclaimed the abandonment of the use of force. Thieu has picked this line up from the American right wing and also from liberals such as Joe Kraft. The fact is that the U.S. dialogue with China is an incentive for China to behave.

Dr. Kissinger continued his presentation of the agreement by indicating that the agreement provides for a continuation of U.S. military aid. There also is a chapter of the agreement on U.S. prisoners of war and missing in action. Prisoners are to be released and accounted for within the same 60 days as our troops are withdrawn. This includes Laos. North Vietnam insists that there are no POWs in Cambodia. With respect to political prisoners, some 38,000 are in Saigon’s jails. It was originally agreed that this would be handled through negotiation between the two South Vietnam parties. This is Thieu’s main asset in getting North Vietnam troops out of the South. But Hanoi has now withdrawn this clause. The U.S. cannot accept this action. It would also have the disadvantage of mixing civilian political prisoners with American POWs. We believe that we can get this back in the agreement.

Admiral Zumwalt then asked whether the agreement provided for inspection of grave sites. Dr. Kissinger explained that there is a provision that each side will cooperate on this issue and that teams are provided for in the ICCS chapter for laying out this responsibility. The President noted that the prisoner provisions are good.

Dr. Kissinger then reported that the next chapter covered the political provisions and much of this involved obligations for North Vietnam’s insurance for self-determination, provisions that the people can decide their political future, the fact that there will be no imposition of personalities by foreign countries, and it provides for the establishment of a committee which has no power. President Nixon stated that President Thieu had spent half of his letter on the CNCR. He alleges that it is a camouflaged coalition government. The fact is that it does not affect

⁴ See *Foreign Relations*, 1969–1976, volume XVII, China, 1969–1972, Document 203.

the conduct of foreign affairs. It affects elections and it contains provisions for a built-in veto; thus in a practical sense it is meaningless. Thieu continues in power. The CNCR is not a government and anything it does is dependent upon unanimous agreement.

Dr. Kissinger noted that Hanoi has fallen off completely from what had been its long standing political demands. Thieu now stays in power and he maintains his government apparatus, the army, the courts and elections will depend on a consultative provision. The composition of the council is based on a 50/50 selection between the two parties. Its tasks are meaningless ones, such as to promote the implementation of the agreement and to organize elections. But the timing and type of election and the offices for which they will be held is decided by the two parties. The agreement provides that the committee will be formed three months after the settlement. This is the essence of the political section. The CNCR is eye wash. The American left criticizes that the committee cannot work. In this sense they are correct. It is merely a fig leaf. It is difficult to see how Madame Binh could accept it after ten years of bloody struggle. All she has obtained is membership in a committee that has no power. The President stated that the U.S. spokesman must accept it and be proud of the agreement. At the present time it is the left that is carping.

Admiral Moorer asked whether or not the agreement will provide for the establishment of the DMZ. Dr. Kissinger replied that he would touch on this later. The next chapter, he explained, dealt with the reunification of Vietnam. There is a provision that it will be peaceful and without military pressure. It notes that the DMZ is a provisional line and not a political boundary. At the same time it requires that South and North Vietnam respect the DMZ pending reunification. Thus there are two key provisions—one, the DMZ exists, two, the DMZ must be respected. The rest of the chapter is of minor importance.

The next chapter covers the establishment of international supervision machinery. It is three times as long as the political chapter. There are provisions for the establishment of two-party machinery for matters involving the two parties, for a four party committee for matters involving the four parties, and an international commission is also established to deal with disagreements. There are provisions for independent investigations if necessary. The machinery is more elaborate. We are now insisting that the protocols associated with this machinery be signed concurrently with the agreement itself so that the machinery can be in place before the ceasefire.

The next section deals with Cambodia and Laos. It includes:

—one, reaffirmation of the '54 Accords on Cambodia and the '62 Accords on Laos. All foreign troops must be withdrawn and all territory respected.

—two, it requires respect for the territory of both countries and no encroachment on South Vietnam.

—third, foreign troops must be withdrawn.

There is a separate arrangement which provides that this settlement must occur in Laos within 30 days and we intend next week to squeeze this to 15 days. President Nixon remarked that Souvanna had described this as a complete North Vietnamese surrender.

Dr. Kissinger then reported that there is also a demobilization provision in the political section. Thus, with respect to North Vietnamese forces they cannot reinforce legally, they cannot rotate, they cannot infiltrate through the DMZ, Cambodia or Laos, and there is no legal way for them to remain in South Vietnam. President Nixon remarked that Hanoi has painted itself into a corner. Since they say there are no troops in the South they have no right to be there. Thieu thinks they will cheat and perhaps a few thousand could get through but not a major infiltration which would affect the military balance. Dr. Kissinger stated that the fact is that the agreement does not legalize the presence of North Vietnamese troops in the South. They claim they have none there. This is a lie, of course, but contrary to some misunderstandings there is no legal basis for their being there. Therefore, we can retaliate strongly if they move troops in. There is no way for them to do so without violating at least three specific areas of the agreement. The President indicated that he had told Thieu through Duc that there is a sound basis of retaliation if the agreement is violated. Dr. Kissinger stated that the basis is far better than it was as a result of the '54 Accords because we are now part of the agreement.

Admiral Zumwalt asked whether or not even a new tank would be allowed. Dr. Kissinger stated that this would be authorized if it were a replacement but its movement would have to be agreed upon mutually and coordinated through specific locations. The President asserted that the fact is Hanoi can do no more in the South without more manpower.

Dr. Kissinger stated that Hanoi cannot keep its army in the South. It must either attack or withdraw. If it is the former they violate the agreement, even General Vien agrees to this. Also the demobilization provisions are clear so the handles are there to get the forces out of the South. Hanoi insists they cannot admit they have troops there, but they therefore cannot put any more in and they cannot admit in the agreement itself that they have to take them out if they are not there. This is a matter of principle with Hanoi and we have provided de facto arrangements.

President Nixon stated that Hanoi is faced with a decision. A resumption of fighting will be at the expense of U.S. retaliation. The agreement will be made as strong as possible but the U.S. could never rely simply on an agreement. It will be viable only if Hanoi does not

wish to risk a resumption. President Nixon noted that Admiral Moorer had prepared contingency plans for three-day and six-day strikes against the North. They should now review these plans and strengthen them to include the resumption of mining and the use of B-52s over Hanoi. If Hanoi violates the agreement, the U.S. response must be all out. We must maintain force in the area to do the job. It cannot be a weak response but rather must be a massive and effective one. Above all, B-52s are to be targeted on Hanoi. Secondly, we must look at our planning in the longer term if the agreement is not upheld. There should be plans for various levels of violations, various forces should be included but no ground forces.⁵ We are to put our best people in the residual detachment of U.S. personnel. Thieu is specifically worried about this. Our best team is required. We must also keep a residual intelligence capability in Thailand, in South Vietnam proper and off its shores. We must have our own unilateral capability to prevent violations.

[Omitted here is discussion unrelated to Vietnam.]

Finally, the President asked Secretary Laird for his views on Congressional support if the agreement on Vietnam failed. Secretary Laird replied that further Congressional support would be impossible. The President judged that our aid would be cut off in two weeks. Admiral Moorer remarked that he remembered well the situation in 1968. The U.S. said it would do certain things if Hanoi failed to abide. It did not. Therefore, in this area we must keep adequate retaliatory capabilities in being. Contingency plans were prepared in two forms—one, if the agreement fails, and two, if we got an agreement but it was violated. Admiral Moorer continued that we should immediately cost out the agreement so that the funds can be provided within the euphoric atmosphere of the settlement. The President agreed and told Admiral Moorer to be prepared for either contingency.

The meeting then adjourned.

⁵ Moorer drafted for his files a memorandum for the record the next day. In a handwritten note at the bottom of the last page, he recorded: "I was instructed to prepare contingency plans: 1. Resumption of strikes on NVN if negotiations fail. 2. Punitive and retaliatory strikes if negotiations succeed & agreement subsequently violated." (Memorandum for the record, CJCS Memo M-68-72, December 1; National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974)

133. Conversation Among President Nixon, the Assistant to the President (Haldeman), and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, November 30, 1972.

Kissinger: What the little bastard² has now said is that we should go on alone. Just our prisoners for withdrawal and let them continue fighting. I think they have to get it into their heads that, in that case, the Congress, no matter what you intend to do—the North Vietnamese will demand cutting off military and economic aid as a price for that—

Nixon: Why in the hell would they?

Haldeman: What the hell are they going to shoot? They won't have any bullets.

Kissinger: Well, their idea is we continue to give aid, and they'll fight alone.

Nixon: I'm thinking of going that route.

Kissinger: But tell them that the Congress won't—

[Unclear exchange. Haldeman departed at 12:22 p.m.]

Nixon: No, I'm sorry, but fine, but I have issued—directed that Congress cut off all military and economic aid. And that's it. [unclear]

Kissinger: But I would just say that the Congress will under no circumstances agree to that.

Nixon: Yeah. I'm not going to worry—

Kissinger: So then you're not the villain.

Nixon: I'm going to be a villain myself, too.

Kissinger: Did you get to the Vietnamese?

Nixon: Henry, you must say that you reported to me. I'm not going to listen to it from him.

Kissinger: No, no.

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Conversation 817–16. No classification marking. The editors transcribed the portions of the conversation printed here specifically for this volume. According to the President's Daily Diary, Haldeman met with the President from 12:17 to 12:22 p.m. and Kissinger met with the President from 12:22 to 12:26. (*Ibid.*, White House Central Files) Haldeman stayed long enough to make a few comments. Beginning at 11:55 a.m., and continuing until 12:16 p.m., Kissinger and Haig had met in Kissinger's office with Nguyen Phu Duc and Tran Kim Phuong, just before the entire group, except for Haldeman, met with the President. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) See footnote 2, Document 134.

² Kissinger's reference was to Nguyen Phu Duc.

Nixon: We're going to have it straight out and get it done [unclear]. Well, the hopes that they would start to be reasonable proved to be wrong.

Kissinger: [unclear] after the agreement is made. They won't be able to say they [unclear]—

Nixon: Yeah.

Kissinger: [unclear]

Nixon: Well, are you going to then put the thing to him about my meeting at Midway or I'm going to tell him that?

Kissinger: Well, these guys—the major trouble is, they have this punk kid in the Palace, this 30-year-old suit—suitor, who is—

Nixon: Um-hmm.

Kissinger: —acting out a Wagnerian drama.³ I mean, I must say when I went through the agreement this morning, I told Haig afterwards, when you listen to these guys you begin to doubt your sanity.

Nixon: No, it's a good reason.

Kissinger: [unclear] but it's—

Nixon: [unclear] we'll just go ahead. And, frankly, you go ahead with the North Vietnamese and we will cut off economic aid, but, of course, it means that everything we fought for is lost.

Kissinger: Well, we can just let Congress do it.

Nixon: Yeah. I think Duc understands it.

Kissinger: Duc understands it, and the Ambassador.⁴

Nixon: It's after what I put him through. Christ, he's [unclear]—

Kissinger: Mr. President, you gave an absolutely magnificent presentation.

Nixon: Did it do any good?

Kissinger: You could not have—

Nixon: It didn't do any good? That's—

Kissinger: Oh, no. No, no, no. I—I've dealt with these guys. They—they're going to wait 'til a minute before midnight.

Nixon: Well what's—

Kissinger: I mean, this is a lot better than the—

Nixon: Then you'll make the deal on Saturday?⁵

Kissinger: Right.

³ Kissinger's reference was to Hoang Duc Nha.

⁴ Tran Kim Phuong.

⁵ December 2. The deal referred to is the forging of common positions by the United States and South Vietnam for Kissinger's upcoming December 4 meeting with Le Duc Tho.

Nixon: Then sign, and then what happens? You come back here again, do what?

Kissinger: And then we'll have to put it to them and say this is it—

Nixon: We'll have him come back here and put it to—to them and say: "Do you want to meet with the President, or not?"

Kissinger: That's right. That's right.

Nixon: Is that what you say? For the purpose of the agreement, that we're going ahead on this without economic assistance? Fine.

Kissinger: Well, I'm seeing the North Vietnamese Monday.⁶ They are having a message for us now, too. Maybe they are going crazy. They're both nuts. I mean, that's the trouble with these Vietnamese, they're—

Nixon: That's right. Don't worry. Sit down. They'll be here. They'll be here.

Kissinger: And they're fighting it out—

Nixon: You think—do you think the North—huh, I guess the North Vietnamese can just break off negotiations now, too. No they can't—

Kissinger: We've—why would—they can, but we've been playing with fire ever since we had this goddamned agreement with these two maniacal parties.

[Omitted here are closing remarks.]

⁶ December 4.

134. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, December 1, 1972, 0330Z.

WHS 2263. 1. The President saw Duc for a second time this morning [November 30] for 40 minutes, and I met with him separately for 45

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (1). Top Secret; Flash; Sensitive; Exclusively Eyes Only.

minutes as well.² The President reaffirmed his determination in the strongest possible terms to proceed toward conclusion of the agreement. Just prior to the meeting Duc had told me that President Thieu had considered carefully the current state of negotiations and now suggested that the United States should proceed bilaterally essentially along the lines of the May 8 proposal, as an alternative to giving up on any of the three principles which Saigon insists it cannot compromise. The President rejected this option as disastrous and one which would result in a cutoff of U.S. support. He told Duc that we will try to get a few selected changes that may still be possible in the December 4 round and then consider the agreement final. He emphasized again his firm determination to stand behind the GVN and Thieu, and to react with strong measures to any violations. He pointed out that he had met with the JCS this morning and had told them to prepare contingency plans to this end.³ He emphasized that the support of the United States was much more vital than particular clauses in the agreement and that a split between our countries would be fatal. The President offered to meet with Thieu before signing the agreement, provided we were assured in advance that GVN would sign the agreement as well; and after the agreement he suggested a conference of friendly Asian nations, including such countries as Korea, Thailand and the Philippines as well as the GVN and the U.S. Thus, the President is prepared to meet with Thieu both before and after the agreement to demonstrate our solidarity. Our position remains firm, however, that a meeting between the two Presidents without prior assurance that the GVN would sign the agreement is out of the question since failure would be disastrous. The President insisted unequivocally that Duc now provide the United States with the priorities that it attaches to the very few remaining changes that can realistically be achieved next week. The President conducted the meeting in a forceful and uncompromising way and there is little doubt that Duc at least understands that there are no options short of suicide for Thieu. It remains to be seen whether or not Thieu will test the President's word.

² Kissinger and Haig met with Nguyen Phu Duc and Tran Kim Phuong in Kissinger's White House office from 11:55 a.m. to 12:25 p.m. A memorandum of conversation is *ibid.*, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII, Meeting with GVN Advisor Duc, Washington. At 12:25 p.m. the four men met with the President in the Oval Office. A memorandum of conversation is *ibid.* Kissinger misspoke when he characterized the meeting as a morning one. As the President's Daily Diary notes, it began at 12:26 p.m. and ended at 1:02 p.m. (*Ibid.*, White House Central Files) According to undated talking points prepared by Kissinger: "The purpose of this brief meeting is for you to reaffirm your determination to proceed on the course that you outlined to Mr. Duc yesterday." A stamped notation on the talking points reads: "The President has seen." (*Ibid.*, Box 862, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memos, September–December 1972)

³ See Document 132.

[2.] In my meeting with Duc I tried to bring home the fact that the GVN must establish priorities for a few selected changes in Paris. It is obviously a painful process for Duc to hold discussions in this fashion, but I think he and the Ambassador are slowly becoming aware of realities. It is apparent, however, that they have so far made little impact on Thieu and Nha. GVN central concerns revolve around three questions. First is the North Vietnamese troops in the South, on which Duc emphasizes that the principle of withdrawal is even more essential than limited de facto withdrawals. Second is the composition of the National Council on which Duc continues to underline the psychological impact of the provision for three segments despite all our arguments concerning the powerlessness of the Council and its obvious non-governmental nature. Third is mention of the PRG by title in the document, which they say will establish the principle of two governments in the South. I have emphasized to Duc that we cannot possibly get satisfaction on all of these and they must choose priorities carefully.

3. I will meet again tomorrow morning with Duc to continue our efforts to hammer out precise agreed positions for December 4 as well as GVN agreement in principle to buy the agreement after this final round. I have emphasized that we must know their positions no later than Saturday morning our time. We obviously still have a long, painful way to go.

Warm regards.

135. Conversation Between President Nixon and the President's Deputy Assistant for National Security Affairs (Haig)¹

Washington, November 30, 1972.

Nixon: We have no choice with these people now.

Haig: No, no. We—

Nixon: Goddamn, I know this little guy² understands it and so

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Conversation 817–16. No classification marking. The editors transcribed the portions of the conversation printed here specifically for this volume. According to the President's Daily Diary, this conversation took place after the meeting with Nguyen Phu Duc and Tran Kim Phuong in the Oval Office from 12:26 to 1:02 p.m., and continued until 1:11 p.m. (Ibid., White House Central Files) See Document 134 and footnote 2 thereto.

² Nguyen Phu Duc.

forth, but if they want to commit suicide that's all there is to it. Are they going to?

Haig: No. I don't think so. It would be inconceivable. This man isn't suicidal.

Nixon: You don't think so?

Haig: No.

Nixon: Why did he send that message this morning?³ Henry came in here [unclear] to the effect that Thieu had laid out, and all it meant for us to go at it alone, and he'd go it alone.⁴ Did he really?

Haig: Not really that way. Well—and that's what he tried to pull away from. What he was saying is, "For God's sake, if I can't get these three principles"—

Nixon: Yeah?

Haig: —"then try to work out the May 8th proposition, in which we cut the mining and the bombing in return for your prisoners and a ceasefire, and then we'll continue try to police the ceasefire with your help. And if they break it, then we would hope you could intervene."

Nixon: When it's all done, we can't intervene—

Haig: It's got to be done. Well, I told him that it would kill us with the Soviets—

Nixon: [unclear] We've got to go ahead. He says he's got a message coming in from the North Vietnamese. Maybe they're going to break off negotiations, Al, do you think they are?

Haig: No. I don't think so.

Nixon: Why not?

Haig: They want to settle. That I'm convinced of. But they have [unclear]—

Nixon: What I said to him about the Congressional thing is totally true. [unclear] aid for them.

Haig: Of, course it's true.

Nixon: I got it from, also, Goldwater. Goldwater, Jesus Christ. [unclear] He says, "If this ever becomes public and you don't accept it, you're down the tubes."

Haig: That's right.

Nixon: And they've got to understand that. I mean, that aid will be cut off like that. [taps table] Like that. [taps table] And they can't do that. I think the meeting at Midway is an excellent idea if he'll do it. If.

³ See Document 131 and footnote 3 thereto.

⁴ See Document 133.

But understand, a meeting for the purpose only of my—of our agreeing [unclear] is it. I will not go there to talk about the agreement.

Haig: That's impossible.

Nixon: He'll just [unclear]—

Haig: They're going to fight and negotiate—

Nixon: Huh?

Haig: —right to the wire.

Nixon: What's that?

Haig: They're going to fight right up to the wire. Now, you pulled the wire tight today and that's the end of it. And they now know that.

Nixon: When do you leave?

Haig: I plan on the 15th, sir.⁵

Nixon: Well, you deserve a little rest.

Haig: [unclear]—

Nixon: Henry cannot take the—this heat much longer. You know what I mean? He's—you know what I mean? It's—it's been hard for him. But—an emotional pattern here is . . .

Haig: It's worse. Well, I, this past—well, he had three weeks where I thought he lost touch with reality.⁶ It started out in Paris, the first round in October. He drove that thing despite all the counsel, all I could give him—

Nixon: Well, and I was trying telling him that, you know, I didn't want the goddamn thing. But you know why he did that? He wanted to make peace before the damned election. There isn't anybody to do it after the election.

Haig: That's right.

Nixon: For Christ sakes don't do that. Then what happened?

⁵ Haig intended to leave for Saigon on December 15 to meet with Thieu.

⁶ Haldeman and Haig had discussed this subject on November 29. According to Haldeman's diary entry: "Got into the K problem a little. I met with Al Haig, at the P's request, and told him that we're going to have to do something to deal with the problem. That we'd probably have to bite the bullet soon, but in the meantime we had to get things under control. Al said he understood perfectly, he was very concerned. Henry, in his view, is completely paranoid—is on an up-and-down cycle all the time, and he has botched out on his down cycle now and is coming back up, but was in absolutely terrible shape in Paris last week and handled things very badly because of it. And that he was in even worse shape in Vietnam before that. And basically the screw-up was Henry's fault, in that he committed to final negotiation and settlement before he really should have, which really screwed things up with the North Vietnamese and South Vietnamese. Al feels that Henry needs a very good, long vacation, and that we should be sure he gets it. He thinks the trip this week will go all right, and that the deal is locked now, so there's no problem with Henry going, but as soon as he gets that done and gets back, we should take him out." (*Haldeman Diaries: Multimedia Edition*, November 29)

Haig: Then in Saigon he really lost touch because here he was sending two messages to the North Vietnamese, agreeing to the [unclear], knowing that Thieu was not on board, and it was going to take some careful working. That's what caused our problem. Now, this week he started to regain himself. And I think he did a very fine job last week.

Nixon: Are you going with him?

Haig: Yes, sir.

Nixon: Does he have you in on the meetings?

Haig: Yes, sir. In fact, at the two private meetings I sat there.⁷ And we did the right thing. We had to delay. Well, we could never have done this with Thieu around.

Nixon: This has got to give Thieu something. And that meeting with the Joint Chiefs will.⁸

Haig: That helps. That's right. And, you know, it's conceivable. I just don't think he'll do that. I think he's going to come around. I think he'll come around, and we've got to have that communication completed in the next 24 hours.

Nixon: Hmm. In the next 24 hours he'll come around and meet with us?

Haig: We'll just have to drive it to that.

Nixon: I think he's going to wait. Wouldn't you think he'd just wait?

Haig: See what we get? We'll he'll caveat it in a certain way. But he's got to know—

Nixon: The point is—the point is it's done. I told him now Henry's gone over, he's going to settle the goddamn thing. At the end of the week, they can either come or go. That's my view as to what he'll say. If he says go at it alone, that puts us in a position. What—what kind of a deal could we make with the North Vietnamese? Just prisoners for withdrawal, right?

Haig: And the end of—

Nixon: You can't reason with them—

Haig: —the mining and the bombing—

Nixon: Huh?

Haig: And the end of the mining and the bombing.

⁷ Haig was referring to the two private meetings with Le Duc Tho and Xuan Thuy on November 24 and 25. See Documents 122 and footnote 4, Document 126. See also Kissinger, *White House Years*, pp. 1421–1422.

⁸ See Document 132.

Nixon: Why don't we give up the mining, the bombing, for prisoners? [unclear] It's just a hell of a way to end the goddamn war.

[Omitted here are closing remarks.]

136. Transcript of a Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

December 1, 1972, 10:03 a.m.

P: I was just calling to get the morning report. Anything new on the—

K: No, I'm seeing the South Vietnamese at 10:30.

P: At ten, huh. That's good.

K: We've had a cable from Bunker in which he thinks they are going to come along. But ungraciously.²

P: I don't care how they come along.

K: They've been leaking in that direction. They've been saying you gave them an ultimatum. That's been on NBC, that doesn't do any damage in Paris, and that they were going to see how we did next week before they make their final decision.

P: Well, I think that's what they are going to do. Let's be sure that none of our people leak that I'm giving an ultimatum. Tell State, Sullivan and all the rest I don't want that conversation because that was a son of a bitch and tough conversation, and that was really rough.

K: That was rough.

P: Be sure that Haig and everybody knows that I didn't tell the Chiefs or anybody.

K: Right. I'll make sure that nothing gets to State.

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 17, Chronological File. No classification marking. Nixon was in Key Biscayne, Florida; Kissinger was in Washington.

² In backchannel message 286 from Saigon, December 1, 1030Z, Bunker wrote to Kissinger: "My judgment is that he [Thieu] will decide to go with us when it is made clear to him and he realizes there is no viable alternative. While he has made this more difficult for himself than need be because of the uncompromising public stands he has taken on NVA troop withdrawal and the NCRC, he told the Director-General of the Police, General Binh, two days ago, that preparations for a ceasefire must be definitely completed by December 15." (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 45, Geopolitical File, Vietnam, Cables, Dec. 1972–Apr. 1975)

P: Or anybody. Just don't let it out, because we don't want to embarrass them publicly. Then we'll build a backfire here on the Right Wing, you know, and we just can't have that.

K: Right, right. Well, nobody—

P: Incidentally, I've been thinking a little about our meeting tomorrow just so that you can prepare, I think on the negotiating strategy this time that you ought to begin, not with the easy one but with the tough one. And I think that, for example, on the priority you've got to say, now, let's get one thing settled once and for all, we say first they will have seen the picture of the Joint Chiefs, that will I assume be carried in *The World*—

K: Yes, it's been in every paper.

P: Has it? Good. All right. Then I'd be cold as ice, the President is frankly very relaxed about it but he's very disappointed in the progress of this, and this is it. This is, as far as you are concerned, the last meeting.

K: Right.

P: Then you go on to say, Now we've got to begin with one proposition and that is the President is very disappointed and cannot understand your backing off of your proposal with regard to the key point of the prisoners. If we back off—that's important now. What are you going to do about that. You've got to get that settled right away because we can talk all we want and settle 12 points, if we don't settle that we have no deal.

K: Exactly. I think, Mr. President, what we might consider, you might want to think about it until tomorrow, is that I ask for a private meeting with him first—

P: Oh, sure, sure.

K: With some of your stronger words that way so that there are not too many people in the room when I say it. It's easier for them to take it that way.

P: That's right. Well, I'll go, I think I'll write a very tough note too with what you have with your instructions. That may be helpful.

K: That would be very helpful.

P: What you can do is to have something prepared along that line. Let him, you know, spend some time, you've got things to do. When I get it, I'll edit it, then I'll send that with you. Now there a few other brief points here, Henry. At least the North Vietnamese have indicated in their message a willingness to discuss.³ Right.

³ Nixon was referring to a message from the North Vietnamese, sent via Guay and Haig on November 30, 1973Z. (National Archives, Nixon Presidential Materials, NSC

K: Absolutely. Let me get you the exact wording.

P: Right, Okay.

K: I'll—you know, there's the usual palaver which isn't worth repeating about the history of—

P: Oh yes. I ought to make a lot of palaver too, but now the damned thing is going to be settled.

K: Well, here is the operative paragraph. "If the U.S. is really determined to end the war rapidly and restore peace in Vietnam, the Democratic Republic of Vietnam will also resolutely advance in that direction. The DRV side will come to the private meeting on December 4th with good will and a very serious attitude. If the U.S. side also shows good will and makes great effort like the Democratic Republic of Vietnam is prepared to do, it is certain that the Vietnam question will be rapidly settled in the interest of both sides." That's pretty forthcoming by their standards.

P: Yeah, yeah.

K: Because that in effect—

P: I just trust they don't think [we're] coming there with more concessions.

K: Well, we have to come with something along the lines of—that we discussed, Mr. President, on restoring some of the original language on this committee.

P: Well the language on the committee is—you're getting from Duc his priorities or not.

K: That's right.

P: Or is he going to give you priorities.

K: My—

P: We know what his priorities are, what the hell, he just wants it to look good and frankly we can make it look good. Now the other thing that you've got to really hammer out with him is whether or not there is going to be a meeting between me and—here's a way you can hurry their decision a bit, because I can't—you can say the President can make, you know, you're putting this first, but he admits to his budget preparations and so forth and he can't just take off and go on 24 hours notice. Now if Thieu wants this meeting, we ought to do it. I think he should want it, and I think the time to do it is before.

K: Well, I think he should want it, I think the time to do it is—you ought not to consent to doing it before because you could make the commitments in a framework where it wouldn't look provocative, and

it could be done in the surge of peace and it would set up the subsequent trip to Hanoi in a much better framework. But we'll get an answer to that in an hour, I hope, but I will press it on him immediately.

P: Well, in an hour he's going to come in with his usual plaintive answer and say well that business about being—we are going to die six months from now, we'll die now. That's just nonsense, and they want to talk that way, well there's just no deal.

K: Now, on the concessions, Mr. President, we cannot have—there are four outstanding issues, we can't have our way on all four of them.

P: I understand that.

K: Because, say, for example, they want the PRG mentioned in the document once, they've agreed to delete it every place except in the preamble. Now, I have found a formula which I've now checked with the lawyers which will work which is that everybody except Saigon signs the preamble mentioning the PRG, and Saigon has a different preamble. That way the North Vietnamese gets three quarters of their way, and then we make a unilateral statement saying—

P: We recognize only one government.

K: Exactly. Then we have shown our good will towards—

P: Well, don't tell him that tomorrow. Don't tell him that today.

K: Oh, no, I won't tell—

P: Don't tell him that today. That's something that you wangle out of them next week and then say we've made a great big deal here.

K: Exactly. I wanted to tell you that that's the way this one has to go, we cannot get—

P: I understand that. Anyway that doesn't make a damn bit of difference whether it's mentioned or not. If we put out a unilateral statement that we don't recognize them. That's the point they've got to understand.

K: Now the second thing is I think of all the outstanding issues, the one we've got to get back is the prisoner one.

P: Well, that is why you've got to start with that.

K: But, on the other hand, on that three segment committee, it's just insane for the South to make—

P: Well, how about putting in a phrase that this is not a coalition government or something of that sort.

K: Well, they won't agree to that.

P: Well, then we'll state it.

K: Oh, yeah, that's easy. They have stated it. I have it in the protocol that they have stated it. And, we can put out what they said.

P: I know they've already made statements. I was just thinking of any way that you—well go ahead.

K: On the rest of the issues we can win.

P: On the withdrawals, like what.

K: Well, I think we can get them to withdraw some of their prisoners—some of their troops on a de facto basis. I think we can get a statement in there with respect for North Vietnamese territory—outside Vietnamese territory which is a sort of a code word for no troops.

P: Why don't we say for the respect of the territory of both sides.

K: That's how this would be done.

P: That's right.

K: And you can get a clause in there that the demobilization should be done within a three month period so that that's hooked to everything else so if there's no demobilization, they don't have to have a committee.

P: Well, I assume I wouldn't expect anything when you see him today because he's, I mean, they are obviously waiting—Bunker doesn't know anything anyway does he.

K: No. It was just his instinct.

P: Well, from what we heard from that conversation yesterday, after what we had told them, that was—

K: No, that was—by that time it was pretty mild.

P: Well, I know toward the end he began to back off, but he doesn't have any authority. You know, you could tell by looking at him and the Ambassador, I think that if he and the Ambassador were making a deal we would have it right now. Don't you agree?

K: Oh yes, no question. Not a question about it. Well, what they are going to do, Mr. President, is to wait until he gets the deal in Paris and then they'll accept it.

P: Yes, but then, you see, one of the reasons that I want this meeting even from my standpoint is that I want it to appear, I want to be sure the Right Wing hears, and all say that we sold out and all that crap. Of course, you can brief and you can convince the—

K: No, the meeting—

P: with our enemies, the two of them. You understand that both the Left and the Right would be disappointed with this. And because the less [Left] for the reason that will want to find what is wrong with it, in any event, they have a vested interest in defeat, and the Right because they will honestly believe what Thieu says.

K: Well, but I think it's going to go like the SALT agreement. That once we got it, it's going to be an overwhelming—

P: I think so too, but I meant the point is—the symbolism is though of his going along graciously is something. If he goes along ungraciously it's all right, but I think we should tell Duc that, look just going

along here but having statements leaked out that they are going along reluctantly will make it more difficult for me to keep my commitments to get the Congress on military aid and the rest because the Congress will look for excuses.

K: That's right. I'm going to tell them that it must be a settlement that the American people feel proud of—

P: Oh, yes, it must be a settlement that the American—that particularly—their strong supporters in the Congress, the Right Wing, so that they will feel, will not be a let down. You see Henry, don't worry about the Left. The hell with the Left and the Democrats and the rest. They don't—we could have the most great settlement in the world. Our concern now is the Right here. It's a real problem. The thing to do therefore is to get this across to this fellow that therefore that is why their going along has to be in some sort of a gracious manner or it will be very difficult for us to get this money from the Congress. And it really will. If the South Vietnam drags its feet.

K: Right. I will make these points.

P: There are a couple of other points. We will talk about it in the morning.

[Omitted here is discussion unrelated to Vietnam.]

137. Draft Memorandum From President Nixon to the President's Assistant for National Security Affairs (Kissinger)¹

Key Biscayne, Florida, December 1, 1972.

SUBJECT

Your Instructions for the December 4 Negotiating Round

Following are your instructions for the final negotiations in Paris beginning December 4, 1972.² The general framework remains as it has always been: we seek the best possible agreement; we will not sign it

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Tohak 1–100, December 3–13, 1972. Top Secret; Sensitive; Exclusively Eyes Only.

² At 10:03 a.m., the President at Key Biscayne and Kissinger in Washington discussed by telephone how he should approach the negotiations (see Document 136). According to the President's Daily Diary, they met from 10:05 a.m. to 12:15 p.m. when Kissinger went to Key Biscayne on December 2. (National Archives, Nixon Presidential Materials, White House Central Files)

until we are convinced it is sound; and we will not delay signing it in any way once we are convinced it is sound. The agreement as it now stands is close to being acceptable, but we must have a few more changes before we can approve it and recommend it to our allies.

It must be made absolutely clear to the North Vietnamese negotiators that the concerns of both sides must be met. Just as they claim their principles, so do we have principles which we must and will respect. We have an obligation to continue presenting as forcefully as possible the concerns of our allies as well as our own views on what is required to make the agreement as satisfactory as possible. Accordingly, if the North Vietnamese are intransigent across the board, I will be prepared to authorize you to suspend the negotiations. If on the other hand, the North Vietnamese make a reciprocal effort and agree to the minimal changes that we require, I will be prepared to authorize you to consider the agreement complete, with the assurance that there will be no further changes requested, except possible nonsubstantive technical aspects.

Following are your guidelines on the specific issues:

—*Mention of the PRG.* You should attempt to delete the titles of the governments, including the PRG, from the Preamble. Failing this, you should make every effort to alleviate the problem that this issue presents to the GVN along the lines that have been discussed so as to make clear that no legal recognition is involved because of reference to titles.

—*Political Provisions.* You must get the North Vietnamese to change the Vietnamese translation to correspond to the English phrase “administrative structure” rather than the present implication in Vietnamese that it is a “governmental structure”. You should continue to attempt to delete reference to “three equal segments” by substituting more general language referring to all political tendencies in South Vietnam, but if this proves impossible, you are authorized to drop this demand if we can get satisfaction on other issues.

—*North Vietnamese Withdrawals.* You are authorized to drop the request for a “one to one basis” for demobilization of Vietnamese armed forces, if this proves impossible to obtain, but you should make every effort to insert a clause which says that the parties will do their utmost to accomplish reduction and demobilization of troops within three months. You should make a maximum effort to have included somewhere in the agreement a principle that the South Vietnamese can point to as requiring North Vietnamese withdrawal from their country. In this regard, you should make a maximum effort to include in the chapter on the DMZ respect for “each other’s territory” as well as for the DMZ. You should also continue to try to arrange for de facto North Vietnamese withdrawals from MR-1.

—*South Vietnamese Civilian Prisoners*. We cannot accept the North Vietnamese demand that we delete Article 8(c) which separates the question of South Vietnamese civilian prisoners from the release of our own POW's and civilians.

—*Withdrawal of U.S. Civilians*. If required by the negotiating situation, you are authorized to include the withdrawal of certain U.S. civilians, provided this is formulated in a way that does not significantly affect support of the GVN's defense.

—*Laos and Cambodia*. In this chapter you should attempt to add the principle that the countries of Indochina should not use force against one another. In addition, you should attempt to make the ceasefire in Laos occur more rapidly than the present agreement which stipulates that this will come within 30 days after a Vietnam ceasefire. You should also work out the best feasible arrangements for a cessation of offensive activities in Cambodia and early ceasefire in that country.

You are authorized to use the above elements in the fashion you deem most advantageous to effect the minimum changes we need. In addition, you should hand over those unilateral statements that you believe will further improve the context of the agreement. You should also reiterate our view that the protocols on the ICCS, and the Four-Party and Two-Party Joint Military Commissions, should be signed at the same time as the overall agreement.

Once we have achieved a satisfactory final agreement, you are authorized to work out with the North Vietnamese a fixed timetable leading toward signature of the agreement within ten days to two weeks after the conclusion of your negotiations in Paris.³

³ Haldeman assessed Kissinger's situation in regard to the coming negotiations: "He [Kissinger] seemed to be in better spirits today and ready to go on a positive basis on his new negotiating round. He is concerned because he will have to convince the North Vietnamese that if we don't get an agreement we're going to stay in [South Vietnam], and he has to convince the South Vietnamese that if we don't get an agreement we're going to get out, so it's a little touchy to play both sides against the center, but I think that he and Haig both feel that they are going to get the deal and wrap it up on this trip." (*Haldeman Diaries: Multimedia Edition*, December 2)

138. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, December 2, 1972, 0345Z.

WHS 2264. Deliver immediately.

1. I met for several more hours today with Mr. Duc and Ambassador Phuong. This morning I saw them for almost two hours.² The first hour was positive in tone as we discussed the modalities of a standstill ceasefire and specific aspects of the negotiating record on various issues. The talks on the ceasefire in-place included how to determine the location and the modalities for stationing of the forces for both sides, and I finally suggested that we meet in the afternoon on this question with experts from other agencies. They then asked a series of questions on the negotiations, including the ceasefires in Laos and Cambodia and unilateral statements which we plan to make on various subjects. This part of the discussions was very cordial and based on the implicit assumption that there would be an agreement. I later gave them copies of the unilateral statements we plan to make on Laos & Cambodia and NVN troops. During the last hour of the morning session, however, Duc returned to the two vital issues for the South Vietnamese, North Vietnamese troops and the National Council, on which he said the GVN must have satisfaction or face an impossible situation with its own people. They and we went through the familiar litany of arguments concerning the nature and viability of the agreement, the explanations of the agreement to the South Vietnamese people, the importance of U.S. support, and the unalterable determination of the President to proceed.

2. This afternoon Duc and I had a working session on ceasefire modalities attended by NSC and CIA experts.³ We discussed ceasefire concepts at length, taking the position with Duc that there were two conceptual approaches to a ceasefire. The first would be for the SVN parties to negotiate actual areas of control; the other would be to avoid

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (1). Top Secret; Sensitive; Exclusively Eyes Only. Written on December 1.

² A memorandum of conversation of the December 1 meeting, is *ibid.*, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII, Meeting with GVN Advisor Duc, Washington.

³ Carver, who attended the meeting, prepared a detailed summary of the session, which he sent to the Saigon Station. (Headquarters message 2630, December 4; Central Intelligence Agency, Files of the Deputy Director for Intelligence, Job 80–R01720R, Box 8, Folder 2, GAC [George A. Carver] Chronology)

the question of control itself but rather allow it to be determined by the military and administrative presence of each side in various localities.

We told Duc we believed the former approach far less desirable as it could ensnarl the South Vietnamese parties in endless debates involving wildly exaggerated claims and a "map war." The latter approach on the other hand struck us as far more sensible and realistic. Under this concept the key factors would be thorough identification of military and paramilitary units on both sides and well defined rules of engagement for these forces. I suggested that what we needed to focus on urgently now was a refinement of what we already have broadly outlined in our four party military commission protocol. (For example, in what formations should regular, regional and paramilitary forces be grouped? What should be their permitted radius of operations? Should these vary for different kinds of forces? And so forth.) I said that this is something that MACV and JCS should be looking at urgently since we were not in a position to decide these matters at such a distance from the local scene.

There was also a brief discussion of discrepancies between MACV and JCS estimates of NVA strength figures. CIA will provide Duc with a memo explaining our data before he leaves tomorrow. I told Duc it seemed that the GVN is counting virtually all enemy forces as NVA whereas our estimates only count as NVA those units with more than 70 percent NVA effectives. Thus the real truth as to how many Northern soldiers are serving in the South probably lies somewhere in between our two respective estimates and, in any event, we seem to agree on overall enemy strength figures.

We also intend to provide Duc with our most recent SVN population and area control maps before his departure.

3. After this working session, I met again privately with Mr. Duc and the Ambassador. They once again were extremely firm on the two major issues. Both sides once again went over all the familiar ground. They continued to insist that we must have somewhere in the agreement the principle of North Vietnamese withdrawal and we must delete the reference to three equal segments for the Council. They indicated that if these two issues could be solved, all the other ones should not present difficulties. They called both the major issues of equal priority and refused to provide any fallback position for either issue.

It now seems clear that the GVN will not move any further before our negotiating session in Paris. Their present stance could be interpreted in two ways. They could very well be on a suicide course. If so, it is with full knowledge that we cannot gain them satisfaction on both issues and that we will proceed with or without them. They can be under no illusions after the unequivocal statements of the President and myself this week. The second interpretation is that for bargaining pur-

poses they feel they just cannot whittle down their positions any further or choose between the two major issues prior to our negotiating with the North Vietnamese. Under this interpretation they wish to exert maximum pressure on us to make all-out negotiating efforts, and this includes not giving us the satisfaction of knowing in advance that they will join us regardless of the outcome next week.

Warm regards.

139. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, December 4, 1972.

Hakto 9. Please pass the following report to the President immediately. *Begin text.*

1. After today's session we are at a point where a break-off of the talks looks almost certain. This morning Haig and I met privately with Le Duc Tho and Xuan Thuy for 2½ hours and came away somewhat encouraged.² I made a conciliatory presentation, stripping down our remaining requests of last week to the minimum. I also emphasized however, that we must have these minimum changes in order to press the agreement on our allies. Essentially I proposed the compromise that we explained to the South Vietnamese which would link *de facto* North Vietnamese withdrawals to the release of South Vietnamese civilians outside of the agreement; accept in essence the political provisions, asking only for the correct translation of "administrative structure" to make clear the Council is strictly non-governmental; and establish the principle that North Vietnamese troops would not have the unrestricted right to intervene in South Vietnam through one or more of several formulations that I offered. Although it was a generally tough session, we came away with the impression that they would negotiate within this context and settle. In any event, while I said we needed some changes, I made clear our firm determination to settle and

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (1). Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Guay and Kennedy.

² A memorandum of conversation is *ibid.*, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [3 of 3].

our reasonableness. I even told them about the projected Agnew mission.³

2. At the full meeting this afternoon, which also lasted 2½ hours, Tho answered my morning proposal point by point.⁴ He rejected every change we asked for, asked for a change on civilian prisoners, demanded the withdrawal of American civilians from South Vietnam thus making the maintenance of the Vietnam Air Force impossible, and withdrew some concessions from last week. In short, we would wind up with an agreement significantly worse than what we started with. I told him flatly that his approach did not provide the basis for a settlement. In the ensuing dialogue Tho stuck firmly by his intransigent position. The only alternative he offered to his presentation this afternoon was to go back to the October agreement literally with no changes by either side. I told Tho that I would report his positions to you overnight, but I was quite sure of your answer. We agreed to meet again tomorrow at 1500, with us serving as hosts at a new location we have chosen.

3. It is not impossible that Tho is playing chicken and is waiting for us to cave tomorrow. But I do not think so. There is almost no doubt that Hanoi is prepared now to break off the negotiations and go another military round. Their own needs for a settlement are now outweighed by the attractive vision they see of our having to choose between a complete split with Saigon or an unmanageable domestic situation. We have two basic choices, assuming as we must that their position is final: (1) go back to the October agreement or (2) run a risk of a break-off of the talks.

I believe the first option is impossible:

—After all our dealings with Saigon and his insistence on some changes these past weeks, this would be tantamount to overthrowing Thieu. He could not survive such a demonstration of his and our impotence.

—We would have no way of explaining our actions since late October.

—It would be an enormous propaganda victory for Hanoi.

³ The previous day, Nixon, Kissinger, and Haldeman had decided that the White House needed a special emissary to Saigon. Nixon suggested Agnew, which Kissinger thought, according to Haldeman's diary, "a great stroke." Haldeman continued: "The P's point, though, is that because Thieu doesn't trust Henry, we've got to send someone else to sell the deal to him. And apparently the VP is sold enough on him and the fact that Congress won't back any continuation of the war or any continuation of support of Thieu, so he's a great one to go do that." (*Haldeman Diaries: Multimedia Edition*, December 3)

⁴ A memorandum of conversation of the meeting is in the National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [3 of 3].

—Most importantly, it would deprive us of any ability to police the agreement, because if the Communists know we are willing to swallow this backdown, they will also know that we will not have the capacity to react to violations.

Thus while the October agreement was a good one, intervening events make it impossible to accept it now.

4. Therefore I believe we must be prepared to break off the negotiations. The question is how we do it, and here we have two tactical options. The first choice is to propose settling on the basis of where we stood at the end of last week's round. We would thus try to keep the improvements we gained last week on the DMZ, Laos and Cambodia, military replacement, and not singling-out American obligations; drop our remaining requests; and get them to drop their demands on civilian prisoners and withdrawal of American civilians. It is highly unlikely that Tho will accept this. Furthermore, even if he did, we would face an impossible situation with Saigon because we would have gained no changes in the agreement since the last round.

5. The second option is to insist on maintaining the changes of last week and to boil down our remaining requests to two: the correct Vietnamese translation for "administrative structure" and one of our three formulations designed to establish the principle that North Vietnamese troops do not have the legal right to intervene indefinitely in South Vietnam. We would drop all our other requests in exchange for their dropping their changes regarding civilian prisoners and U.S. civilian personnel. This approach is of course even more likely of leading to a breakoff than the first option. However I believe it is the course we should choose for the following reasons:

—If, as seems totally unlikely, the other side buys this package, we would have gained a significant change in both the political and military areas. Thus this extra round would have been justified and we would be in a stronger position versus Saigon, although our problems there would still be massive.

—If the talks break down, we would have a tenable position domestically on these two issues. On the political one, we could rightly say that we were tricked in the translation and always reserved on it, and Hanoi is trying to distort the English phrase by describing the Council as governmental. On the military question, the American people could certainly understand our fighting for a reference somewhere in the agreement that prevents a legal sanction for North Vietnamese troops to remain on the territory of an ally. The Harris poll seems to confirm this.

—We would thus say that the negotiations failed because Hanoi tricked us on one question and refused to pick any one of several formulations which established the principle that they could not interfere

indefinitely in South Vietnam's affairs. The American people should understand our position, especially when we were prepared *de facto* to let Hanoi leave its troops in the South for now.

6. I have no illusions about what a breakoff in the talks will do to us domestically. If this happens, I will talk to you upon my return about my own responsibility and role. The immediate task now, of course, is to save our national honor and position ourselves as best we can with our people and the world so as to pursue a principled policy in South-east Asia.

The above description of today's session concerns technical questions which are essentially beside the point. The central issue is that Hanoi has apparently decided to mount a frontal challenge to us such as we faced last May. If so, they are gambling on our unwillingness to do what is necessary; they are playing for a clearcut victory through our split with Saigon or our domestic collapse rather than run the risk of a negotiated settlement.

This is the basic question; the rest is tactics. If they were willing to settle now, I could come up with acceptable formulas and would not need to bother you. Assuming they are going the other route, we are faced with the same kind of hard decisions as last spring. I believe that the American people will not fail you now just as they did not then.

I therefore believe this situation will require your addressing the American people directly. We will have to step up the bombing again, while at the same time we will probably want to lay out a positive negotiating position for the future so as to give our policy a defined objective and give the American people hope. I believe that you can make a stirring and convincing case to American people and that you will be able to rally them as you have so often in the past with your direct appeals. Your address could contain the following elements:

—Our acceptance of the October agreement was always conditioned on consultations with our allies. Saigon has every right to participate since the war is being fought on their soil by North Vietnamese invaders.

—Furthermore the October agreement contained many ambiguities that needed clarification if the peace was to be a sound one. In addition to technical and translation changes there were such elements to be clarified as *de facto* North Vietnamese withdrawals which we had proposed and never dropped; the ceasefires in Laos and Cambodia; international supervisory machinery; and various other understandings and principles which needed elaboration. These would have been easy to clarify but Hanoi absolutely refused to cooperate.

—You would emphasize as well our extreme reasonableness in keeping our changes to a minimum despite the above factors. The fact

that Hanoi accepted some modifications last week also proved they they admitted that the agreement was not complete.

—Negotiations finally broke down because Hanoi would not correct its trickery on translating a key word and because they refused a whole series of non-contentious formulations in order to sanctify their right to commit aggression against South Vietnam.

—You would stress your determination to proceed with your principled course until there was a sound and just peace, and you would underline this stance by combining firm military actions and a reasonable negotiating position.

We would meanwhile move decisively to bring about a unilateral U.S. withdrawal.

7. In sum I recommend pursuing the above option cutting down our requests to two on the extremely remote chance that this might produce an agreement, or to position ourselves better for what now seems to be an inevitable breakdown in the negotiations. We shall meet again at 1500 tomorrow and I need instructions by then.

8. My office has already contacted Dobrynin and given him the toughest warning on the situation in your name.⁵ I am now seeing the Chinese Ambassador here and will convey the same message.

Warm regards. *End text.*

For Kennedy:

9. I must emphasize again that the bureaucracy is not to be told of the present situation and there must be absolute security concerning

⁵ The text of the message to Dobrynin is in backchannel message Hakto 8, December 4, 2000Z, sent from Haig to Kennedy on Kissinger's behalf. (Ibid., Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (1)) It reads as follows: "At this afternoon's session in Paris, Hanoi's negotiators in effect presented an ultimatum to the United States insisting that the United States accept the November [October] 26 agreement unchanged or nothing. Dr. Kissinger wants him to be aware that North Vietnamese position is completely inconsistent with the information provided to Dr. Kissinger by Ambassador Dobrynin. We now find the situation requiring the same kind of U.S. reaction as followed Dr. Kissinger's meeting in Moscow last spring. Dr. Kissinger believes that if Moscow has any influence on Hanoi's attitude it must act immediately preferably before tomorrow since talks may well break off at the next session." When Kennedy delivered the message, Dobrynin responded: "Okay, you may tell him that I'll do it right away, send it to Moscow." (Ibid., Box 998, Alexander M. Haig Chronological File, Haig Telecons, 1972 (1 of 2)) Also in Hakto 8, Haig told Kennedy: "Call Admiral Murphy immediately and tell him that it is essential that a minimum of 45 B-52s be targeted against North Vietnam tomorrow as close to the 20th parallel as possible. There can be no deviation from this instruction. In addition, the fighter bomber sorties south of the 20th parallel should be targeted for tomorrow up to the maximum authorized level of 100 strikes. Targets are far less important than the strikes themselves."

where we stand. You should merely say that we are in the bargaining process and there are no definitive results yet.⁶ Warm regards.

⁶ In the evening Kissinger, supported by Haig, Sullivan, Porter, Isham, and Rodman, briefed South Vietnamese officials Pham Dang Lam, Tran Kim Phuong, Nguyen Xuan Phong, and Vuong Van Bac on his two meetings that day with the North Vietnamese. (Memorandum of conversation, 9:47–10:30 p.m, December 4; *ibid.*, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [2 of 3])

**140. Telephone Conversation Between President Nixon and
Richard T. Kennedy of the National Security Council Staff¹**

Washington, December 4, 1972.

Nixon: Hello?

Kennedy: Mr. President?

Nixon: Yes.

Kennedy: This is Colonel Kennedy, sir.

Nixon: Yes. What is the report from Paris you have?

Kennedy: Oh, we have—it's a very long one, sir.²

Nixon: Yeah.

Kennedy: And I was going to bring it over to you, or have it brought over to you right away. We're just having it re-typed so you could read it easily.

Nixon: Oh, I see. Fine.

Kennedy: He—they were pretty tough.

Nixon: Well, I expected that.

Kennedy: And he feels that it just might be that we're going to have to break off negotiations.

Nixon: Um-hmm.

Kennedy: That they're just not going to move.

Nixon: Um-hmm.

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Conversation 34–11. No classification marking. According to the President's Daily Diary, Nixon spoke with Kennedy from 7:51 to 8:02 p.m. (*Ibid.*, White House Central Files) The editors transcribed the portions of the conversation printed here specifically for this volume.

² Document 139.

Kennedy: Now he just doesn't [unclear]—it's possible that, in fact, that they're playing a little chicken.

Nixon: Um-hmm.

Kennedy: Using us on the assumption that we have a problem here, vis-à-vis Saigon on the one hand, and domestically on the other—

Nixon: Um-hmm.

Kennedy: —that they can use to go back, really, beyond the understandings that we'd [unclear]—

Nixon: September [*October*] 8th. Right.

Kennedy: So, Henry believes that we ought to just go in and be tough and indicate that we're—we want to insist on the changes of last week and boil the remaining two issues down to the correct Vietnamese translation on the administrative structure—³

Nixon: Um-hmm.

Kennedy: —and one of our formulations—that we had three of them, on the—establishing the principle that the North Vietnamese do not have any legal right to intervene indefinitely in South Vietnam.

Nixon: Um-hmm.

Kennedy: Then, we can drop all our other requests in exchange for their dropping their changes on civilian prisoners and U.S. civilian personnel.

Nixon: Um-hmm. Um-hmm.

Kennedy: Now, if they were to buy that, of course, then we would have had some significant gains—

Nixon: Um-hmm.

Kennedy: —which would still leave us with some problem with Saigon, but, at least, a wholly defensible position in respect to them.

Nixon: Um-hmm.

Kennedy: On the other hand, if they don't, this, he believes, would give us a tenable position domestically. However difficult it will be, nonetheless, we could rightly say that we were tricked in the translation, and we'd always reserved on it, as we said at the beginning—

Nixon: Um-hmm.

Kennedy: —and that they're trying to distort the phrase by describing it as a gover—the Council as a governmental institution.

Nixon: Um-hmm.

Kennedy: And, on the military side, they were in effect trying to produce an agreement, which ratified their continued presence—the presence of their forces in South Vietnam.

³ National Council for National Reconciliation and Concord.

Nixon: Um-hmm. Um-hmm.

Kennedy: So, as I say he's [unclear]—

Nixon: Well, I think what we'd better do is to—I really think I can sense from—without having to read the whole message—I mean, going into the details of it—that you'd better message him to the effect that we should stick firmly to our positions. What I—I mean, what you have described—

Kennedy: Right.

Nixon: —of course, is what we had agreed in advance—

Kennedy: Right.

Nixon: —that we cannot give—we cannot go back beyond what they've agreed to before. Is that—first.

Kennedy: Yes.

Nixon: And, second, that he must play the hard line with them, and, if necessary, we—we'll have to break off.

Kennedy: Right.

Nixon: There's really no other choice, because, basically, we can't just go to Saigon with nothing.

Kennedy: Well, I think that's exactly his point. If we go the other way, we'd wind up in a situation in which we'd be going back to Saigon, indeed, with having accomplished nothing of what they had been working with us for now for the past several weeks.

Nixon: Right.

Kennedy: And this would—and this would cause, perhaps, some domestic problems, too, because people would see that nothing had been accomplished.

Nixon: Um-hmm.

Kennedy: And Thieu, probably—in his view—if we were to do this and cave on it, Thieu would probably simply go down.

Nixon: Yes.

Kennedy: He couldn't survive—

Nixon: Yeah.

Kennedy: —such a thing.

Nixon: Well, that's really Henry's point, isn't it? That he—that his point being that we've got to have as a minimum what we've agreed to up to this point. And, uh—

Kennedy: Yes, sir. That's right—

Nixon: Um-hmm. Well, you just send him a message that we must stick to the positions that we have previously insisted upon, and that they either have to take it or leave it.

Kennedy: Right.

Nixon: The choice is theirs, and that we have other choices that we can make, too.

Kennedy: Now on that—in that, Henry notes that he instructed me earlier today to call Dobrynin and—

Nixon: Right.

Kennedy: —just lay it out to him in the most categorical terms.⁴ That—

Nixon: Right.

Kennedy: —it's the other side's intransigence which is causing this problem and if—

Nixon: Right.

Kennedy: —they have any influence, they'd better bring to bear.

Nixon: That's correct.

Kennedy: I did so.

Nixon: Right.

Kennedy: He also saw the Chinese Ambassador tonight—

Nixon: Yeah.

Kennedy: —and did the same—

Nixon: Right.

Kennedy: —in Paris.

Nixon: Right. Okay, well, I think the main thing is that before he meets in the morning, it's now midnight there—

Kennedy: Yes, sir.

Nixon: —that you just send a message that he's on the right course, to stick to it.

Kennedy: All right, sir.

Nixon: And that we—we'll have to—but to make the record so that it's their intransigence that breaks it off rather than—

Kennedy: Yes, sir.

Nixon: —our insistence on changes.

Kennedy: This is precisely the thrust—

Nixon: And that's—

Kennedy: —of his approach.

Nixon: And that's really what it is, too—

Kennedy: Right.

Nixon: —because—

Kennedy: He feels that if it, in fact, has to be broken off, that, in all

⁴ See footnote 5, Document 139.

probability, that it would—you would have to step out and make a case to the people, again, rallying them again as you’ve done in the past, with your—with firm and clear, direct appeals. And he outlined some of the points that would be made, precisely along the lines that you’ve suggested. Making the point that it is their intransigence, and their clear trickery, that’s caused this breakdown.

Nixon: Um-hmm. Well, that’s a—somewhat of a weak reed at this point. I mean, I realize that Henry’s thinking of past circumstances, of course, where we were able to do so. The difficulty is that we’re—well, we may have to do that. That we have to realize that we, ourselves, are boxed somewhat into a corner, here, by reason of the, you know, the hopes that have been raised.

Kennedy: Oh, yes sir.

Nixon: You see?

Kennedy: Yes, sir.

Nixon: So, I think you should indicate that—in the message—that the idea of going to the people is a very—it’s a tenuous situation, I would say. I mean, it’s a—I don’t consider that as being a—as a very viable option. I think that we, probably, are better off to break it off and then just do what we have to do for a while.

Kennedy: Right. Yes, sir.

Nixon: I mean a—I think Henry must not rely on the fact that he thinks: “Well, we can just go to the people as we did on November 3d, in Cambodia, and May 8th, and so forth, and it will all come around again,”⁵ but the situation has changed quite drastically since then, you see, as a result—

Kennedy: Yes.

Nixon: —of what has happened. And so—but the main point is he has got to stay hard on the course, but don’t assume that we can go to the option of my, you know, making a big television speech calling for the bombing—

Kennedy: Oh, he feels that we’d have to—we’d have to step up the bombing, again as a [unclear]—

Nixon: Oh, I understand that.

Kennedy: Right.

Nixon: I understand that.

Kennedy: Sure.

Nixon: We may do that.

Kennedy: Yes.

⁵ See footnote 3, Document 123.

Nixon: But I don't think that—

Kennedy: But without going back—

Nixon: But going on television for the purpose of doing it, and so forth—

Kennedy: Right.

Nixon: —is not something that I think is too via—is really a viable option. I think we have to do it, and I think he has just got to indicate that, and then the other—the only other course, of course, is to keep the negotiations open any longer, and I guess he can't do that either, can he?

Kennedy: Well of course, that's what he'd be trying to do with this, with this option.

Nixon: Um-hmm.

Kennedy: Going back, again. Cutting down our proposals to those two—

Nixon: Um-hmm.

Kennedy: —and insisting that both sides stick with those things that had been agreed last week.

Nixon: That's right. Well that's the thing to say: we will agree—we will stick to those things we've agreed to last week, or else we have no choice but to break off the negotiations. But, be sure to put the message to Henry the fact that he must not assume that we should go on national television for the purpose of doing it. I think we're just going to have to just—just do it this time.

Kennedy: Right.

Nixon: Because the going on television isn't quite—probably too viable an option. When do they meet again?

Kennedy: Tomorrow afternoon, Paris time 1500. That's 9 o'clock. No. Yes, 9 o'clock, our time.

Nixon: Nine o'clock our time.

Kennedy: Yes, sir.

Nixon: Um-hmm. Um-hmm. Now—well, I really think that that's really all we have to pass on to him tonight, then.

Kennedy: All right, sir. I'll get it off right away.

Nixon: I mean to—we've got to stick the course, we've got to insist on, as a minimum, the—what we have already agreed to, and if they are not going to go with that, then we will have to assume that they've engaged in deceit and trickery, and we will have to look to our other options, which we are really going to do. But, I don't want him to be under any illusions to the effect—on the point that we'll then go make a big speech, here, in this country. I mean, the domestic situation is one that will not really carry that at this point—

Kennedy: Yes, sir.

Nixon: —much as we would like to. It just isn't there right now.

Kennedy: Well it's—it—because of the tremendous pressure the press has put on all this—

Nixon: That's right.

Kennedy: —it's built up to a crescendo, and—

Nixon: That's right.

Kennedy: And the disappointment is going to be there, but—

Nixon: That's correct.

Kennedy: —on the other hand, I think that—

Nixon: On the other hand—we—understand, I have no question about doing it.

Kennedy: Right.

Nixon: I'm just questioning the idea of escalating it even further by—in terms of saying: "Well, the negotiations have broken down," announcing it all, "and now we're going back to unlimited bombing," and all that sort of thing.

Kennedy: Yes, sir.

Nixon: I think the thing to do is just to go back to the bombing, and so forth. That is something that we—we'll go back to what we do, but not—I don't think we can assume that we can go back to simply making a big speech about it.

Kennedy: Yes, sir.

Nixon: And that he should think about that as he develops it. Okay?

Kennedy: All right, sir.

Nixon: All right, fine.

Kennedy: And I'll get this [unclear] right away—

Nixon: Get something along—

Kennedy: —and the other is just now finished, and I'll have it brought over.

[unclear exchange]

Kennedy: His message.

Nixon: You can send it over. I don't think it's going to change much. It's just really a [chuckles] blow-by-blow, right?

Kennedy: Yes, sir. That's right. But, it goes on and elaborates on what we've spoken about.

Nixon: Right, okay.

Kennedy: All right sir.

141. Message From President Nixon to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, December 5, 1972, 0315Z.

Tohak 25/WHP 180. The President called and dictated the following message for Mr. Kissinger:²

Begin text:

You should proceed on the second option, paragraph 5, in your message.³ This is the minimum required for a settlement. You should make the record as clear as possible in the talks that the responsibility for the breakdown rests with the North Vietnamese. You should make a clear record of the fact that they have reneged; first as to the meaning of the agreement on the political side by reasons of the translation problem and second because they have insisted on maintaining the right of North Vietnamese forces to remain permanently in South Vietnam.

In pursuing this course, however, I have serious questions about my addressing the American people on this matter. I think what we have to do is make the record of North Vietnamese intransigence and if they persist in that intransigence, then you should return here to report to me. We then will act immediately on the military side. To escalate the breakdown of the talks by a melodramatic appeal to the American people, I believe would be a mistake, although we can discuss that further when you return.

The major objective you should pursue at the next meeting is to make a record such that, when it is made public by the North Vietnamese, you can brief categorically and effectively in a way that will put the blame squarely on them. We then will let our action speak this time rather than our words.

Keeping the negotiations going with postponements, etc. is in our interest. In the meantime, however, you can assume that I will order a very substantial increase in military action against the North, including the use of B-52s over the Hanoi-Haiphong complex. I would be willing

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (1). Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Kennedy and Haig.

² In a telephone conversation from 8:23 to 8:32 p.m., December 4, Nixon, who had returned from Key Biscayne, Florida, dictated the message to Kennedy. (Ibid., White House Tapes, Conversation 34–15)

³ Document 139.

to order that tomorrow prior to the next meeting. I would like your recommendation on this. In any event we should have the whole salvo ready to go when the talks break down, if they do.

The better course from the standpoint of the situation here would be to have it appear that the talks are continuing while at the same time we, by our stepped up military actions, show our intent to see this thing through. On the other hand, if it works out that the North Vietnamese are totally intransigent, then we have no other choice but to let the talks break off. As I see it, the problem of my addressing the American people is different now from the situation at the time of Cambodia and May 8. In both of those instances they saw reason to hope that there was light at the end of the tunnel. This time, after the buildup of expectations in this country, it would appear as just a continuation of more of the same. I have no problem in continuing and stepping up the bombing of the North. I think, however, that the option of raising this to the Presidential level forces the Russians and the Chinese to react, would get at best a mixed reaction here in the U.S., and might make Saigon more difficult to deal with than they presently are.

Warm regards.

End of text.

When he dictated the above message, the President was aware that Mr. Kissinger may request a postponement of the next meeting until Wednesday⁴ and feels this is a wise course if Mr. Kissinger wants to pursue it.

Warm regards.

⁴ December 6.

142. Editorial Note

Between the first full session of the December negotiating round in Paris on December 4, 1972, and the second full session on December 6, the American contingent in Paris debated the next step with the White House group. President's Assistant for National Security Affairs Henry A. Kissinger led the Paris contingent, which also included President's Deputy Assistant for National Security Affairs Alexander M. Haig, and staff members of the National Security Council, while President Richard M. Nixon led the White House group, which included Assistant to the President H.R. Haldeman, Counsel to the President John D.

Ehrlichman, Special Counsel to the President Charles W. Colson, and National Security Council staff member Richard T. Kennedy.

After the first session on December 4 (see Document 139), Kennedy sent a message to Kissinger that included a note from the President that reads as follows: "I know how difficult these negotiations are and I have every confidence in your judgment and ability to bring this to a successful conclusion if at all possible. We must adhere to the honorable course and the negotiating Option 2, which you recommended, is just that." Kennedy went on to write:

"The President then asked Mr. Kissinger's judgment on the following:

"—Whether we should alert Admiral Moorer to be ready to move immediately. He would do this so that no time would be lost after a break but only if this would not be harmful to the negotiating situation there. He would do it if it could be in any way helpful. He realizes that most of the forces are already in place and thus it could only give a limited visible signal. But when alert was issued the word would get out and send a signal in that way.

"—Whether it would be useful to delay the next meeting for two days instead of one as Mr. Kissinger is now considering and in the interim for Mr. Kissinger to return for consultation. He realizes that this would be a strain on Mr. Kissinger and would generate intense press speculation. On the other hand he suggests that it would be a further evidence of the painstaking and serious way in which all issues and positions have been examined and discussed.

"The President emphasized that as to both of these thoughts he only wanted Mr. Kissinger's judgment and would rely on it." (Message Tohak 28 from Kennedy to Kissinger, via Guay and Haig, December 5, 0515Z; National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Tohak 1–100, December 3–13, 1972)

Kissinger replied:

"I don't believe there is a need to talk to Admiral Moorer until I get back. We are ready to move militarily on very short notice in any event. I believe suspension of the negotiations for a couple of days and my return to Washington would generate a crisis atmosphere that would only work against us and strengthen Hanoi's hand. The postponement of the meeting until tomorrow should allow enough time for any help we might get from Peking and Moscow as the result of our representations and give Hanoi enough time to reconsider where we are.

"Assuming the negotiations do break off, here are my further thoughts on our course of action. We will have to take the initiative both on the military front, by drastically stepping up the bombing, and

on the public relations front, by seizing the initiative with respect to explaining the negotiations. I should of course give a detailed briefing on the negotiating record which I will make as impeccable as possible from our standpoint before any breakdown. We have a strong case.

"I still believe however that precisely because we are at a critical juncture we will need a personal address by you to the American people. We obviously face a major domestic problem and we should start out strongly in order to get on top of it—especially as we can expect Hanoi to launch a broadside. Thus I think it is imperative that you talk briefly for 10 to 15 minutes with calmness, reasonableness and determination. I would then follow up next day with the details of the record. I fully agree with you that the American people must be given hope that this situation is not open-ended and that we are close to the end of our involvement. This you can do in your address by stating clear achievable objectives which would essentially add up to trading the end of our involvement for the release of our prisoners. We would say that we had made a maximum effort to arrange a comprehensive peace for all parties but that it proved impossible to get the Vietnamese together. It was now up to them to settle their issues. This seems to be what Thieu prefers and the extra time we have bought and will buy would allow the GVN to survive on its own. As for Moscow and Peking, we will in any event face problems with them, and your message can be phrased so as not to directly challenge them. As always, we will have to work intensively with them behind the scenes." (Message HAKTO 13 from Kissinger to Nixon, via Guay and Kennedy, December 5, 1435Z; *ibid.*, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (1))

With the ball in its court, the White House group discussed Kissinger's reply and considered a course of action. Haldeman recorded the December 5 Washington deliberations in his diary:

"Then got into the Vietnam problem and wanted to discuss it in some detail. The question of whether he should go on TV or not. He had K's cable, which pushed hard on his going on again. Also, he got word that today's meeting had been canceled. They were going to meet tomorrow.

"This led to a discussion later in the day with Colson on the same subject. He had Colson read the cable and discussed it. Chuck felt as I do and as the P does, that he should not go on. You can't rally the people again, and so on. Then he told me to go over this with Connally before his meeting with John [Ehrlichman], which I did. He also had Ziegler go over it, on the basis of whether there is anything that the P can say now that's new. The question is—who is to blame for the breakdown? K wants the P to blame North Vietnam and then pick the thing up. The P's concern is that this just ties him in with a failure and doesn't

really accomplish anything. Connally felt the same, after we had talked about it a bit. He feels that this is going to be a serious blow to the American people, when we can't rely on the translation excuse, and that TV's not the answer. If there is an alternative, we should low key it as much as possible as being an interruption, not a breakdown or a breakoff. K has to take the heat, not the P, but he should not do it in despair or frustration. He should make the point that they have backed off. So then the P told me to send a message to K to tell North Vietnam tomorrow, first, that it's his belief now, that—in view of the fact that North Vietnam's renegeing on the October 26 agreement and their intransigence—that the P will be able to get funds from Congress to continue military action and military and economic support for South Vietnam. Also, that we should avoid a dramatic breakoff by us, should treat it as a case where we reached an impasse at this time, and each side has gone back for consultation; we'll resume when it appears productive to resume. Indicate it's the unanimous opinion here that it would be a mistake to break it off and the P to go on TV with chapter and verse as to why the negotiations have failed. Instead, you should go as hard as you can. If you can't do it, go home and consult further to see what the next course is, without saying anything regarding a short military step-up. K should do a very short, matter-of-fact briefing, not with huge buildup. Say North Vietnam backed off their commitment, we'll bargain in good faith whenever they're ready. Don't use the translation excuse. They insisted on North Vietnamese forces in South Vietnam and a formula that they interpret as a coalition government, which we cannot accept. The P should not get into any details, nor should K—we're in the Christmas season now, people feel good, and so on, they don't want to hear all this. We should keep the hopes alive. We need to get K into a different frame of mind. We can't rally people back to negotiations that failed. K's TV idea would be a mistake. A briefing by you [Kissinger], at low key, is the way to handle. As a bargaining point, make the point that the P now believes that he can get the funds from Congress. I should cover all these points in the message; that he must not assume that the gun is there to be fired. Henry's got to be turned off on dealing with this, so that he won't take the position when he gets in the meeting with North Vietnamese and lock the P into it. The P called me later and said that I should add to the cable a thing that says 'Incidentally, the P and all of us here, feel that any discussion of your resignation is totally out of order,' and then he agreed that it be razed. K is overdramatizing that whole thing." (*Haldeman Diaries: Multimedia Edition*, December 5) Haldeman drafted a message based on the President's instructions and sent it to Kissinger. (Message Tohak 49 from Haldeman to Kissinger, via Kennedy and Haig, December 6, 0228Z; National Archives, Nixon Presidential Materials, NSC Files, Kissinger

Office Files, Box 27, HAK Trip Files, HAK Paris Trip Tohak 1–100, December 3–13, 1972)

Kissinger replied: “We had better face the facts of life. If there is no agreement in the next 48 hours, we may be able to pretend that the talks are in recess long enough to permit me to give a briefing after my return. But soon after there will be no way to keep either of the Vietnamese parties from making the stalemate evident. Furthermore if we resume all-out bombing this will be even more true. Thus in the event of a stalemate we have only two choices: to yield or to rally American support for one more effort which I do not believe the North Vietnamese can withstand. If we are to attempt to rally the American people only the President can adequately do that eventually. But if it is your judgment that I should go on first, I will of course be glad to attempt it. We can then discuss the President’s possible involvement later.” (Message Hakto 15 from Kissinger to Haldeman, via Haig and Guay, December 6, 0929Z; *ibid.*, Box 858, For the President’s Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (1))

143. Message From the President’s Deputy Assistant for National Security Affairs (Haig) to Richard T. Kennedy of the National Security Council Staff¹

Paris, December 6, 1972, 0115Z.

Hakto 14. 1. In order to be fully prepared for possible contingencies please have Stearman compile, on an urgent basis to be available by opening of business Thursday a.m. December 7, a meticulously compiled summary of intelligence starting from October 8 which reflects Communist duplicity with respect to their intention to abide by the provisions of the draft agreement. The compilation should be structured in the following way:

A) A detailed tabbed compilation of all reports reflecting such things as instructions to cadres designed to circumvent the spirit and intent of the agreement; discussions with foreign diplomats; or reports of conversations; intercepts; specific reports on the movement of man-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President’s Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (1). Top Secret; Sensitive; Eyes Only. Sent via Guay. Written on December 5.

power, equipment and logistics which would suggest flagrant violation, etc.

B) The reports should be structured for public presentation rather than strategic analysis. Thus major emphasis should be given to the most flagrant manifestations of deceit or subterfuge.

C) My recollection is that initially there were many reports urging violations for the 48-hour period following the ceasefire. Subsequently the thrust of intelligence reporting suggested a calculated abrogation of the terms of the agreement which would extend well beyond that period. It is important that the more reliable, and hopefully more flagrant, reports of abrogation be at the top of the stack. On top of the raw material should be a detailed summary of each report referring to the tab which contains the raw report. Finally, on top of the detailed summary should be a more sophisticated and briefer summary which reflects the specific character of Hanoi's deceit. Stearman should harness whatever in-house help is required for this task. Great care should be exercised not to generate a large bureaucratic drill which would result in leaks on the fact that we had undertaken the effort. This is an absolutely essential aspect of the exercise.

2. Call Admiral Murphy and inform him that the President wants, on a most close-hold basis and using a tightly controlled JCS planning group, an immediate target-planning effort against North Vietnam. The results of this effort should be available for Dr. Kissinger at the opening of business Thursday morning. It is essential that the targeting be done in an integrated conceptual way and you should personally call the Acting Chairman and Admiral Brownell² on the secure line so that they have the first-hand benefit of the President's thinking. Thus you will want to speak to both Colonel Taylor and Admiral Brownell to be sure there is no slippage in between. The following planning framework should be adhered to:

A) The first group of targets to be hit by fighter bombers and B-52s should include: Radio Hanoi and all known operative power plants in the Hanoi/Haiphong complex to be followed by other operative power plants in other areas of North Vietnam especially those north of the 20th parallel. Among the power plants to be struck is the one mentioned by the Chairman to Dr. Kissinger which is situated near a dike complex. Full concentration should be placed on the above target complexes until they have been completely neutralized with diversions authorized only for essential route reconnaissance work.

B) The second category of targets should be transportation targets in the Hanoi area including those on the priority list which have hereto-

² Presumably a reference to Captain Stuart M. Brownell, Head of the Mine Warfare Branch, Directorate of Surface Warfare, USN.

fore been restricted. Within these list of targets we should also carefully assess the Haiphong area with the view towards eliminating docks and port facilities which can be precisely struck without damage to foreign vessels. In addition to the foregoing, the JCS should prepare a plan to reseed the magnetic mines commencing as early as Saturday, December 9. They should be set for a life of four months. Finally, a target list should be prepared as a separate priority target complex which contains all key targets within the former 25 mile buffer zone up to a newly established buffer of 5 miles from the border with the PRC. It is recognized that this target list will be a substantial one which would take considerable time to cover with a continuing requirement for constant restrikes.

In disseminating the tasks outlined above the following conceptual criteria should be emphasized: the strike plan which may be authorized in the immediate future must be so configured as to create the most massive shock effect in a psychological context. There is to be no dissipation of effort through scattered attacks against a number of varied targets, but rather a clear concentration of effort against essential national assets designed to achieve psychological as well as strategic results. For example, the first priority targets which include Radio Hanoi and power plants should be decisively dealt with before the next priority targets are undertaken. B-52's should be employed in the Hanoi area as close in as can be reasonably risked. We will need specific recommendations along these lines together with the target lists on Thursday morning. In any event, however, the first effort during the month of December should be for the first package outlined above which is primarily psychological in character. We cannot permit purely military considerations such as long-term interdiction, etc. to dominate the targetting philosophy. Attacks which are launched when the weather permits must be massive and brutal in character. No other criteria is acceptable and no other conceptual approach will be countenanced. Command and control is an essential aspect of this plan. Air Force assets, due to their more sophisticated technological capabilities are best suited for many of the high priority targets. You should not get into this problem in the initial planning which is to be completed by Thursday morning, but you should be aware that we visualize a revised command and control system which will place responsibility for the air war in the North and in the South as well as in Cambodia and Laos under MACV in much the same context that the B-52's are now under Vogt's control for targetting purposes. However, this is a problem of some magnitude which you should not try to take on tomorrow. Please ask Jon Howe to work closely with Blackie Burnell so that we have as good a plan as can be developed in the brief period. You should also have available Thursday morning the other contingency measures

which were developed in the Haig/Howe/Burnell/Carver planning group.

Warm regards.

End of message.

144. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, December 6, 1972, 1850Z.

Hakto 17. Please pass the following message as soon as possible to the President. It is imperative that it be read and we get a response as soon as possible. *Begin text.*

1. We held a brutal five-hour session this afternoon at our location.² Both sides reviewed the present negotiating situation and essentially stuck to their positions. I again emphasized your willingness to make a settlement but only if we got the changes needed to undertake the necessary massive effort with Saigon. Their position remained essentially as it was on Monday, i.e., offering us the choice of returning to the October agreement or exacting concessions from us in exchange for any changes they would accept. All their proposed changes are unacceptable. At the end we decided to make one final effort tomorrow in which I told them we would present our absolute minimum conditions on a take-it-or-leave-it basis. Tho held to his position that there would be no changes in the provisions of the agreement, but that we could discuss "details". We will meet at 1500 at their place.

2. In my view the absolute minimum conditions we need are the following:

—We must maintain all the changes we achieved last week. This in itself will be a murderously tough accomplishment, since Tho said that some of them were substantive and not matters of "details".

—Obtain the correct translation for "administrative structure" so as to make clear that the Council is strictly nongovernmental.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (1). Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Guay and Kennedy.

² A memorandum of conversation of the meeting, 10:40 a.m.–3:50 p.m., is *ibid.*, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [3 of 3].

—Add a three-month target date for the demobilization provision to bring it into line with the political provisions and give Thieu some bargaining leverage.

—Add a provision in the chapter on North-South relations that North and South Vietnam will not use force against one another.

—Retain the prisoner chapter as it was in October, i.e. leave the question of South Vietnamese civilian prisoners to the South Vietnamese parties themselves and not link it in the agreement to our men. This will be extremely difficult, as Tho is obviously under tremendous pressure from the Viet Cong on this issue.

—Make the ceasefire in Laos more simultaneous with the Vietnam one, e.g. 15 days later.

—Get the international supervision machinery in place by the time of the ceasefire.

—A compromise formula on the preamble in which the document we would sign would include the title of the PRG, but the document to be signed by the GVN would not.

In return for the above, and in order to allow Tho to say that he got some changes from us, I would offer:

—Some language concerning the withdrawal of American civilians engaged in military activities which DOD has approved.

—A sentence stipulating that North and South Vietnam will discuss the modalities for crossing the DMZ, which I believe we can keep innocuous.

3. I would present this package as our final rockbottom position. You must understand, however, that even maintaining the changes of last week will be extremely difficult, and getting the above package I consider nearly impossible. Furthermore, even if we were to get all of this, Saigon is almost certain to refuse the agreement. In sum, the outcome would be that we would have improved the October agreement, by strengthening the DMZ, reaffirming the Geneva Agreements with respect to Laos and Cambodia, making easier military aid replacements, improving the tone of the document with respect to U.S. obligations, deleting the reference to only three countries in Indochina, making clear in Vietnamese that the Council is not a government, adding a three-month target date to the demobilization provision, a faster ceasefire in Laos, international machinery in place at the time of the ceasefire and some other technical changes. We will have also bought the GVN several weeks to get ready for the ceasefire and given them over a billion dollars in sophisticated military equipment. Nevertheless, and despite our consultations and guarantees over the past weeks, we can be certain that even this modified agreement will be rejected by Saigon, which has dug itself into the position of demanding what amounts to

surrender by the other side. You must therefore realize that if you authorize me to proceed along the above lines and we succeed, you will face a major confrontation with the GVN. Unless you are prepared to undertake such a confrontation you should not instruct me to follow this course.

Moreover, as I have consistently told you since mid-September, this is a very high risk operation. The eventual outcome of any settlement will essentially turn on the confidence and political performance of the two sides. Having seen the total hatred and pathological distrust between the Vietnamese parties, and knowing as well that Hanoi has no intention of giving up its strategic objectives, we must face the reality that this agreement may lack the foundation of minimum trust that may be needed. Thus it could well break down. It will certainly require from us a posture of constant readiness and willingness to intervene to keep Hanoi and its South Vietnamese allies from nibbling at the edges along the lines of your commitment to Duc.³

4. At the same time you must consider whether we want an agreement at this time at all. Even the October agreement was a good one if Saigon were to pursue it with energy and drive for a political victory, in the context of close cooperation and backing from us. Similarly any agreement that it is possible to obtain given the existing realities on the ground won't succeed if Saigon treats it as a forerunner of doom. Therefore unless the GVN does a major turn-around in its attitude, it could easily collapse. We can be sure that Hanoi and its southern allies will be relentless in the pursuit of their objectives.

5. If the negotiations break down tomorrow we will have to resume massive bombing and take the position that our only objectives henceforth will be U.S. military disengagement in return for the release of our prisoners; we would have proven that it is impossible to negotiate a more comprehensive settlement because of the implacability of the two Vietnamese sides. I believe we could obtain a prisoner for military disengagement deal by next summer, but only if we keep up the bombing since we have too few assets in South Vietnam to offer a deal worthwhile to Hanoi. If we are willing to pay the domestic and international price, rally the American people, and stay on our course, this option has fewer risks than the other one, given the GVN attitude. If you decide on this, tomorrow I can easily bring about a stalemate by insisting on a clause which would imply the removal of North Vietnamese troops. I am clear that Tho would not agree to this. We would then have a perfect record of having gone the extra mile in the negotiations, with the agreement foundering on two issues: first, the North Vietnamese

³ See Documents 131 and 134.

insistence on their right to maintain troops in the South and permanently intervening; and second, Hanoi's having tricked us on the translation of "administrative structure". Indeed, given the intransigence of the DRV this week, this is likely to be where we end up even if we present the bare minimum position outlined above. You will be able to judge the political price of such a course. As to the outcome, it would not be better next summer but the aspect of confrontation with Thieu would be reduced.

6. Accordingly, we are at the crossroads and I would be extremely grateful for your instructions on two questions. First, should I make one last attempt to get an agreement or should I stalemate the talks? Second, if I try for the agreement, do you approve the minimum position I have outlined?⁴

Warm regards. *End text.*

⁴ In the evening Kissinger briefed senior South Vietnamese officials—Pham Dang Lam, Tran Kim Phuong, Nguyen Xuan Phong, and Vuong Van Bac—on his meeting with Le Duc Tho. A memorandum of the meeting is in the National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [2 of 3].

145. Message From President Nixon to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, December 7, 1972, 0511Z.

Tohak 71. Deliver immediately.

The following is a message from the President to Dr. Kissinger:

After reading all your messages, I am again enormously impressed by the skillful and dedicated way that you're handling a terribly difficult situation.

Before a decision of this importance is made, it is imperative that I talk with you personally. To accomplish this goal, I suggest that you start tomorrow's session by saying that the President has read all of your messages and a full transcript of the conversations to date. He is,

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (1). Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Kennedy, Guay, and Haig.

frankly, shocked by the total intransigence of the North Vietnamese and particularly by the fact that they have backed off of the commitments they made in the meeting of October 26.

Then, I want you to go down a list of specific questions on all of the proposals that are contained in your minimum position contained in your last message² adding to it the specific question about whether they will agree to any language covering the withdrawal of North Vietnamese forces from South Vietnam. I assume that their answers to virtually all of these questions will be negative, but the purpose is to make the record clear once and for all.

I then want you to ask them what is their final offer.

You will then tell them that you will report the answers they have given to the President directly and then you will contact them as to the time and the conditions for further meetings.

I am totally convinced that our breaking off the negotiations by making a demand for them to withdraw their forces from South Vietnam which we know in advance they will reject, would be a disastrous error on our part. If the negotiations are to be broken off, it must be absolutely clear that they were responsible for breaking off the negotiations rather than we.

I also am firmly convinced that we should not paint ourselves into a corner by sayings like “this is our last offer,” or “this is our final meeting.” Leave a crack of the door open for further discussion. You can indicate, of course, that the offer you are making which should be option I of your last message to me, is the only one you believe I will approve, but beyond that, I would not indicate that this is the final offer and that if they don’t take it you’re going to break off negotiations and that they will have to take the consequences of military activity.

I want you to give them every opportunity to accept the first option of your last message to me. I agree with you that the possibility of their accepting it is quite remote, but they should be given every opportunity to accept it or reject it. But what is absolutely imperative is that we are not put into a position where we break off the talks—that will play directly into their hands and will be fatally damaging to our domestic position in this country. I realize that you think that if I go on television that I can rally the American people to support an indefinite continuation of the war simply for the purpose of getting our prisoners back. I would agree that this is a possibility at this time. But, that can wear very thin within a matter of weeks—particularly as the propaganda organs—not only from North Vietnam, but in this country, begin

² Document 144.

to hammer away at the fact that we had a much better deal in hand, and then because of Saigon's intransigence, we were unable to complete it.

On the broader subjects which you and I must discuss at length when we meet, but where a decision does not have to be made right now, we have to weigh the option of taking the heat for massively increased bombing for 8 months for the limited purpose of getting our prisoners back. This action carries with it the high possibility that South Vietnam, in that period, will collapse due to the fact that we may well have the Congress, despite all our efforts, cut off military and economic assistance to Saigon as the story unfolds that Saigon's intransigence was really the cause for the break up of the talks.

As against that option, we must weigh a course of action in which at its worst we would simply decide what was necessary to offer the North Vietnamese to get our prisoners back now and get out now and take the risk of the collapse of Saigon occurring now, rather than waiting until later. This is something we will of course do everything we can to prevent. Whether continuing the bombing for the sole purpose of getting our prisoners back is going to be worth the cost in terms of what it will do to our relations with the Congress, to our support in the country, domestically, and to our relations with the Chinese and the Russians, are also factors that we have to consider.

However your meeting comes out today, if it does not end in a settlement, and of course I know and agree with you that there is a very remote possibility that you will make a breakthrough on the settlement side, we will embark on a very heavy bombing in the North. But we are going to do it without a dramatic television announcement of it. The thing to do here is to take the heat from the Washington establishment, who know the difference, for stepping up the bombing which will occur for a few days, and simply act strongly without escalating publicity about our actions by what we say about them.³

End text.

Warm regards.

³ In message Haktó 18, December 7, 1123Z, Kissinger replied to Nixon: "Your instructions are understood and will be followed. However, I believe the tactical sequence in carrying them out should be different. At this afternoon's session I will first push for Hanoi's acceptance of our minimum position which you approved (option 1). If Le Duc Tho rejects this position I will ask the series of questions you have listed in the first paragraph of your message to me including the one about withdrawal. I will then ask for a recess to enable me to return to Washington and consult with you, following which we will be in touch with them next week on when to resume. I believe it would be a serious mistake to launch today's session with the questions since this process would be likely to result in an outright rejection and place us in a stalemated position at the outset of the session." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Tohak 1–100, December 3–13, 1972)

146. Message From the President's Deputy Assistant for National Security Affairs (Haig) to Richard T. Kennedy of the National Security Council Staff¹

Paris, December 7, 1972, 1337Z.

Hakto 20. 1. Henry recognizes that you have been in a difficult position this week and therefore felt you should have the benefit of his personal views on the situation as it now stands. I would emphasize that his experience with the President during crisis periods confirms the fact that most of the President's counsel in the absence of Dr. Kissinger would come from elements within the White House whose orientation and background would cause them to focus primarily on public relations considerations which, while perfectly understandable, can leave a serious substantive gap during vital deliberations.² The simple matter is that substance, our national security and foreign policy considerations must be the determining factors in shaping the right course. In substantive deliberations, public impact, Congressional attitudes and popular opinion are essentially irrelevant. You, of course, must be the sole source of substantive counsel. Henry hopes that you will not make any other kind of assessments or join in any comments, Congressional attitudes or public opinion which are available to the President from people whose tasks are precisely that. Your counsel must therefore always be in terms of national security substance. In this context it is now evident that we will need some time to position the public opinion at home in the event the talks break down. But there is no need to allow these considerations to affect our strategy vis-à-vis Hanoi. Hanoi has known for some time what the issues are and what minimum needs of ours they must meet. The question is simply: can they bring themselves to do so? Tactical ploys from our side indicating that we are inclined to avoid facing up to the fact of their intransigence can only make matters worse and their resolve to hang tough even firmer. In this same context we can never lose sight of the fact that Moscow and Hanoi could be collaborating closely on the tactics Hanoi is now pursuing. It is, therefore, dangerous to emphasize in your discussions with the President tactical

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (1). Top Secret; Sensitive; Exclusively Eyes Only. Sent via Guay.

² Kissinger later recalled: "I could picture Nixon, cut off from the most knowledgeable senior advisers, all of whom (including Haig) were with me. He would ruminate, writing out the issues on his yellow pad, all the while showered with the advice of his public relations geniuses. Richard Kennedy, who was holding the fort for me, though not an expert on Vietnam, was meticulous and precise. I . . . asked Haig on December 7 to send him a summary of the situation so he could exert a steadying influence." (*White House Years*, p. 1433)

advice to us from Dobrynin which may in fact be the result of Moscow's collaboration with Hanoi.

At this point the simple facts are these: Hanoi knows exactly what they have to do. If they meet our minimum demands the management of the agreement itself is going to take the most determined and decisive Presidential leadership to enforce an agreement which we are now convinced both sides will enter into with a minimum of good will. If, on the other hand, the talks break down because Hanoi could not even accept our minimum demands, there is little doubt that we can succeed only as a result of the most courageous and determined national leadership which is not dominated by PR considerations but rather the same realistic assessments of the national interest which have brought us to this point in the Southeast Asian milieu.

2. I have attempted to capture the essence of Henry's thinking for you at this important juncture so that you will be armed with it in whatever discussions you may have today or tomorrow with the President. This advice may appear pedantic; this is not my intention. I do believe that it may be of some help for you to have Henry's thinking on the strategic aspects of our current dilemma.³

Warm regards.

³ In message Tohak 81, December 7, 1626Z, Kennedy replied to Haig: "You may be sure that I have been guided by precisely those views in my discussions with the President. I have tried to emphasize that we cannot put ourselves into a position where we are perceived as moving from a position of weakness. The President has stated in the most categorical terms that this is his view as well." (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 49, Geopolitical File, Vietnam, Peace Talks, Chronological File, 1 Nov.–15 Dec. 1972)

147. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, December 7, 1972, 2133Z.

Hakto 24. Please forward the attached message from Dr. Kissinger to the President immediately.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (2). Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Haig, Guay, and Kennedy.

1. Today's meeting lasted four hours.² Le Duc Tho started out by insisting that we return to the full text of the October 26 agreement. I then gave a very tough rebuttal and presented our minimum position which Le Duc Tho, in turn, rejected in every respect. Le Duc Tho then reviewed the nine substantive concessions they had agreed to at last week's session and then withdrew earlier this week. He accepted six of them. The change pertaining to Laos and Cambodia he accepted with an alteration which is actually favorable to us. With respect to the demilitarized zone, as a condition for accepting our new language they insist on the addition of another phrase which has the effect of not only neutralizing our addition but of actually placing into question the whole status of the DMZ.

As for the ninth substantive change of last week, Le Duc Tho insisted on return to the original language of Article 1 which highlights the singular United States' obligation to respect the independence, unity, etc. of Vietnam and carries the implication of our not having done so in the past. Last week he had agreed to generalize this article for all countries. Tho also remained adamant on some mention of the PRG in the preamble of the agreement. On the other hand, he confirmed that they would compress the time between the ceasefire in South Vietnam and that in Laos, and dropped their request that South Vietnamese civilian prisoners be released as part of the agreement. They could reopen the latter change as *quid pro quo* for giving us any further changes.

2. We are now at a point where we may be able to get one or two of our minimum conditions at tomorrow's session, perhaps in return for our concession to return to the original language of Article 1. But this is not the major question. The agreement in October was workable. The changes we have gotten since then have improved it. The problems we would face if we settle cannot be fixed by specific clauses. They have to do with the attitudes of South and North Vietnam. With respect to the South, the agreement would be sound if the GVN accepted it enthusiastically and implemented it positively. It is another matter if they consider it an enormous defeat and are dragged into it. As for the North it is now obvious as the result of our additional exploration of Hanoi's intentions that they have not in any way abandoned their objectives or ambitions with respect to South Vietnam. What they have done is decide to modify their strategy by moving from conventional and main force warfare to a political and insurgency strategy within the framework of the draft agreement. Thus, we can anticipate no lasting peace

² A memorandum of conversation of the December 7 meeting, 3–7 p.m., is *ibid.*, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [3 of 3].

in the wake of a consummated agreement, but merely a shift in Hanoi's *modus operandi*. We will probably have little chance of maintaining the agreement without evident hair-trigger U.S. readiness, which may in fact be challenged at any time, to enforce its provisions.

Thus we are now down to my original question: is it better to continue to fight on by scuttling the agreement now; or be forced to react later, vindicated by the violation of a solemnly entered agreement? Were we to opt for the former, I can with ample justification recess the talks tomorrow on grounds that would leave us in a good public position, emphasizing Hanoi's absolute unwillingness to give us any assurance on the issue of their troops in the South or to even accept modifications to the text of the agreement which would establish the principle of nonintervention in the future. If on the other hand we opt for an agreement, we would then have to be prepared to react promptly and decisively at the first instance of North Vietnamese violation. I raise these issues not because the agreement itself is bad but because the balance of existing forces cannot get us a better agreement; no war in history has been settled on better terms than the reality of forces on the battlefield could justify. Nor can our worries be fixed by specific provisions at this point. The GVN approach and our vigilance are the key factors.

Thus at this juncture we are at a critical decision point. Whichever way we turn the implications and, more importantly, the obligations are clear.³

We are scheduled to meet again at 3:00 p.m. tomorrow at the location designated by our side. I would appreciate receiving your instructions. *End text.*

Warm regards.

³ In a meeting later that evening, Kissinger briefed senior South Vietnamese officials on the day's session with Le Duc Tho. A memorandum of conversation is *ibid.*, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [2 of 3].

148. Defense Intelligence Estimates Memorandum Prepared in the Defense Intelligence Agency¹

DIEM 17–72

Washington, December 8, 1972.

VIETNAM CEASE-FIRE: A NEW CHALLENGE FOR NORTH VIETNAM (U)²

In this Memorandum, we examine the effect of a truce on North Vietnam's goal of uniting Vietnam under a communist government and estimate Hanoi's most likely courses of action in South Vietnam in a cease-fire environment. (C)

Summary and Conclusions

A. (S) A cease-fire in the Vietnam War is unlikely to affect Hanoi's principal goal in Indochina—control of a unified Vietnam. Strong North Vietnamese forces will presumably remain in control of areas they occupy in the South. Some will be retained as integral units; others may be "camouflaged" in various ways.

B. (S) Under the cease-fire, however, the communists will shift from conventional to "clandestine" warfare. Primary emphasis will be on political, psychological, propagandistic, and subversive efforts to weaken the support for and the influence of the well-entrenched Saigon government. These efforts will be time-phased over a year or two to accommodate to changing circumstances and opportunities. During the first several months, Hanoi will probably have compelling reasons to avoid major cease-fire violations, but later on will almost certainly undertake a more intensive campaign to demoralize the South Vietnamese government, induce massive civilian and military defections, and show the people that their only means of survival lies in casting their lot with the communists.

C. (S) Hanoi's objectives are likely to be at least partially achieved by these means. Should the North Vietnamese regime be dissatisfied with the results, however, it would retain the option of resuming con-

¹ Source: Washington National Records Center, OSD Files: FRC 330–75–0125, 381, Vietnam. Secret. The memorandum was not coordinated with other intelligence agencies and was approved by Brigadier General Daniel O. Graham, USA, Deputy Director for Estimates, DIA. A copy was sent to the National Security Council. (National Archives, Nixon Presidential Materials, NSC Files, Box 113, Vietnam Subject Files, Vietnam—Ceasefire 1972)

² This paper focuses on North Vietnamese policies and actions in the South in a cease-fire environment, since Hanoi controls the communist movement there. It takes into account, however, that southern communists will play an important role in executing North Vietnamese policy directives. [Footnote is in the original.]

ventional military operations. In this event, without continued direct external military aid and support, South Vietnam's chances of successfully resisting would probably be, at best, only even.

[Omitted here is a detailed narrative on which the summary and conclusions are based.]

149. Message From Richard T. Kennedy of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Haig) in Paris¹

Washington, December 8, 1972, 0515Z.

Tohak 91/WHP 212. The meeting with the President on the plans developed based on the guidance in your Hakto 14 took place this afternoon at 3 o'clock as scheduled.² Admiral Moorer and Mr. Rush participated. The JCS plan which was developed followed your guidance with only some minor shift in the scheduling of certain targets between categories 1 and 2 which had the purpose of concentrating on areas such as Hanoi, Haiphong rather than just specific types of targets. The entire plan would be completed in seven days, weather permitting, and then continuing action would be repetitive strikes on those targets and shifts to other possible targets. Mining would be accomplished in all the deep water ports. The plan includes new targets not previously attacked and is designed to accomplish the maximum psychological shock. B-52s are scheduled on a continuing basis, principally against targets in the Hanoi area. The docks were selected for a visual attack using guidance bombs. The President was of the view that the bombing and mining clearly had some effect in the past and this was confirmed by Admiral Moorer. The President wanted to be sure that the air fields including Gia Lam would be hit and Admiral Moorer confirmed that they could be. He said that the commercial field could be done in a way which would avoid damaging the commercial aircraft that might be there. Admiral Moorer pointed out the unfortunate truth that this is a very bad weather period ahead in which only one-third of the time

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Tohak 1–100, December 3–13, 1972. Top Secret; Sensitive; Exclusively Eyes Only. Written on December 7.

² A memorandum of conversation of the meeting, which began at 2:55 p.m., December 7, at Camp David, is *ibid.*, Box 1026, Presidential/HAK MemCons, May 1971–Dec. 1972. Hakto 14 is Document 143.

could we expect a six hour window in a given day. So a heavy concentration of targets has been selected for all weather attack by B-52s, F-111s and A-6s. The plan would call for a minimum of 825 strike sorties for the initial attack phase. These would be drawn from four attack carriers, land based tactical air and B-52 resources.

The President emphasized he was looking for new thinking and Admiral Moorer pointed out that a significant number of the targets had never previously been attacked. I added that we also had a number of other operations for which we had plans. Admiral Moorer confirmed this. The President had in mind amphibious assaults, ways to cut the pipeline, etc. Admiral Moorer said he would continue to refine the plans and the President seemed satisfied that we could have a major attack within 48 hours of an order if it was desired and weather is acceptable. There were no decisions made and nothing has been ordered. The President indicated he just wanted to know what was possible. We have some refinements to suggest but thought it better to wait until your return to push this any further. The President took the opportunity in this meeting to get the views of Mr. Rush and Admiral Moorer on possible courses of action emerging out of the talks. Both believe that we should try to get an agreement even if it appears Thieu won't go along. If we do not, they believe we would have serious difficulty and likely fund cut-off for both assistance and military activity by June 30. Both believe that because of what we have done for South Vietnam up to now, especially May 8, our national honor will be preserved and that the October agreement with improvements meets all of the President's May 8 requirements.³

Warm regards.

³ Moorer's diary entry of December 7 at 2:45 p.m. contains this characterization of the meeting: "We discussed the Contingency Plan and the President seemed to be pleased with it. He also seemed to want some company. He must be lonely and wanted someone to reassure him that we were doing all right and to discuss some things that we might do. It was a very pleasant visit." (National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974)

150. Message From President Nixon to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, December 8, 1972, 1440Z.

Tohak 97/WHP 216. Deliver at opening of business.

Please pass following message from President to Dr. Kissinger:

Begin text.

After reading your message² and getting the report of your conversation with Haldeman I was pleased to note that you independently had reached the same conclusion I had.³ I have decided that we should go forward with the second option with the only condition being that the agreement we get must be some improvement over the October agreement as you have indicated it is.

I am completely aware of all the problems we will have in getting agreement from Thieu and in policing the agreement if it is reached, however I believe the risks of the other option of breaking off the talks and escalating the bombing are far greater.

You are correct in placing so much emphasis on the necessity for Thieu to be positive in his reaction. I realize that it will be monumental problem to achieve that kind of reaction from him—but of equal importance is for us to be firm and positive now that the decision has been made and we have determined to go on this course. There must be no turning back and we will tolerate no second guessing from others.

In your talks tomorrow, without being belligerent, you should point out in a low key, if you think wise, that the President is prepared to accept either course of action and will not allow political consider-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Tohak 1–100, December 3–13, 1972. Top Secret; Sensitive; Exclusively Eyes Only. Sent via Kennedy, Guay, and Haig. Written on December 7. This is a corrected copy of Tohak 90.

² Document 147.

³ Haldeman recorded an account of the December 7 telephone conversation in his diary: "Then immediately he [Kissinger] said, basically, I wanted you to know that I'm in favor of going ahead, but I did want to warn about the implications involved. Then I said, well you're clearly making some progress in the negotiations and it looks better, doesn't it? And he said, yes, we're slowly getting there, and if we all know what we're getting into, it's the right thing to do, but it's not the millennium. It will be a better agreement than October would have been. We still have the option, though, of going the other way, and he wants us to know that then we can do it by putting the heat and the blame on the others, as he spelled out in his message. Basically, he thinks the course the P suggests is the one he favors. If we don't quite make it, he'll recess in order to consult. I asked him how he saw the timing working out, and he said it's a question of whose nerves hold out the longer." (*Haldeman Diaries: Multimedia Edition*, December 7)

ations to enter into his decision in any way as evidenced by his two-hour meeting today with the Chairman of the JCS.⁴

I strongly feel you should press for a settlement taking whatever time there you feel necessary then going for a recess unless there is something very substantial to be gained from a recess. If there is a recess, it should be 3–4 days at the most.

Warm regards.

End of text.

Warm regards.

⁴ See Document 149.

151. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, December 8, 1972, 2135Z.

Hakto 25. Please pass the following report to the President immediately.

Begin text:

1. We held a brutal four-and-a-half hour session this afternoon with the North Vietnamese.² I began by reiterating the minimum position that I outlined to you and we presented yesterday. Tho's rejoinder was very harsh, and he pointed out that all my "concessions" these past two weeks were in reality only a withdrawal of changes we were requesting. *Comment:* He is of course right. *End comment.* He stuck by his

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Hakto and Memos to Pres., etc., December 3–13, 1972. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Haig, Guay, and Kennedy. Another copy of this message, typed for President Nixon's reading, bears the stamped notation: "The President has seen." (Ibid.)

² The memorandum of conversation of the meeting, December 8, 3:05–7:20 p.m., is *ibid.*, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [2 of 3]. Kennedy called Nixon at 7 p.m. to tell him that this message had just arrived. During the conversation Kennedy said: "He [Kissinger] said he was really tough today. They were—he characterizes it as brutal, and I'm sure it probably was," to which Nixon replied: "Brutal, that's the term he always uses (laughter)." Kennedy then observed: "I suspect this fellow Tho is brutal." Nixon responded: "Yeah, but Henry is brutal too." (Ibid., Box 998, Alexander M. Haig Chronological Files, Haig Telcons, 1972 (1 of 2).)

positions and underlined his absolute requirement to get the PRG mentioned in the preamble.

2. After a break, I told Tho that I would agree to mention of the PRG in the preamble if he would respond to our needs on the DMZ. These were to maintain last week's change specifying respect for the DMZ; dropping his proposed change which would call the status of the DMZ into question; and add "respect for each other's territory" (which would help us greatly with the GVN). Tho was adamant on the DMZ but in exchange for mention of the PRG he agreed to drop the phrase "administrative structure" altogether.

He then raised again his demand for a total withdrawal of American civilians working with the Vietnamese armed forces which would have the practical effect of paralyzing the whole military machine. I sharply refused this demand and launched into a long statement which said that he was jeopardizing chances for an agreement and that tomorrow was our last day. I did this because I am now quite convinced that he will go quite far tomorrow in order to get a settlement. At the end of the meeting Tho said that if we would restore the original Article 1 which states that the U.S. should respect the independence etc. of Vietnam rather than all foreign countries doing so, he would make other major concessions in return.

3. I believe today's swap was a major gain for us. In the October agreement the PRG was mentioned by title in several chapters as well as the preamble. Thus by agreeing today to mention it only in the preamble, we were in effect not making a concession but pocketing one of theirs. In return, he dropped the phrase "administrative structure" which is even better than the change in translation which we had requested since Thieu had objected not only to the translation of "administrative" but to the word "structure" which implied something very elaborate. Saigon will be very unhappy about mention of the PRG even once, but for the above reasons today was a major gain for the GVN as well as us.

4. Tomorrow I may be able to trade restoration of Article 1 for more concessions out of them. You should be aware, however, of the text of the original Article 1 which reads as follows: *Begin text*: "The United States shall respect the independence, sovereignty, unity, and territorial integrity of Vietnam as recognized by the 1954 Geneva Agreements on Vietnam." *End text*. Hanoi will probably use this article to claim they won the war. On the other hand, it was always in the text that we were prepared to sign in October; no one objected to it in our bureaucracy; and it reflects many of our public statements. Even if we restore the article the North Vietnamese are only getting back what they always had in the agreement.

5. I would appreciate your approval of the basic trade I plan to make tomorrow, giving them the original Article 1 in exchange for meaningful concessions in the DMZ and/or demobilization articles. I believe it would be well worthwhile to agree a second time on this less satisfying phrasing in exchange for meaningful concessions in an area of importance to the GVN.

6. It promises to be a very tough session. It is very possible that they will resort to their familiar opening gambit of reintroducing some of their demands or withdrawing many of the concessions. We will continue to stick to our minimum demands.³

7. Warm regards.

End message.

³ On the evening of December 8 at South Vietnam's Embassy residence, Kissinger briefed senior South Vietnamese officials about his meeting with Le Duc Tho. A memorandum of conversation of the meeting, with one attachment, is *ibid.*, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [2 of 3].

152. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, December 9, 1972, 2115Z.

Hakto 31. Please deliver the following report as soon as possible to the President.

1. We met with the DRV for 3½ hours today.² I opened the meeting pointing out the seriousness of where we stood and said that because we were at a crucial point you had decided to prove that you had done everything possible to bring peace. Therefore we were accepting a modified version of the old Article 1, to the effect that "the United

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (2). Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Guay and Kennedy. A note indicates the message was sent to the President at Camp David, and a retyped copy of the message bears this stamped notation: "The President has seen." (*Ibid.*, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Hakto and Memos to Pres., etc., December 3–13, 1972)

² A memorandum of conversation of the meeting, December 9, 3–6:30 p.m., is *ibid.*, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [2 of 3].

States and all countries respect the independence, sovereignty, unity and territorial integrity of Vietnam". This language, which Le Duc Tho had proposed, represents some improvement over the previous language ("the United States respects . . .") by no longer singling out the United States for special opprobrium. In conjunction with accepting this, however, I insisted—for bargaining purposes—that Article 4 be dropped ("the United States will not continue its military involvement or interfere in the internal affairs of South Vietnam"). I also accepted their proposed compromise language that the demobilization should be agreed to between the two South Vietnamese parties "as soon as possible". (The current draft gives no time frame. The GVN in fact strongly prefers "as soon as possible".)

2. Le Duc Tho then launched into a lengthy statement. He insisted on the retention of Article 4 and again demanded the withdrawal of all American civilian personnel assisting South Vietnamese military services, which would have the practical effect of paralyzing the South Vietnamese Air Force. He reopened once again the issue of civilian detainees in South Vietnam. He came up with a new formulation on negotiations over the DMZ, which still would have the practical effect of calling the existence of the DMZ into question.

3. I replied very sharply and said that these new issues he raised were unacceptable. I emphasized again that we were at a critical point and we would soon find out whether a solution was possible. I pointed out that the issues we were raising were in their own interest: only if these minimum requirements were met could the President undertake the very difficult effort which would then be required to implement the agreement. But the DRV side, instead of addressing these concerns, was continually reopening issues that we thought had been settled before and was trying to make us pay a second and third time for concessions they had already made. They were pocketing concessions we had made but were not helping us at all to solve the basic problem.

4. We then took a break. During the break Le Duc Tho took me aside and suggested that if I could start the next phase of the meeting with a concession, he would make a big concession. I thereupon at the meeting offered to drop our demand for the deletion of Article 4, and in return he agreed that American civilian personnel could continue to service complex military equipment in South Vietnam. (This is a matter of the greatest importance. We sneaked it by him in October without his understanding it. We have a good record this week now establishing that no such prohibition is part of the agreement.)

5. We then settled all the other remaining issues, except for the DMZ. On that issue he stated with some conviction that on the language he had agreed to in November ("North and South Vietnam shall respect the DMZ"), he had been overruled by Hanoi. I suspect this may

be true. My view is as follows: I do not honestly believe we can go to Saigon with anything that weakens what we now have on the DMZ ("North and South Vietnam shall respect the DMZ"). Therefore, difficult as it may be, I recommend that we hold firm on this.

6. If we can hold the line at this point, we will have accomplished the following since October:

- Deletion of the phrase "administrative structure", which removes any remaining ambiguity about the fact that the National Council is not a government.

- The sentence obligating both North and South Vietnam to respect the DMZ.

- Greatly strengthened provisions on Laos and Cambodia including the obligation to respect the Geneva Agreements.

- Deletion of the reference to "three" Indochinese countries, a usage to which the GVN strongly objected.

- A ceasefire in Laos closer to simultaneity with the one in Vietnam.

- An improved military replacements provision, which gives greater assurance that we can continue to provide all the military aid needed by Saigon under ceasefire conditions.

- Other less important changes which improve the tone or precision of the document.

—In addition to these improvements in the text, the last several weeks have given Thieu a billion dollars in military aid and considerable time to make preparations for the ceasefire, have disrupted enemy military plans geared to a late-October agreement, and have shown both Hanoi and Saigon that we go to bat for our allies. We have also insured that at least some of the international control machinery will be in place at the time of the ceasefire.

—Thus our requirements I indicated publicly on October 26³ have been essentially met. In exchange for this, our only "concessions" have been to drop other changes we were requesting in an agreed text which Hanoi considered sacrosanct to start with.

7. This will be no mean achievement, considering we had no chips to play with. It will justify the delay since October in signing the agreement. On the other hand, if we lose the principle of respect for the DMZ after having raised it, we would have legitimized not only the de facto remaining of the NVA in the South but also their constant reintervention. This we cannot possibly do.

³ See Document 73.

8. At the end of the meeting Le Duc Tho indicated that his blood pressure was high and he was not feeling well. Considering his age, the events of the past week, and his visible discomfort, this seems plausible. Therefore at his suggestion we agreed to adjourn until Monday.⁴ I suspect he will also be seeking new instructions in the interval. On Sunday technical experts from the two sides will meet to compare the texts as they stand. On Monday, assuming we reach agreement on the outstanding point, we will then take up the unilateral understandings connected with the agreement. On Tuesday I will spend some time on the protocols setting up the control machinery.

9. I have asked Al Haig to return to Washington tonight. He will brief you more fully at your convenience. I feel it is imperative that Haig return to Washington now, since there is nothing more he can do here at this time with only one issue remaining. If the negotiations succeed, his return to consult with you will confirm your tight control over the negotiations. If they fail it will emphasize that we acted as we did after full consideration of the choices. Haig's return will also facilitate our meeting what is now becoming a very tight schedule if we are to make an announcement before Christmas.

10. Furthermore his return was used at the table today to underscore the importance of the remaining issue and the seriousness with which we view it. The public announcement of his return will undoubtedly reinforce this in Hanoi. Finally I think Haig should see Dobrynin tomorrow to elicit their maximum help on the remaining issue, which as indicated above will be crucial.⁵

Warm regards.

⁴ December 11.

⁵ On the evening of December 9, at South Vietnam's Embassy residence, Kissinger briefed senior South Vietnamese officials on his meeting with Le Duc Tho. A memorandum of conversation of the meeting is *ibid.*, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [2 of 3].

153. Memorandum of Conversation¹

Saigon, December 9, 1972.

SUBJECT

President Thieu's Reactions to His Negotiations With President Nixon
Concerning the Ceasefire Agreement

1. *Summary*: Based on the negotiations which President Thieu's Special Assistant for Foreign Affairs, Nguyen Phu Duc, had in Washington with President Nixon and other U.S. officials, Thieu has advised the top leadership of the Government of Vietnam that the U.S. position leaves him no choice but to sign a ceasefire agreement which he considers unsatisfactory. Not to sign the agreement, according to Thieu, would mean "sudden death" for South Vietnam. *End summary*.

2. President Nguyen Van Thieu briefed key government leaders on 6 December 1972 on the results of the conferences in Washington during the preceding week between President Richard M. Nixon and Thieu's Special Assistant for Foreign Affairs, Nguyen Phu Duc. Present were: Vice President Tran Van Huong, Prime Minister and Minister of the Interior Tran Thien Khiem, Minister of Foreign Affairs Tran Van Lam, Chairman of the Senate Nguyen Van Huyen, Chairman of the Lower House Nguyen Ba Can, Chairman of the Supreme Court Tran Van Linh, Chief of the Inspectorate Ngo Xuan Tich and Duc.

3. Duc gave a general briefing on the contents of his talks with President Nixon, and on the long personal letter he had conveyed to President Nixon from Thieu setting forth the latter's reservations on the ceasefire agreement being negotiated between Washington and Hanoi.² Thieu then personally elaborated on the two main points of his objections.

4. Thieu said that there is no reason for the aggressive forces of North Vietnam (NVN) to stay in South Vietnam (SVN) while the liberation forces of the United States (U.S.) are withdrawn. Accepting this in the ceasefire agreement is accepting the basic view of the North Vietnamese that the U.S. forces have been the aggressors. The cause of SVN, the U.S. and their allies was and is a just cause; the terms of the agree-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Tohak 100–192, December 3–13, 1972. Secret; Sensitive; Eyes Only. In a covering memorandum to Kissinger in Paris, December 9, Kennedy in Washington observed that the memorandum provided Thieu's latest views on the agreement being worked out in Paris and on his intentions for his December 12 speech.

² For Duc's meetings with Nixon, see Documents 131 and 134; for the letter to Nixon, see footnote 3, Document 131.

ment sacrifice the justness of that cause. Thieu said the agreement formalizes an inversion of realities: based on the terms of the agreement, NVN can announce to the world that it has ousted the aggressor; that it has the further right to oust the puppet, Thieu; and that Hanoi is the sole legitimate government in Vietnam.

5. Thieu continued: The agreement uses the terminology “Provisional Revolutionary Government (PRG)” rather than “National Liberation Front (NLF).” PRG implies the existence in SVN of two governments, rather than an established government and a revolutionary movement. In NVN there is only one, uncontested government. In no country in the world are there two coexisting governments. It is thereby established in the eyes of the world that the Government of SVN is not clearly sovereign, and Hanoi can therefore claim to be the sole, just, and uncontested government for all Vietnam.

6. Duc then reported in more detail on his talks with President Nixon.

7. With respect to the withdrawal from SVN of North Vietnamese Army (NVA) forces, Duc stated that President Nixon said that this could not be written into the agreement, but that the terms of understanding could be revised so as to have NVA forces withdrawn after the ceasefire. President Nixon repeated his promise to guarantee military aid in case of serious violation of the ceasefire.

8. With respect to the National Council of Reconciliation and Concord, Duc said President Nixon maintained his support of a three-part council to function at all governmental levels down to and including the villages and hamlets. Speaking on Thieu’s instructions, Duc had proposed to President Nixon that the latter return to his 8 May 1972 proposal to stop the bombing and mining of NVN if NVN would release U.S. prisoners of war. If President Nixon would do this, Thieu would release to NVN the more than 10,000 NVA prisoners of war held by SVN; this to be done as a military action only, without accompanying political settlement. President Nixon responded that we have now come a long way from the 8 May proposal.

9. With respect to Thieu’s desire to meet personally with President Nixon, the latter, according to Duc, said that he will meet Thieu only after President Nixon has signed the ceasefire agreement. President Nixon said that he will continue to support the Saigon government as the only legitimate government in SVN. President Nixon softened his position to the extent that he said that he could meet Thieu before the signing of the agreement if Thieu would bind himself to accept the terms and sign it. President Nixon added that the Congress wants an early termination of the war; President Nixon expressed his fear that if no progress on negotiation has been made by the time the Congress convenes on 3 January 1973, it could cut off all support for SVN.

10. When Duc had concluded his detailed report, Thieu said that because of the U.S. position he had no choice: he would have to sign the agreement. Not to sign it would mean “sudden death” for SVN.

11. Thieu said that his message to President Nixon, and Duc in his conversations with President Nixon, referred to the Thieu-Nixon agreement at Midway on Vietnamization of the war and the withdrawal of American forces.³ Thieu pointed out that 30 years after World War II, U.S. forces are still in Europe; 18 years after the Korean war, U.S. forces are still in Korea. Here in SVN the war is still going on, but SVN is asked to assume full responsibility for the conduct of the war. Thieu said he told President Nixon that he has kept his promise to take over the ground war in 1972; now President Nixon should keep his promise of maintaining air, logistics and financial support.

12. Thieu concluded his briefing by saying that he will appear before a joint session of the National Assembly on 12 December 1972 to brief the legislature on the situation, in order that they may share the responsibility of the decision with him. In his talk, he will avoid public confrontation with the U.S. and will not reveal the actual differences in the U.S. and SVN positions. He will emphasize the intransigence of NVN.

13. Thieu will also propose to the Assembly that the Assembly send a message to the U.S. Congress explaining the situation and asking for continued aid to SVN.

³ Presidents Nixon and Thieu met at Midway Island on June 8, 1969. A joint statement was released at the end of their meeting; for text, see *Public Papers: Nixon, 1969*, pp. 445–447. See also *Foreign Relations, 1969–1976*, volume VI, Vietnam, January 1969–July 1970, Documents 79–81.

154. Memorandum From Jonathan T. Howe of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Haig)¹

Washington, December 9, 1972.

SUBJECT

Strike Plan for North Vietnam

Attached at Tab A is the initial-cut of the JCS strike plan for North Vietnam.² The packaging of targets is more area than category oriented, but the types of targets you wanted struck in sequence are a manageable total of 34. Seven of these 34 are included in the buffer zone group. Under this concept first priority would be given to the group of power generation and transportation targets in the Hanoi area. These attacks would be followed by a Haiphong package, four power plants not in the Hanoi/Haiphong area, and a buffer zone group. All of the targets are in a quadrant North of 20° North latitude.

This approach has some important military and psychological advantages. In actuality, all 34 of the targets would probably be struck nearly simultaneously. It is estimated that under good weather conditions the 34 targets could be destroyed within seven days by making maximum use of the full-range of air assets in theater. The plan calls for 825 attack sorties a day. By way of contrast, concentrating on target categories in a series of steps would involve a much smaller daily effort. The six power plants in northern North Vietnam, for example, could be destroyed by twelve sorties for two days using guided bombs. A massive effort would have greater impact, and give the enemy more pause about what would follow. It also would better saturate air defenses in a given area and keep the North Vietnamese defenses off balance. The drawback of this concept is that a systematic, stepped type, category

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1133, Jon Howe Vietnam Subject Files, Project Folder re Vietnam. Top Secret; Sensitive; Exclusively Eyes Only. A handwritten note by Kissinger at the top of the first page reads: "[Jon,] Hold."

² Tab A, an undated memorandum from Laird to Nixon, is attached but not printed. On December 6, Haig in Paris ordered Kennedy to direct Murphy to plan for major air-strikes against North Vietnam, concentrating on the Hanoi–Haiphong area and the formerly restricted buffer area on the China–North Vietnam border (see Document 143). Kennedy carried out the order at 3:30 p.m., informing Murphy: "The plan should be so configured to produce a mass shock effect in a psychological context. No dissipation of effort through scattered attacks against a number of varied targets, but rather clear concentration of effort against essential national assets designed to achieve psychological as well as strategic results." (Transcript of telephone conversation; Washington National Records Center, OSD Files: FRC 330–77–0095, 385.1, Viet) On December 8 the President met with Moorer to discuss the strike plan; see Document 149.

oriented escalation would have the advantage of giving the North Vietnamese more opportunities in which to respond on the negotiating front. Each failure to move in negotiations could be followed by the elimination of another vital North Vietnamese target category. Thus, there would be greater control within the limits of what we are willing to do militarily.

On balance, I believe it is better to complete the initial package as quickly and intensively as possible and take the heat all at once, domestically and internationally, for moving to this new level of bombing. This is particularly relevant to the buffer zone targets which have high potential for inadvertent overflight of China. Our response to the Chinese protests will ultimately be an expression of dismay and a commitment to reinstate the previous restrictions. On the other hand, once we have hit new targets in the Hanoi/Haiphong area the follow-up attacks should not cause a great storm domestically since the public will be conditioned. This approach also means that by the time the North Vietnamese have a chance to respond on the ground in the South, many of our air assets will be free to turn to blunting their counterattack, while a smaller force keeps the pressure on the North by insuring that all of these targets and selected others stay permanently out of commission.

Considering the merits of a maximum versus a minimum package may be academic in any case. Given the weather problems during December and the first quarter of 1973, we will be lucky to find a seven-day window of acceptable flying conditions and therefore some delay in completing the package is inevitable.

If it is desired to develop this plan further, the following refinements could be made:

—With this large a commitment of air assets, there should be provision to cover essential battle needs in South Vietnam, Laos, Cambodia, and just north of the DMZ. (Only four of the six carriers are involved and inevitable weather diverts from the North can be used to good effect in keeping the ground situation under control. In any case, there is no major activity at the present time although the enemy might try a counter-offensive in northern Military Region I and a limited high point period of activity throughout the country is conceivable since they have been husbanding their resources during the pre-ceasefire period.)

—The target list could be increased to include such categories as POL pumping stations, steel and machine tool plants, and other important categories. In addition, there are probably a few more power plants in the country which should be knocked out to insure that electric power becomes extremely scarce. There are also more radio and communications stations than the Radio Hanoi complex listed on the present target list. In addition, there are other key targets throughout

North Vietnam which should be struck periodically at places like Thanh Hoa and Vinh. We, however, should guard against expanding the list so much that the current targets are not all destroyed and kept in that condition.

If we adopt this plan, there should be a major complementary military and psychological effort.

—At Tab B³ are some special military actions, which we had considered previously, and are primarily designed to draw more North Vietnamese forces back home to defend their country.

—Tab C lists some additional psychological operations⁴ designed to increase internal tension and help create the impression that a major invasion of the North is likely.

If there is any intention of adopting this plan, it should probably be discussed with Admiral Moorer. We can then follow up with Admiral Weinell on detailed improvements. You may want to take it to Saigon for review there. The command and control problem, of course, will be a difficult issue. If in fact MACV is given complete control of the allocation of air assets, we will have to guard against the tendency to devote air assets to the ground situation in South Vietnam and logistics targets just above the DMZ at the expense of targets which support our political strategy.

³ Tab B is not attached.

⁴ Tab C, an unattributed list of psychological warfare operations, undated, is attached but not printed.

155. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, December 10, 1972, 2138Z.

Tohak 132/WHP 232. Deliver to Winston Lord immediately upon receipt.

I just completed an hour and 15 minutes with the President. Bob Haldeman sat in since he was there and when the President asked my view, I agreed that he should stay. I described to him at great length the brutal atmosphere of the negotiations and the incalculably frustrating tactics which had been used by the other side. I pointed out how carefully you had played the scenario with absolutely nothing but bluff, skill and determination to elicit what is now a very substantial list of North Vietnamese concessions. At the same time I pointed out that we had been able to do more in terms of concessions which improved the document and strengthened U.S. interests and something less to satisfy Thieu's emotional hangups. The President was most laudatory about your achievement in deleting the term "administrative structure." I then told him how you had on Saturday managed to resolve the civilian advisor issue² and he was especially delighted with this achievement. Finally, I outlined for him the key aspects of the remaining issue, pointing out that this issue was not so much a substantive matter of concern, but rather a problem intimately related to our ability to bring Thieu aboard. I described for him the contents of my discussion with Dobrynin. He agreed completely with the tactics that you had adopted on this issue and was especially pleased that you had sent the message following the session on Saturday night. He then picked up the phone and called Dobrynin and told him that he had informed you on Saturday night that he was not favorably disposed towards the compromise language which the United States side had tabled on Saturday and that he wished to reiterate this to Mr. Brezhnev. On the other hand, he pointed out that we were very close to a settlement and that the success of the negotiations would now depend on our ability to implement whatever came out of the Paris talks. It was his view that successful implementation was intimately linked to the remaining issue on the DMZ and he felt very strongly that Hanoi should abide by the original DMZ language as agreed with you during the earlier November

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Tohak 100–192, December 3–13, 1972. Top Secret; Sensitive; Exclusively Eyes Only. Sent via Guay.

² See Document 152.

round in Paris. He stated that it was definitely in Moscow's interest to wind up the negotiations now and not to let them falter on this issue since both Moscow and Washington had bigger fish to fry and that it was in our mutual interest to eliminate this irritant in order to enable our mutual relations to continue to improve. The President pointed out that in his judgment Hanoi's preoccupation with this language problem on the DMZ could risk an overall settlement which has now been largely achieved. Dobrynin appeared sympathetic and begged for some time for his communications between Washington and Moscow, between Moscow and Hanoi, and thence to Paris to be completed. He urged that we do our best to delay Monday's meeting until 4 o'clock Paris time and the President asked me to pass this on to you immediately.³

We then held a lengthy discussion on the Thieu issue and the President stated to me that John Ehrlichman was very much opposed to Vice President Agnew's proceeding to Saigon to bring Thieu aboard. Although the President did not say so, he was obviously telling me that Ehrlichman favored John Connally for this mission. I immediately retorted that Agnew was by far the best Presidential emissary since he was long considered to be the spokesman of the U.S. Right and that I was confident he would accept the role of a messenger rather than one of a negotiator. This is apparently the President's key concern. He is afraid that the Vice President will resist this role and perhaps even attempt to bargain with the President in favor of Thieu. I told the President that I was confident that Agnew would do exactly what he was told and that I would insure that he understood this before he left Washington. As a related matter, we are completely redoing Win's⁴ second draft talking points for the Vice President. They are in my view far too complex and far too sophisticated for him to handle. I propose to give him a set of talking points which place the Vice President in the position of unequivocally telling Thieu that we are proceeding with or without him, that as the spokesman for U.S. hawks he has carefully assessed the American Right and is totally convinced that Thieu's acceptance of the draft agreement is the only possible recourse if Thieu is to be assured of essential continuing U.S. economic and military support and more importantly if President Nixon is to have a firm, essential legal

³ Nixon later wrote: "That afternoon I decided to stir things up and remove any doubts about our resolution. I telephoned Dobrynin and told him that I personally did not favor any of the compromise language that Kissinger was suggesting regarding the DMZ." (RN, p. 732) Kissinger found Nixon's action "bewildering" (*White House Years*, p. 1438) but Haig considered it "an exercise in Nixonian guile designed to use the Russians to put the North Vietnamese on the wrong scent" regarding what the United States might do (*Inner Circles*, p. 307).

⁴ Winston Lord.

basis for policing the agreement. Finally, I will ask Agnew again to restate the President's commitment to massively retaliate in the event of a North Vietnamese provocation during the post-settlement period. This retaliation will not be tit-for-tat but go directly to the vitals of North Vietnam's homeland.

The President now appears to be comfortable with the Agnew option although he said to me at the end of our discussion that if Agnew quibbles with respect to his mission that he will then send John Connally. In conclusion, I told the President that in any event the issue was a moot one since we had already committed ourselves to Hanoi with respect to the Vice President's visit to Saigon to emphasize that we are using our biggest gun and that if we were to change this now, it would only be interpreted as another sign that the U.S. could not be trusted. Furthermore, I emphasized only the Vice President could represent an official U.S. view as well as the *de facto* essential U.S. constituency. I will meet with the Vice President tomorrow morning and apprise him in the bluntest terms of what we must do in Saigon. Based on Kennedy's readout of his earlier discussions with Agnew, I am confident he will play the game completely. This will enable us before departure for Saigon to meet briefly with the President for a *pro forma* instruction session. It is very obvious that the President cannot stand the thought of a possible confrontation with Agnew.

Concerning the negotiations from this point on, the President suggests the following strategy which I believe is consistent with your own outlook. He understands, of course, that you must have sufficient leeway to manage the tactics. Assuming you are able to slip Monday's meeting to late Monday afternoon, you should then hold tough on the DMZ issue confirming that the President remains adamant. If Moscow's assistance is evident, we may then find Hanoi caving. If not, the President believes, and I know you do as well, that we must not break off the talks on Monday. In that event you should return for a new session hopefully as early as possible on Tuesday⁵ morning thus giving me maximum time to leave Tuesday night with the Vice President. This will enable us to manage the Vice President's personal schedule, the low keyed announcement and coordination with Bunker and Thieu. Also on Tuesday you should again enter the talks in a tough posture by which time Moscow's ultimate leverage should be evident if, in fact, they exercise it at all. If Le Duc Tho is still intransigent, you should then try our compromise as the final U.S. concession. If even this fails, the President, as we predicted, would even be willing to cave completely with the hopes that we can still bring Thieu around. It is now obvious that for us to hold to the pre-Christmas schedule it will be necessary to

⁵ December 12.

settle by Tuesday or Wednesday at latest. I believe you are correct in stressing the need for your return by that date since it contributes to maximum pressure on Hanoi. Nevertheless, your pre-Christmas schedule provides some slight cushion between your return to Washington and the President's announcement on December 23rd. We could compress this by having the announcement the day you return and gain 24 hours. We could also have another emissary take care of Saigon, Bangkok and Vientiane, as well as Phnom Penh. This would also gain you an additional one-half day. Finally, if worse comes to worse, you could leave Washington while the Vice President and I are still airborne from Saigon. This could perhaps pick up another additional day.

In summary, I find the President extremely impressed with all that you have accomplished at the negotiating table. Your handling of the situation here in Washington has also obviously impressed upon him the absolute necessity of maintaining a hair trigger to retaliate brutally in event of North Vietnamese violations.⁶ However, there is no question that the President now believes that with or without the additional concessions on the DMZ we must settle. I have convinced him that we must do this only as an absolute last resort and that between now and then we should stay as tough as possible. My frank view is that there is no hope of obtaining Presidential support for the alternate course unless it were to be done with your carrying the total brunt of the aftermath. Under those circumstances and in view of recent reports of Thieu's softening, I think we should hang tough on Monday and initially on Tuesday and then on Tuesday make an all out effort to get our compromise language as the tie breaker. Failing this, I believe I would painfully cave late Tuesday or even Wednesday with the agonizing realization that I would prefer to see you managing a bad deal than the alternative which could only result in the inefficient management due to your absence of what might be the right course.

Warm regards.

⁶ Haldeman later wrote in his diary: "Haig is very much concerned about maintaining the cease-fire, feels we want to be prepared to react hard if they violate. And he's sure they will—and by react he means bombing the North. The P then took a very strong position, saying about violations, it should be clear that it will not be on a tit-for-tat basis, it'll be all-out, regardless of potential civilian casualties, if we have a provocation." (*Haldeman Diaries: Multimedia Edition*, December 10)

156. **Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹**

Paris, December 11, 1972, 2040Z.

Hakto 35. 1. We had a four hour session this afternoon composed of equal parts of insolence, guile and stalling by the North Vietnamese.² Le Duc Tho started the meeting in a seemingly dejected mood, claiming he had no instructions from Hanoi on the DMZ question and expected them the next morning. He said in the meantime he was prepared to discuss other subjects, specifically the means of signing the agreement, the understandings associated with the agreement on both sides, and a few outstanding questions on the text.

2. We then discussed the signing question. In the experts' meeting yesterday³ we had given them the final article which made clear that the two South Vietnamese parties would sign letters of adherence to the agreement rather than the agreement itself. Le Duc Tho rejected this. He agreed that the agreement could be a two-power one with the two South Vietnamese parties acting in concert with the principals, but he insisted that the agreement be signed by all four parties. There followed a two-hour discussion which he conducted with little spirit but great tenacity. The only other noteworthy element before the break was Tho's claim that he was in trouble with Hanoi because of his views on the DMZ. I launched into a tough, exasperated statement. I explained why four-party signing was unacceptable if they wanted a rapid agreement and pointed out again that their tactic was obviously to overload the circuit in Saigon to the maximum extent. I underlined the obvious lack of progress this week, and their consistent approach of selling the same concessions repeatedly and raising new issues at the outset of every meeting. I said that there was increasing irritation and impatience in Washington, underlined the impropriety of keeping the Vice President waiting, and stated that I had to leave tomorrow night regardless.

3. During the break Tho sent one of his people to me to say that he wished to stop at 6 o'clock, i.e. in 45 minutes, because he was not

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (2). Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² A memorandum of conversation of the meeting, December 11, 3:10–7:15 p.m., is *ibid.*, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [2 of 3].

³ Kissinger later described this meeting as follows: "The experts' meeting . . . had gone reasonably well, though it took seven hours to conform texts that had already been agreed half a dozen times." (*White House Years*, p. 1438)

feeling well. After the break Tho again raised Article 5 concerning the withdrawal of U.S. civilians in the guise of discussing understandings between the two sides. Recalling that he had agreed on Saturday to drop this provision from the agreement, he then recalled that he had said that there should be an understanding incorporating their views, i.e. that all relevant civilians should be withdrawn within 6 months. I pointed out that his so-called great concession of Saturday, in return for our changing Article 1 and leaving Article 4 alone, was to put in the form of an understanding what had been dropped from the agreement, both being equally binding. After a half hour exchange on this subject, during which he repeatedly invited me to horsetrade on the time period, he offered to split the difference. Thus he has gone to 10½ months and I suppose we could get one year. Please let me know on an urgent basis if we could live with a one year timetable in an understanding, if this were the only issue holding up an agreement.

4. We then discussed other understandings outside the agreement. Le Duc Tho presented a list which essentially corresponded to what they gave us on October 17, though given their tactics we cannot be at all sure that we heard his complete list. In addition to civilian withdrawals, he proposed as a new understanding that the U.S. and DRV make efforts to see that the National Council is set up by the two South Vietnamese parties within 3 months. He recalled that we already had understandings on U.S. reconnaissance activities, aircraft carriers, Laos and Cambodia, and our helping to prevent massacres in South Vietnamese jails, but he presented no texts. He also asserted that the President had affirmed the undertakings I made on October 17 to Le Duc Tho concerning our efforts to get South Vietnamese civilian prisoners released; I made clear that the President had never done this but that I was prepared to discuss again an understanding. He refused to discuss an understanding regarding demobilization. On Laos, he reaffirmed that they will shorten the ceasefire period if we give them an understanding on the NCNR. He also said we owed them an understanding on reconstruction.

Tho completely refused to discuss the protocols, claiming they had not finished their work yet.

5. At the end of the meeting I pointed out the enormous amount of work left. We agreed to have Porter/Sullivan meet with Xuan Thuy and the Vice Minister to go over all the understandings and to have the experts continue conforming the texts, both meeting at 10 a.m. There would then be a final meeting between Tho and myself in the afternoon to finish off the substantive issues, including any left from the morning meeting.

6. It is not impossible that we could conclude the agreement tomorrow, but nothing in their behavior suggests any urgency and much

in their manner suggests cock-sure insolence. They could, of course, be without instructions, and may in any event want to play with us until the last minute. The amount of work left for tomorrow is staggering and could make for a sloppy conclusion, which is precisely one of their favorite tactics. I believe in any event that I should return home tomorrow night. I think the Vice President should not leave until Wednesday night regardless, since it is undignified his being so dependent on Hanoi's decisions. We can always bend the rest of the schedule.

7. All of this may prove academic, however, since we must face other facts. It is obvious that an agreement was easily achievable on any day since last Thursday.⁴ Hanoi may well have concluded that we have been outmaneuvered and dare not continue the war because of domestic and international expectations. They may believe that Saigon and we have hopelessly split and that the imminence of Christmas makes it impossible for us to renew bombing the North. If this is the case we will face a decision of major magnitude. I believe a total collapse by us now would make an agreement unenforceable. The President must also understand that an agreement at this point and under conditions that led to the collapse of South Vietnam would have grave consequences for his historic position later.

8. You should therefore consider once again the course you and I discussed yesterday.⁵ If necessary I would carry the public side of it, and associated events would take me out of the line of fire. No matter what happens tomorrow I will not repeat not break off the negotiations, but rather we could take the line that the two sides are close enough to continue work through diplomatic channels.⁶

Warm regards.

End message.

⁴ December 7.

⁵ See Document 155.

⁶ On the evening of December 11, Kissinger briefed senior South Vietnamese officials on the day's session with Le Duc Tho. A memorandum of conversation of the meeting is in the National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [2 of 3].

157. Telephone Conversation Between President Nixon and the President's Deputy Assistant for National Security Affairs (Haig)¹

Washington, December 11, 1972.

Nixon: Yeah?

Operator: General Haig, sir.

Nixon: Hello.

Haig: Haig, sir.

Nixon: Yeah.

Haig: Sir, I've got this gloom message from Henry.² And what they did was they were very intransigent, said they had no instructions, and would not have any 'til tomorrow morning. They also, when they were discussing the understandings, opened up the civilians again in that context—

Nixon: Um-hmm.

Haig: —and demanded their withdrawal within a period of 10½ months.

Nixon: Um-hmm.

Haig: I think we're gonna—I've got Defense drilling now to see if we could compromise for a year, if that were the only remaining issue—

Nixon: Um-hmm.

Haig: —by itself, and probably it would be manageable.

Nixon: Um-hmm.

Haig: The second problem is, Henry said that he has told them that he would be leaving tomorrow night, that they were keeping the Vice President standing by, and that that was not acceptable. Uh—

Nixon: Oh. He's stepped out on that limb, huh?

Haig: Yeah. And, that he, in any event, would be leaving tomorrow night, regardless.

Nixon: Um-hmm.

Haig: Now, I think what we should do is go back and tell him that he should leave tomorrow night, only if in his judgment if there's—

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Conversation 34–45. No classification marking. According to the President's Daily Diary, Nixon spoke with Haig by telephone from 5:21 to 5:29 p.m. (*Ibid.*, White House Central Files) The editors transcribed the portions of the conversation printed here specifically for this volume.

² Document 156.

Nixon: Yeah.

Haig: —no hope and—

Nixon: That's right.

Haig: —a recess would be necessary.

Nixon: Yeah.

Haig: But in any event, he should not break off the talks, but merely tell them that—

Nixon: Absolutely.

Haig: —we should take a recess, for both sides to reconsider their respective positions, that we'd be prepared to meet with them again.

Nixon: In a week.

Haig: Yeah, in a week or after Christmas. And then in the meantime we, of course, would have to resume—

Nixon: Um-hmm.

Haig: —the normal pace of our actions against the North.

Nixon: Um-hmm.

Haig: And, uh—

Nixon: Um-hmm.

Haig: If he's forced to that, do it; but only if it is absolutely clear that tomorrow's session, and even a day or two after that—

Nixon: Um-hmm.

Haig: —could not bring us to a conclusion.

Nixon: That's right.

Haig: And then—

Nixon: But I—I think he's got to, you know, get across in absolutely clear terms what—that, that I realize why he's doing this for a negotiating tactic. As a matter of fact, that the option is—he's got to realize—is not a, not a viable one; that he should keep the talks going if there is any chance for breaking the impasse and reaching a—some sort of satisfactory settlement on Wednesday or Thursday. That—also include in it the fact that on further consideration, I am having serious reservations about the Vice Presidential ploy in any event.

Haig: Right. Now he also said that he, in leaving, he would tell them that he thought this, these talks, should be referred to the normal diplomatic channel, meaning Avenue Kléber. I think that would be—

Nixon: No.

Haig: —a bad mistake.

Nixon: No, he's obviously off on one of his—one of his downturns, don't you agree?

Haig: Yes. Yes, sir.

Nixon: Um-hmm. And I think it's partly because you're not there, but that's [unclear]. You don't really think you can get back? I just wonder.

Haig: Well, I could, of course.

Nixon: Yeah.

Haig: Maybe I'd better talk to him on the phone and see—

Nixon: Yeah.

Haig: —see how he's feeling there—

Nixon: Yeah. Yeah. The point is that, that you have to sit—you've got to sit, you've got to sit right through it. I mean, uh—

Haig: Yeah, we've been on our rock-bottom position three different times—

Nixon: That's right.

Haig: —in these talks.

Nixon: And you keep coming back, and, and that the leaving tomorrow is not a viable option.

Haig: Right, unless, I don't know, they—

Nixon: And they—

Haig: —become totally intransigent.

Nixon: That's right. And that—you see, he's doing this because he's used this before and sometimes it works, see? But he hasn't used it before when he hasn't got any option.

Haig: Right sir.

Nixon: That's the point, and that's what he doesn't—that's what he can't get through his head, that you can't use that unless you've got an option.

Haig: Right.

Nixon: So, if you could, I'd say, keep it going. Can you get it—you can get him on the phone, huh?

Haig: Yes sir, and this—

Nixon: Yeah.

Haig: —the fact of getting these instructions in the morning, if they come in harder than ever in the morning—

Nixon: Yeah.

Haig: —and claim they have instructions, and they are reopening all these issues—

Nixon: Yeah.

Haig: —then I think Henry's probably right, that we ought to—

Nixon: [unclear] this week.

Haig: —in essence, start letting 'em have it.

Nixon: For—for one week.

Haig: Yes. And—

Nixon: Right.

Haig: If they come in a little softer, then obviously they—

Nixon: Um-hmm.

Haig: —they were stalling today, and—

Nixon: Um-hmm.

Haig: —and, we can stall on a tough wicket, which makes sense, anyhow—

Nixon: Um-hmm. Um-hmm. Um-hmm.

Haig: Uh—

Nixon: He can use, for example, that, but why does he do this? I know, but why does—why has he played himself into this corner again?

Haig: Well, I—he's been using that one for some time.

Nixon: But after a while, they don't pay attention to it, you see?

Haig: No, well I mean he's been citing Tuesday³ as—

Nixon: Yeah.

Haig: —the time that he's got to get back for about three days now, so the whole [thing] started—

Nixon: I see.

Haig: —a little earlier—

Nixon: Um-hmm.

Haig: —and it's—they have responded each time he said that.

Nixon: Um-hmm.

Haig: The next day they've come in and they've been more responsive—

Nixon: Yeah. We shall see—

Haig: —[unclear] the last day—

Nixon: But tell him that tomorrow, if there is any response of any movement, stick it. Stick through and get it done.

Haig: Right. Right.

Nixon: Yeah, but—and that we have re-examined the other thing, the Agnew thing. Okay?

Haig: Right, sir.

Nixon: Good.

³ December 12; i.e., "tomorrow."

158. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, December 12, 1972, 0245Z.

Tohak 149/WHP 239. Deliver immediately at opening of business.

Thank you for Hakto 35.² Just before its arrival, I had spent fifty minutes with the President and discussed many of the considerations which you and I had covered together. The President considers that if Hanoi remains unmanageably intransigent that in any event we should not break off the talks in a formal sense. Rather, we should recess, informing them that we believe that this past week's discussions suggest that both sides should take some time for consultations and to reconsider the gravity of the situation. You are returning to Washington and will be prepared to meet with them again after Christmas or before if they believe it would be constructive. We would then reseed the mines and resume military activity at an intensified pre-October pace. (You should decide whether to tell this to Tho or not.)

In a public sense, we should take the same line, i.e., that both sides are recessing to consult and consider their respective positions on the remaining unresolved issues and that the talks will be reconvened at a date to be mutually agreed upon. In the interim the parties would remain in contact through normal channels. It is the President's view that we can then lay on a full blown, massive series of strikes against military targets in the Hanoi area using B-52s. I have alerted Murphy to this possibility but believe we should withhold any action on this or the mining until you return. The President believes that most Americans do not consider that the bombing of the North has been halted since the newspapers continue to report heavy raids against North Vietnam and that this is primarily a problem of degree. This we will have to assess in the light of experience with the stepped up pace.

The President also believes that it is essential that we not formally discontinue the talks but, if necessary, convey to Hanoi that we are in absolutely no hurry or under any time pressure to settle. I informed him that it is very likely that Hanoi will go public and therefore some careful explanations will be called for from our side. He agreed.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Tohak 100–192, December 3–13, 1972. Top Secret; Sensitive; Exclusively Eyes Only. Sent via Lord. Written on December 11.

² Document 156.

Thus, I believe the President is perfectly amenable to your returning home on Tuesday³ if in your judgment there is no hope of a settlement or if we would risk fundamentally our ability to ultimately achieve a workable settlement as a result of your staying longer. On the other hand, he is very clear that if you obtain sufficient movement tomorrow to indicate that a day or two more labor will resolve the matter, you should extend your stay. I told the President that this was precisely your view providing there is a real prospect that a settlement can result.

If tomorrow's session demonstrates a more positive NVN attitude, you should keep in mind that Bunker may come back in the interim strongly opposed to a visit by the Vice President to Saigon. Therefore, you may want to soften our commitment on this contingency so that you can go either way, dependent on what Bunker and perhaps even Thieu prefer. As I mentioned to you on the telephone, the President also was increasingly dubious about the desirability of sending the Vice President if it would in any way jeopardize Thieu's ability to accept the agreement. I have informed the Vice President that in any event his trip will not occur before Wednesday night.

It is especially difficult to discuss these sensitive matters with you over transatlantic telephone. I am concerned, however, that you may misread some of the Presidential views which I tried to double talk this afternoon. I am absolutely convinced that the President is fully aware of the seriousness of the situation and, especially, the difficulties which we have faced at the negotiating table. He is fully prepared to react strongly and to weather through a continuing intransigent position by Hanoi.

His major problem, and it is a strongly held view, has to do with last week's proposal that he report to the American people on television in a high profiled way. It is his judgment that we should have the breakup occur more from erosion and de facto evolution of events than from a sudden rallying call to the American people. He believes that we can resume full-scale bombing and manage the heat. I believe he also realizes now that the possibility of Hanoi's going public may demand an exposition from us as to what the negotiating situation actually is. In my view, this is not a matter which I can resolve in your absence.

I think it is important to keep in mind, as I am able to do now after reviewing our reporting cables from Paris, that the President has been exposed to a series of reports which go up and down on a daily basis but which culminated on Saturday with a fairly optimistic report that

³ December 12.

only one issue remained to be solved.⁴ To be told on Monday again that a breakup is at hand is something that requires a little time to adjust to and, in any event, is just as disturbing a turn of events for the President as it is for you.

As I told you Sunday, the President has complete confidence in what you are doing.⁵ He remarked again tonight that he is especially pleased that you are in charge of and handling them because only you understand the importance of maintaining a strong position. This may have been for my consumption but I am confident he genuinely believes that.

He has also just called again and urged that we reseed the mines tomorrow and be prepared to move immediately with around-the-clock bombing of the Hanoi area. I told him we should definitely hold on this until after tomorrow's session and until you return. Based on the foregoing, I am convinced that there is absolutely no problem here with respect to our strategy and what must be done if it is forced upon us. The only gap involves the President's major concern that he not go before national television and attempt a major rallying operation. You and I know that over time this may prove to be essential—certainly if the bombing exercise runs past the January 3rd period. In the interim, I think we will have to be prepared to present a low key reasonable exposition of what has happened in Paris and why the talks have recessed.

The only other issue which I feel the President and you may not be in full tandem on is the last sentence of Haktō 35 which I really believe is generated from a misunderstanding rather than a difference in point of view. The way we read your message here it suggested that you would leave the talks to normal diplomatic channels. After talking to you and rereading your message, I think you mean that we will recess the talks and that in the meantime we will be in close touch through diplomatic channels to continue the exchange of views but not to shift the entire venue to Avenue Kleber—a decision which would be interpreted as a collapse of our current efforts.

⁴ Haig was referring to Kissinger's statement in his December 9 message to the President where he wrote that: "We [Kissinger and Le Duc Tho] then settled all the other remaining issues, except for the DMZ." See Document 152.

⁵ See Document 155. After a discussion at Camp David between the President and his political advisers on December 6 about the talks in Paris and actions the United States might take, Haldeman made the following entry in his diary: "The P sort of evaluated the whole thing and said the real problem is we have a weak link as a negotiator at this point." And on December 8 Haldeman entered the following in his diary: "He [Nixon] wanted to be sure I read Hutschnecker's book *The Will to Live*, because he thinks the thesis that Hutschnecker lays out is clearly related to K's suicidal complex. He also wants to be sure I make extensive memoranda about K's mental processes and so on, for his file." (*Haldeman Diaries: Multimedia Edition*) Arnold A. Hutschnecker, an internist by training, became a full-time psychosomatic specialist and psychotherapist in the mid-1950s. From 1951 on Nixon periodically consulted Hutschnecker.

I talked with the President after my telephone conversation with you and he agreed completely that I should stay in Washington until we see how tomorrow's session develops.

I talked to Governor Rockefeller today reference the POW matter he had discussed with you yesterday and told him that the idea sounded fine but that he should hold up until we are sure the exercise is justified.

I have just received Hakto 36 and agree completely with its contents.⁶ As you will note from the preceding, the President understands that we must explain the true negotiating situation as a backdrop to the resumed bombing. I do think the President would expect you to stay on beyond tomorrow if there is a settlement and your presence was necessary to insure that the remaining issues of the protocols and the understanding be properly completed. You are the best judge of their current state and there will be no second guessing from here.

Concerning the Vice President's trip, the President and the Vice President are prepared to proceed with it providing that is the best decision. We have, of course, continued to plan for the trip but as mentioned above you should be prepared to cope with the contingency that Bunker considers it to be a loser. My own view, if it's worth anything, is that Hanoi can not be too concerned about the Vice President's trip and that if everything is not wrapped up tomorrow, we can always tell them that their procrastination has resulted in its abandonment. In any event this is an issue which should be judged purely on its merits. I think our only concern is to do whatever is best calculated to bring Thieu on board. While I am not sure that Bunker's views should be decisive, I do believe that we would wish to consider them before proceeding. Whitehouse made a convincing case today which should not be discarded lightly.⁷

⁶ In the message, received in Washington on December 11, Kissinger observed: "The central reality is that we are now in our tenth day here and the discussions continue to sound like the opening day rather than an effort to bring matters to a conclusion." He added: "The result is that it looks next to impossible to clean up the outstanding issues tomorrow unless their mood changes completely. Tho's behavior is simply not that of a serious government attempting to settle." (Hakto 36 from Kissinger to Haig, December 12, 0100Z; National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (2))

⁷ For Bunker's views see message Tohak 179 from Haig to Kissinger, December 13, 1425Z, in which Haig forwarded Bunker's message 295 from Saigon; National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Tohak 1–100, December 3–13, 1972 [2 of 2]. For Whitehouse's views see Tohak 144 from Haig to Kissinger, December 11, 1847Z, *ibid.*, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (2).

I am attaching for your attention FBIS 33⁸ which could be rather significant. It could be that Peking is posturing us for a breakdown. On the other hand it suggest some basis for optimism. I still remain basically optimistic without having experienced firsthand yesterday's session. One thing we must all remember is that the history books will care very little how quickly or how long it took us to settle. They will only judge us on the outcome of the settlement itself. I know no one is more conscious of this than you and therefore want you to be absolutely confident that there will be no nitpicking from me whatever course you decide on.

From my discussions with the President today I am also confident that you can be assured of his full support as well. I wish I could be with you for Tuesday's session which has all the earmarks of a decisive one.

Warm regards.

⁸ Attached but not printed. FBIS 33 contains the contents of a December 11 article by a French journalist, in which Chinese Premier Zhou Enlai was quoted as saying that a U.S.-Vietnamese peace settlement would be signed in two or three days.

159. Conversation Between President Nixon and the President's Deputy Assistant for National Security Affairs (Haig)¹

Washington, December 12, 1972.

Haig: Good morning, sir.

Nixon: Hi. So what's the development this morning? We've got to go over the evening?

Haig: Well, we've had a very discouraging development with a speech by Thieu this morning to the National Assembly,² in which he just flatly reiterated his earlier condition; rejected the U.S.-Hanoi draft peace proposal; listed the worst—

Nixon: Parts of it?

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Conversation 820–5. No classification marking. According to the President's Daily Diary, Haig met with Nixon in the Oval Office from 9:57 to 10:21 a.m. (Ibid., White House Central Files) The editors transcribed the portions of the conversation printed here specifically for this volume.

² See Document 160.

Haig: —worst parts of it; can't accept the presence of North Vietnamese troops; described the CNCR³ as a disguised coalition, which it is not.

Nixon: Um-hmm.

Haig: Stated that he could never sign a peace treaty which did not clearly delineate the responsibilities of Hanoi to cease aggression against the states of Indochina; would never sign; offered a counterproposal, which was purely a red herring, that he would have a cease-fire through Christmas and New Year's—

Nixon: [unclear]

Haig: Release all of the North Vietnamese prisoners.

Nixon: [unclear]

Haig: Yeah. And then start talks between all the parties, locally, to resolve issues.

[Omitted here is a brief discussion between Nixon and Ziegler.]

Haig: Now on Henry, I think he's very well postured and understands exactly what you want, and agrees completely. He said that they got a message from the North Vietnamese this morning that they still had no instructions. He said that if that's the case, he's, of course, going to continue on until they get those instructions. If they represent any—any indication of disagreement, if—if they are totally intransigent and impossible to deal with, and include stating that this is Hanoi's view, not just the negotiator's view, and represents his new instructions, he said he thinks we just have to recess, quietly, come back quietly, state that we're—

Nixon: [unclear]

Haig: —coming back for consultation and that we'll continue to keep contact through the regular channels during this period, and then start the—start the military up. Now he's quite concerned. Bunker came in, incidentally, and said that—and he wrote his recommendations after Thieu's speech—he said, now, in light of this, that no one short of the Vice President can come over, because Thieu's thrown the traces over.⁴

Nixon: True. Thieu's what?

Haig: He's—he's obviously thrown the gauntlet down to us.

Nixon: Hmm.

³ Haig meant the NCRC, or National Council for Reconciliation and Concord.

⁴ In backchannel message 294 to Haig, December 12, 0815Z, Bunker assessed the advisability of Agnew coming to Saigon as Nixon's emissary. (National Archives, Nixon Presidential Materials, NSC Files, Box 413, Backchannel Messages, From Amb. Bunker, Saigon, Sept. thru Dec. 1972)

Haig: So, it would be foolish to be worried about his sensitivity. And Henry's view is that—and he wanted—and I've written a memo which is coming out of the typewriter, because I've just got this message—

Nixon: Yeah?

Haig: His view is that we've now got ourselves a very, very tough problem with Thieu.

Nixon: Um-hmm.

Haig: If we send the Vice President over, he could be rebuffed, and we've got to decide whether to go ahead, assuming we get a good agreement, try to push Thieu into it, recognizing that there's some risk that we'll have to crush him. So, that's a serious consideration, because we could end up losing all that we've been trying to accomplish. On the other hand, his instincts, initially, are that we should go ahead. That we decided to do that, and it would make the agreement.

Nixon: What does Bunker, in fact, suggesting? That we just go ahead with the war?

Haig: No, Bunker is—no, Bunker is—he wants to go along with the agreement.

Nixon: That's what I mean, of course. Yeah.

Haig: But, he hasn't given us a good assessment of what this speech means in terms of Thieu's ability to now back off this limb he's stepped out on. I think Bunker—

Nixon: I'm not as concerned about this speech as others. [unclear] he's just got to stick out there. I mean, I understand. I understand that it's tough, and all that sort of thing. I know exactly, but it doesn't—[unclear] says this, he says this, but when you finally come down to it, and you get every goddamn [unclear] that's all there is to it. We're now getting to the point, Al, where we can't—where we cannot afford, ourselves, unless it is a totally unreasonable position on the Communist part, because they may hit him. Even then, it's going to be tough.

Haig: No, I think—

Nixon: We can no more—we can no more just say, "Well, because he won't take this we're going to continue this war then." There's no way I could.

Haig: No.

Nixon: There's no way.

Haig: No, I think we have to go ahead. Try to get the agreement. Above all, not break off the talks, even if they are intransigent. If they're not, and we get an agreement, then we've just got to bring Thieu along, whatever it takes. And if we risk the—

Nixon: How do you bring him along, Al? Look, when you say, "bring him along?"

Haig: Well, I think the Vice President is now the only thing. Yesterday, I would have felt otherwise.

Nixon: Yeah, I know.

Haig: Uh—

Nixon: When—where—well, particularly after your message, [3 seconds not declassified] which indicated where Thieu is headed. He may be—he may be going up and down, too, you know?

Haig: That's right.

Nixon: He may be in one of those volatile conditions where he's one day, "yes," and one day, "no."

Haig: But, now, there's no other emissary that will give him the kind of leverage he needs to step off his position. The Vice President—
[unclear exchange]

Nixon: And we cannot risk my doing anything.

Haig: No, absolutely not. You can't—

Nixon: No, no. I can't get into the game.

Haig: No. We have to go to just the next best thing.

Nixon: Well, if they told Henry they had no new instructions this morning, I suppose there's nothing that'll come out of the meeting today.

Haig: Maybe not. Or they may get them before this, the 3 p.m. This was in conjunction with the two technical discussions. And they played it fairly honestly. I mean, they just made that simple statement, which—

Nixon: Of course, they read Thieu's statement, and that encourages them, too, to be tougher, doesn't it?

Haig: Of course it does; that's the trouble. And they may, just now, have shifted their strategy to try to split us out from Saigon, keep it in stalemate 'til the Congress comes back, and then play it for his downfall or a cutoff of assistance. And we can't discount that. That could be what they're doing.

Nixon: Um-hmm. Thieu [unclear]—as much as I—and I've reached this conclusion is: we're now past the point of no return as far as we're concerned. We have, basically, we have nursed him along. We have really played for all of his fears, and so forth. True, he's come along at times, but, I mean, he's let things come out—

Haig: Right.

Nixon: —[unclear] he shouldn't during the election and so forth. At this point, we provided all the funds, we provided—in the buildup to this meeting we stood by him when nobody else in the world is standing by him. Now, it's all over. If that's the way it's going to be, so it will be. I think there's a—the key point is that we have stood by him.

We proved that we [unclear]. I don't think that on the basis of American honor, and that sort of thing, we could do that. If he now falls, if it should come to that—he may fall, but will not today. I think one thing that, out of that country, something would survive. [unclear] I think his intransigence cannot be, could not possibly be something that everybody there's going to accept.

Haig: No, he's insisting on total victory. That's exactly what the conditions are that he's laid out. We've never shared that view. I mean, he knows it. In fact, he's never insisted on it.

Nixon: I only wish we could, but there's no way we can get it.

Haig: And I also think he's—he's playing for the big stakes, and he's going to push us right up to the goddamn brink, which he's doing now. And we can't—we can't back down there anymore than we can back down to Hanoi. We've got to—

Nixon: Back down to him? Never. And, back down in Hanoi? Never. Neither one.

Haig: No.

Nixon: Right now, they both hurt.

Haig: It may be a moot question, because Hanoi may just end up being totally unable to bring themselves around, and to be just plain, arrogantly negative, which is what they were yesterday. I don't think they will, although it's conceivable. It's to their advantage in any event to get a settlement, especially in the light of Thieu's statement, because they're going to find out that they're going to be in the white hats and Thieu is going to be in the black hat situation. So, I'm inclined to think that the overall impact of Thieu's intransigence will be to make Hanoi want to settle.

Nixon: Yeah, that's another way to look at it.

Haig: That's right.

Nixon: Unless—well, it could be—it could be that they wouldn't want to settle it, based on the fact that they think that he's not going to go along, that's going to cause us great problems. What I mean is this: one way they could play it, in order to destroy our public support, or attempt to, is say, "Well, in the light of Thieu's statement, there's no reason for us to continue these negotiations. He obviously won't negotiate anything but total victory, so we're breaking off talks." And that's one's a—

Haig: They could do that although—

Nixon: —that puts us on a tough, damn wicket here.

Haig: That's tough wicket. But I don't think that's the way they'll go, because it puts them in the position of having to give Thieu other than a puppet status. I think what they would prefer to do would be to get a settlement, then have Thieu, the recalcitrant, on the fringes, so that

they look like a peaceful country. They've been able to work out their differences with the United States, and except for this little son-of-a-bitch in Saigon, who's a demagogue, we'd have peace. That isolates Thieu a little more consistently, with their theory. Now, it may not turn out that way.

Nixon: Yeah. Well, Al, as far as I'm concerned, if they come along, any kind of a basis that they—if they have any kind of a basis that they have agreed to as to what we were talking about when you first returned—

Haig: Right, sir.

Nixon: —then we go. And we just go hard, and then, frankly, we isolate Thieu. We have to do it.

Haig: Right. Well, that's Henry's view right now, too. He did say that he thinks that we should definitely send the Vice President.

Nixon: Yeah.

Haig: But, before doing so, he should come back and we should consider jointly, or very, very carefully, where that scenario will spin out. Now, I'll start considering that today and some—

Nixon: Don't start talking to the Vice President.

Haig: Oh, God, no. Oh, no.

Nixon: Don't get him all stirred up one way or another—

Haig: No, no, no.

Nixon: That's—the thing to do, unless this thing is going to work, if it's going to work then we'll—we can brief him damn fast.

Haig: Absolutely. That's it.

Nixon: Because it's best not to have him think. He's got people that he'll talk to that haven't any brains, and, you know—

Haig: We'll just keep him—he doesn't know any of this and we won't tell him—

Nixon: Besides, he'll talk to Reagan⁵ and to people like that.

Haig: Yeah. The simple facts are, sir, that if we have to go this way, there's nobody better than the Vice President, because if we have a confrontation with Thieu, we're going to have to watch our right flank and the left flank. And he's the best man to be—

Nixon: That's right.

Haig: —to be the vehicle for it.

Nixon: He can come back and be the man that fights the Right for us, because they love him—

⁵ Ronald Reagan, Governor of California.

Haig: Right. But I do think we'd better—we don't have to worry about a schedule, or prisoners, or anything else [unclear]—

Nixon: No, no. On the schedule thing is not something I'm concerned about. I didn't want to leave any impression when I asked about the prisoners. I'm just curious as to whether it was six months—

Haig: No, I think Henry's been more concerned about it; you've never been. You've made it—

Nixon: [unclear]

Haig: —very clear all along that—

Nixon: In the schedule, I mean, in fact, I'm perfectly happy with his having the talks continue for a while. Just go ahead. Just keep talking. Keep talking. As long as there're any—the only thing—the only thing I am concerned about is the fact that we have to continue talking without doing something new. And you reseeding the bomb—the water—or the harbor, and doing some bombing, and so forth. You figure that that would be an inevitable, almost an inevitable, cause for breaking off the talks?

Haig: Well, no, I don't, sir. I think we ought to wait and see what happens today. If they get instructions from Hanoi, and they stay negative, then I think that's justification for doing it, and they'll understand it, without it risking what has already been a tough decision for them. On the other hand, if they—if there's still progress today, I don't think we should do it, 'cause that puts an additional strain on the system up there that I don't think we should do. But if there's no progress and that represents Hanoi's view, and Henry comes back for a recess, then I think we should start right away. As soon as he—as soon as he gets back, first with the reseeding, and with very heavy air strikes. Now, we can measure that carefully, too. Then they won't break off the talks. Or if they had—or if they do, they would have done it in any event. And that we have to be careful of. If they come back with Henry, or react tough today with instructions from Hanoi, or if they do not, we have to be very careful to keep them in the position that they don't go public, because there will be no way Henry can quietly break it off, if Hanoi comes out and says that the thing has stalled out, and that they're breaking off the talks, and that the U.S. demands are unreasonable. That's something we have to be very careful of—

Nixon: With them going public on the basis of their more intransigent attitudes, I would think we would be able to handle it.

Haig: Oh, we can handle it, but there will have to be some explanation for it—

Nixon: Yeah, some. What I meant is that the way that it stands, we're [unclear] damn hard to settle now, but their going public hits it.

Haig: Well, why, that's the main incentive for Henry's gracefully getting away, saying he has to come back to consult with you, so that they don't feel that they can do anything, even if they're intransigent.

Nixon: And then we bomb.

Haig: Then we come back. And then we can bomb. And then we can explain what the problems are in a low-key way, and get the jump on them. We don't want them to get the jump on us. That's going to take a little careful maneuvering by Henry if the decision is that we have to take a recess. What he should do is just say, "Well look, I have to go home. You've been a lot tougher than we anticipated. I'll have to discuss this with the President and with our allies, and we'll keep in contact with you through our special channel." Then we'll take the lead, and we'll decide here. What he should say should accompany the military action.

Nixon: Well, I guess in retrospect—I mean, we needn't be retrospective too long—the results, in retrospect, Al, I mean, we should not have allowed Henry to feel so compulsive about that election deadline. He felt deeply, you know, that that would help the election. That was his problem.

Haig: Well, that, he felt, and there's some justification for this. I disagree completely with the election line, but it isn't my business—

Nixon: Yeah.

Haig: —to be an expert on it. But, he also felt, and there's some justification for this, that they were working against that deadline, and that we'd get our greatest concessions from them. Now, their attitude since would suggest that he may have been right. But it doesn't mean that those concessions were enough to bring it to a—to where we accepted it. We could have taken it—

Nixon: The whole point is—the whole point is, we had to get another way you could pull out. Suppose we say, "All right, you're being unreasonable." [unclear] negotiate when you want, and let it be one hell of an inflammatory issue right up until the election. Then we would have won, just about like we did.

Haig: Sure.

Nixon: And say, "Now, we have a mandate. Settle or else. You've got 48 hours." If they don't settle, then bomb the hell out of them—

Haig: Right.

Nixon: —and then they would have had to settle. See that? That, to me, would have been the preferable way to do it—

Haig: Exactly.

Nixon: —rather than to create the impression before the election that they were being reasonable, that we were very close to the settle-

ment, you know, “peace is at hand,”⁶ and all that stuff, and then some assholes would interpret that as meaning we were held to the fact, that we had created the impression that we were going to have peace. That, therefore, after the election our hands were tied, because we had an obligation or a promise to get it. You see, we didn’t need to be in any position to promise peace. There’s no reason to. [unclear] worried about that—

Haig: No, it was precisely that issue that was a source of your strength, the fact that you had done everything right.

Nixon: That was the point. We did not have to have the peace issue working for us. We did not have to be promising peace. We did not have to be doing a damn thing. All we had to be doing was being the hardened—hard nose, then. But, as a result of the—we got the worst of both worlds. We softened our hard nose position. [unclear] pretending to be reasonable, they said we were lying. Well, that’s water under the bridge. The point is, now, I don’t know what changes Hanoi. I mean, you know, you remember we did the mining and bombing stuff for four months so that they would be willing, be ready to talk. You still think that, don’t you? You think that’s why they’re talking now?

Haig: Of course.

Nixon: The mining and the bombing? Of course, we knocked it off, on the other hand—

Haig: We lost a hell of a lot. We, starting in October, by God, if we hadn’t been bombing—

Nixon: What?

Haig: —in a way that really means something. No, I think your—I think the bombing and the mining is what made the difference, plus the fact that they failed in their, failed in their offensive, plus the fact that you’ve got them isolated from Hanoi and Peking—or, from Moscow and Peking. It’s all these things, not any one. But the one that’s eroded them most seriously is the bombing, and the effect of bombing.

Nixon: Sure.

⁶ See Document 73.

160. Memorandum From the President's Deputy Assistant for National Security Affairs (Haig) to President Nixon¹

Washington, December 12, 1972.

SUBJECT

Vietnam Negotiations

President Thieu presented a one hour address before the National Assembly on December 12 which reaffirmed his position regarding the Indochina peace settlement. He repeated standard GVN arguments that:

- There must be a complete withdrawal of NVA troops.
- The NCNRC is, in fact, a disguised coalition.
- Hanoi must accept the principle that there are four separate Indochinese states and commit itself not to launch aggression against any of these, and
- The GVN cannot accept any demand for a general election which would aim at replacing the GVN constitution and government structure.

Thieu repeated his offer to permit a U.N. supervised referendum. He suggested a truce to begin before Christmas and end after New Years, during which U.S. POWs could be released in time for Christmas while the GVN would release all North Vietnamese POWs during the truce. During the truce, all Vietnamese parties, namely the NVN, GVN and NLF, would hold consultations to discuss every problem of mutual concern.

Thieu's speech undoubtedly will be interpreted as a firm rejection of the United States–Hanoi draft peace settlement. A more detailed assessment is at Tab A.² We have asked for a more refined personal assessment from Ambassador Bunker but there is little doubt that Thieu has now taken a position which may force him to reject the agreement we are in the process of negotiating. We must, therefore, consider that our signing the agreement, should we achieve one, may produce a public confrontation with Thieu and possibly his overthrow.

It now appears that the mission to Saigon will have two purposes: (1) to utilize the off chance of getting Thieu's acceptance, and (2) to put

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip HAKto and Memos to Pres., etc., December 3–13, 1972. Top Secret; Sensitive; Exclusively Eyes Only. A stamped notation on the first page reads: "The President has seen."

² Tab A, undated and unsigned, is attached but not printed.

us in the best possible posture for a confrontation. Henry advises that he tends to believe that the Vice President should still be our emissary since we now must resort to the biggest gun available. Certainly, after Thieu's speech, regard on our side for Thieu's sensitivities should no longer be a factor. Henry also believes that if we get a decent agreement we cannot now turn back and the Vice President would be best able to protect our right flank in a confrontation with Thieu.³

Henry also believes that the decision on whether or not to proceed with the Vice President's mission, assuming a satisfactory agreement, should be delayed until he returns and until we have an opportunity to consider most carefully what we are doing. I share this view since Thieu has obviously upped the ante dramatically and to a degree that it may now be impossible for him to cave. Therefore, we have to consider the implications of driving ahead, regardless of Thieu, in the context of our overall objectives in Southeast Asia.

Henry has confirmed in a message this morning that he is in full agreement and will comply totally with the advice you provided yesterday. He will do his best today and, if necessary, stay on tomorrow and beyond in an effort to get an agreement. He will return only if Le Duc Tho takes an absolutely unacceptably negative stance at today's meeting. If this in fact occurs, he will recess quietly and not under any circumstances break off the talks.⁴

³ In a message to Haig, Kissinger concluded: "What Thieu's speech makes clear beyond any doubt is that he is almost surely to reject the agreement we are in the process of negotiating. We must therefore consider that signing the agreement will produce a public confrontation with Thieu and very likely his overthrow." (Hakto 40, December 12, 1314Z; National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (2))

⁴ Haig was referring to message Hakto 38 from Kissinger to Haig, December 12, 1051Z. (Ibid.)

161. Conversation Between President Nixon and the President's Deputy Assistant for National Security Affairs (Haig)¹

Washington, December 12, 1972.

Haig: Dobrynin called.²

Nixon: Yeah.

Haig: And stated that he had had a report from Hanoi.

Nixon: Yeah.

Haig: That Hanoi claimed that it's Kissinger who was intransigent.

Nixon: Yeah.

Haig: And that there were many issues unresolved, and that Kissinger had told them that there was so much to be done, that it may run 'til the end of December if we don't get moving. This seemed to bother the hell out of them.

Nixon: Out of—out of whom?

Haig: Out of the North Vietnamese, because Dobrynin made a special point of it. He said, of course, that I may have taken that out of context. He said, I don't know how they're quoting—

Nixon: What bothered them there?

Haig: That Henry gave them the impression that we didn't give a damn whether it took between now and the end of December, or what, to get this thing finished.

Nixon: Oh, I see.

Haig: So they—I got the impression that they feel, at times, constrained.

Nixon: We're not going to wait 'til the end of Christmas and not—and not free us to do the bombing.

Haig: No. Well—

Nixon: That's the whole point.

Haig: No, we can't do that. And if the talks break off, or recess, I think we've got to pick it up. We've got to really put the heat on them. On the other hand, he—he also said that they not only disagreed on the

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Oval Office, Conversation 820–16. No classification marking. According to the President's Daily Diary, Haig met with the President in the Oval Office from 1:34 to 1:55 p.m. (Ibid., White House Central Files) The editors transcribed the portions of the conversation printed here specifically for this volume.

² Haig spoke on the telephone at 10:12 a.m. with Dobrynin. That conversation generally followed the lines described in this conversation with the President, although there is no mention in the transcript of Brezhnev. (Ibid., Kissinger Telephone Conversations, Box 27, Dobrynin File)

DMZ, they disagreed on the political prisoners, that Henry had given them an assurance, which he was now not giving them. That's pure baloney.

Nixon: That's not true, is it?

Haig: No, it's not true. And I went through this with Dobrynin. I said, "Look, to be very frank with you because I sat in there, I know what their tactics have been. They'd no sooner get a concession from us on an old issue like [unclear], or our civilians, and they pocket our concession, and then reopen the issue again to get another one." I said, "On Saturday, we were on the verge of a settlement,³ and with only the issue that I told you, and that was reiterated categorically by Le Duc Tho." And I said, "Quite frankly, now to have this kind of a report is indicative of some very fundamental mis—misstatements of how this thing is developing." He said, "Well, we are using our good offices." He said, "Mr. Brezhnev is very, very anxious to get this thing settled." And he said he was "especially impressed that the President called me personally about it,"⁴ and he does intend to follow up, he has already exerted pressure, and he would hope that we would keep him specifically abreast now. So, I've sent a message to Henry telling him to⁵—

Nixon: Keep talking.

Haig: Keep talking. Give us something finite to give the Soviets, which would look responsive to Dobrynin's request and constructive, from our point of view. See, I gather these things must have unraveled in Monday's session, and Henry was so upset about it that he didn't—he wasn't very specific about the issues, just the atmosphere and the overall attitude. At least they're working on it.

Nixon: You understand why he would feel that way, though.

Haig: Oh, yeah.

Nixon: He just gets his heart in it, and everybody's getting tired and worn out.

Haig: That's right.

Nixon: The goddamn Communists truly acting like they always do.

Haig: They're always going to be that way.

Nixon: It's going to be that kind of a world as long as we're in it, and the only bright thing for us is the fact that the Chinese and Russians don't like each other at the moment. We've got to keep that prod in there as long as we possibly can. It's our only salvation. [unclear]

³ December 9. See Document 152.

⁴ See Document 155.

⁵ Document 162.

Haig: Chou En-lai made a remarkable statement, yesterday, in front of a group of press people in Peking. He said he expects a cease-fire in two or three days.⁶ And he—and then he added, he said, “You know, there’s so much concern about a few hundred Americans prisoners in North Vietnam.” He said, “There should be more concern about the thousands, tens of thousands of South Vietnamese prisoners in South Vietnam.” But that was a fairly optimistic thing for him to say. I think they’re playing it tough, and that they’re suddenly gonna—gonna give.

Nixon: They don’t suddenly give, do they, Al? Henry always has that theory that they play it tough, and they suddenly give. When have they ever suddenly given?

Haig: Well, I think they do in the context that we—we know each other’s positions.

Nixon: Did they give, for example, in Shanghai? Did they give on SALT? I guess they did.

Haig: Oh, I think they did. Yes, sir.

Nixon: They played it very tough, and then they gave—

Haig: Played it tough, and then they—well, by give, I mean—

Nixon: They’d agree?

Haig: —I don’t think they’ll collapse. They’re not going to collapse. They’ll agree to compromise, instead of being totally intransigent.

Nixon: Well, as far as I’m concerned, Thieu is—and, now, we don’t want to be letting him—he’ll cut off our nose to spite our face, but he has really destroyed his usefulness, and, frankly, his credibility as far as our dealing with him on an equal basis from now on, Al. I mean, he cannot—

Haig: No.

Nixon: I mean, this idea of saying to an ally, “We’re going to kick you around, and push you around, and hunker around this way,” we cannot allow that. The American people don’t like that worth one damn [unclear] and my view is that we shouldn’t—

Haig: And, with this, there can be no moral, or any other consideration, with respect to this guy from now on. We’ve got to play this on pure self-interest, totally.

Nixon: Well, the whole point is that his interests are different from ours.

Haig: That’s right.

Nixon: His interests are total, unconditional surrender of the enemy. Ours are an honorable withdrawal—

⁶ See footnote 8, Document 158.

Haig: That's right.

Nixon: —giving them an opportunity, over a period of time, to win politically. Right—?

Haig: Well, the fact is anything short of that is not going to have the seeds of stability. It's going to have the seeds of more conflict, if he insists on total surrender. He's not going to get it. He hasn't earned it. He hasn't won it on the battlefield.

Nixon: But he can't, either, can he? Well, he could win, maybe, if we continue to bomb the shit out of them forever.

Haig: No.

Nixon: For three or four years? You mean, they would continue the way they're fighting? Hell, no!

Haig: We just won't do it.

Nixon: The Russians will send in more help; the Chinese will. You know that's right?

Haig: Just [unclear]—

Nixon: Russia and China cannot allow North Vietnam to lose; we cannot allow South Vietnam to lose. That's where this war is at the present time.

Haig: They're stuck, sir—

Nixon: Isn't that really it?

Haig: That's exactly it.

Nixon: That under those circumstances, so you make peace.

Haig: That's right.

Nixon: It's as cold as that.

Haig: Well, you change the character of it, so that we can disengage the larger power interests from the way they've been thus far.

Nixon: I must say this, though, that I think we ought to withdraw even the idea of my meeting with him at all now. I mean, afterwards, even. I think that's—I'm just not gonna—I'm just [unclear] just delay it on the basis of, well, I can't now. We offered a time; he never responded. Of course, I'm sorry, but we can't do that. It isn't going to mean anything, anyway.

Haig: No.

Nixon: For me to go traipsing out to Midway, to put my arm around him, in the event that he does come, even reluctantly, along isn't going to do any good.

Haig: No.

Nixon: Or, do you agree? Do you agree?

Haig: No, the only way I would even consider it is if it was absolutely essential to bring the bastard aboard.

Nixon: Well, yeah.

Haig: Only that way.

Nixon: Yeah.

Haig: But I don't think it will be. If he decides to come aboard, it's not going to be based on that issue.

Nixon: You are now leaning, though, I mean after we do get any kind of a damn settlement, to send Agnew? Incidentally, Al, there's only one point. I am not so sure that I—I mean—I don't mean—I don't think we can cave too much, but I also mean that I don't think we have to insist on too much, either. Let me say—

Haig: Yeah.

Nixon: —I frankly think at this point, the deal is so goddamn confused, and stitched up, and screwed up, that however it comes out isn't going to make a lot of difference. Henry's worried about, "Well, how can you brief that, and how can you brief that, and how can you brief that, didn't we gain this or that a concession?" To be perfectly frank with you, if they went back to October 8th, I'd accept it. They won't—

Haig: Well, I—

Nixon: They won't go back to that?

Haig: They claim they would. No, I think Henry would do that. Sure, you know, we discussed this rather cold-bloodedly before I left. And it was a—if we can't get this last DMZ thing, we'll cave. They're not even giving us that option, because they keep opening up new things. And it's just, you know, more, more at the end, and the difficulty with ever showing them a willingness to compromise, is that they, the bastards, immediately exploit it. And then the next thing you know, you are in an untenable position.

Nixon: I know.

Haig: That's—

Nixon: Well, your view at the present time is that he's probably going to break off today and be back? Is that right—?

Haig: No, I don't think so. I think he'll—I think today will probably be another frustrating session, but softer than Monday's. And, we will feel if we got some progress—

Nixon: Because they will have heard from the Russians?

Haig: And we will probably say that we have gotten some progress, or it may not be, and that he'll want to stay on tomorrow, and have another round. And, then, I think there's a good chance we'll have a settlement tomorrow.

Nixon: Your—

Haig: I'm more optimistic—

Nixon: Your view of this is the first time you're an optimist.

Haig: Yeah. More—more so—

Nixon: I know you're not an optimist—

Haig: I think they want to settle.

Nixon: You think so?

Haig: I do. And I think—

Nixon: Let me tell you, I am totally relaxed when I figure about the thing, now. I know it's going to be all hell today. The hopes are so high, and then you put it a pall on the inauguration. I know that. I do care, but my point is—my point is if they renege, if there's a real provocation, we're going to bomb the hell out of 'em. And that's the thing I can't get Moorer through his goddamn thick head. And he showed me some half-ass little thing. "What are you going to do?" There isn't one goddamn thing that's new. "Well, we've got this communications thing here." I said, "But, you hit that before, haven't you?" He just said, "We took it out in '68."

Haig: Huh. Radio highway [*Hanoi*]⁷—?

Nixon: I said, "What about the"—that's the communications.

Haig: Oh, yes.

Nixon: "How are you going to hit them at the power plant?" "Well that—we took it out in '68, too, I guess." "All right, there's the power plant. There's the radio shack. And then what else do we do?" "Well, the other thing that we can do is go back, and take out the bridges that they've rebuilt." And I said, "What about the civilian airport?" "Well there's too much trouble with civilian casualties." "All right, fine." He said—he said, "Well, we could hit one side of it. They're all military planes." I said, "All right, we'll hit those." But, suppose they do bomb—

Haig: You should be crimping him down.

Nixon: Huh?

Haig: You shouldn't be having to crimp him down. Not—not enervate him. [laughs]

Nixon: But my point is, what is the—what in the hell is their plan? What can we do, Al? See, that's my point. What can we do in terms of stepping up bombing?

Haig: I think the '52s, in that area, are a tremendous psychological blow, and very, very effective.

⁷ According to an official Air Force history, a USAF fighter-bomber on February 14, 1968, attempted but failed to take Radio Hanoi off the air. When told that Radio Hanoi continued to broadcast, President Johnson's Assistant for National Security Affairs, Walt Rostow, observed that that "would indicate that our plane missed." (Thompson, *To Hanoi and Back*, p. 129)

Nixon: Predictably, but what in the hell are they going to hit? Well, I mean, just the fact that they are dropping things in the boondocks, you think is going to scare the people?

Haig: No, no.

Nixon: What are they going to hit?

Haig: They've got to take out that—

Nixon: What are they going to hit—?

Haig: We've got to use some smart bombs on the dock facilities in Haiphong.

Nixon: Well, do '52s have the smart bombs?

Haig: No, sir. No, that will have to be very pinpoint, careful delivery in good weather, with the smart bombs. That will impress them. We've got to take out the power plant in Hanoi, which we've never touched.

Nixon: Well, they've really never touched that, I know. I know—

Haig: And the transshipment point. The radio junction—

Nixon: They—he showed me that. He showed me that.

Haig: You've got to take that out.

Nixon: You do it with '52s?

Haig: That's right. That one we can just clean out. And there'll be some slop-over casualties, but goddamnit—

Nixon: Right.

Haig: —so be it. So be it—

Nixon: Why, it doesn't soften me a bit.

Haig: That gets their attention.

Nixon: That gets their attention.

Haig: We'll have to take out Radio Hanoi, because that's a—

Nixon: Yeah.

Haig: —real command and control problem for them—

Nixon: That's right.

Haig: We've got some other targets on the outskirts of Hanoi: the rail rebuild shops, maintenance shops. We've just got to take them out, and there'll be some slop-over there.

Nixon: I just want to be sure that those '52s go every goddam night.

Haig: That's—

Nixon: That's what we have to do—

Haig: And they can there hit the airfield—

Nixon: And, incidentally, I think, I feel we should go in, and take out every airfield in North Vietnam. They only have five, don't they?

Haig: There're five, and there are about three that you [unclear]—

Nixon: Why not just take 'em all out? Like the Israelis took out the Egyptians' airfields? Why not? Are we afraid because there's some Russian—

Haig: No, it's not a—it's just not a productive target, normally, because the airfields—

Nixon: Productive? The hell with it being productive! Just take 'em out.

Haig: We can take 'em out.

Nixon: Point out it has symbolism with their airfields out.

Haig: I think it'd be good to take the military side of that civilian field out.

Nixon: Just take it out—

Haig: It'd make a hell of an impression.

Nixon: That's right. And just think: where the hell they going to land?

Haig: Then we've got some very good targets up in that buffer zone with China. And we've got to cut that down. I'd cut it down to five miles.

Nixon: I can't see why you think, though, that there's going to be any reason for optimism in this [unclear].

Haig: I—

Nixon: With the South—frankly, with the South making that silly statement, if you were in the North, why wouldn't you say, "Christ, let's just stick to it." They're—the South is not going to agree to anything anyway, so—how do you reason? How do you reason with them—?

Haig: Well, start out with the basic assumption that they're hurting, and that they want to settle. That I believe.

Nixon: Even, despite the fact that we haven't been bombing? You still think they're hurting?

Haig: Yes, sir. That I do—

Nixon: I imagine it's got to hurt 'em some. [unclear] That's why we hit 'em.

Haig: Oh, I believe that. Secondly, I believe that they do know. I don't think they read us the same way we read ourselves. We know we've got some pressures working on us. They can't be sure of those pressures. They've misjudged you every time. And I think you had them on edge with respect to what you'll do. At the same time, I think they do feel that they can work time to their advantage with us, up to a point. They get to a point now, in January, where they've got to commit themselves to a strategy in the South, which is conventional, and much

the same as it's been, not break their units up the way they're doing, and getting ready for a cease-fire, where they become more vulnerable if the war continues. If the war continues, they have themselves all configured for a cease-fire. They're quite vulnerable to Thieu's counteraction. It could erode that whole structure. The very fact that they moved; they've instructed their cadres they're going for a cease-fire; that's the—the momentum is all in that direction. I think it's going to be hard for them to pull away from the South. I don't take any comfort from what they're telling their people, because the bastards are going to conduct a pretty tough struggle.

Nixon: What's Thieu doing now? What's he doing—?

Haig: Thieu is countering this. He's—

Nixon: What is he doing about this? Why does he make this kind of a speech?⁸

Haig: Of course, I think he's just, in his Mandarin style, is deathly afraid of entering into a political contest.

Nixon: So, when we make a deal what's he going to do?

Haig: I think, ultimately, he'll come around, but he's gonna be portrayed as being forced into it, so that he can always keep the sympathy of the people. And in the tough sequence of events that follow, he can say, "Well, this was the best that I could do. We've got to suffer through it together." Rather than to have been accused of being naive, and gone into something which—

Nixon: I would not, however—the only thing I would say, I haven't read his speech, because I make speeches, I mean, before Congress, is that there's much less real meaning than others do, I think you've got to figure the speech is made to that audience, and that he was doing it for the record.

Haig: It was received with almost total silence in the House.

Nixon: It was?

Haig: He got no applause. He got no reaction. [unclear]—

Nixon: It may well be that he has a little problem on his hands, too.

Haig: Yes, sir. And there are plenty of guys standing in the wings that have already told us they'd be delighted to accept this, this settlement.

Nixon: Yeah. I imagine they'd accept that. Well, as soon as you get any word, let me know. You should have it by now—

Haig: It should be very soon.

[Omitted here are closing remarks.]

⁸ See Document 160.

162. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, December 12, 1972, 1905Z.

Tohak 166/WHP 251. I just returned from meeting with the President which lasted about 45 minutes.² I brought him abreast of the Thieu speech situation and your latest reports from Paris. He is in full agreement with your proposed scenario for handling the talks there. He also agrees with you that despite Thieu's speech we must move ahead and consummate an agreement if one can be realistically achieved. He also agrees for the very reasons that you cite that Agnew should go to Saigon but that we will need to very carefully game plan the steps that will be necessary to carry through with this course of action under the assumption that agreement with Hanoi is still achievable.

I believe the President recognizes fully the implications of this course of action. I pointed out to him that if Thieu remains intransigent and we are forced to split with him publicly after achieving settlement, this process could well result in Thieu's overthrow, resignation or neutralization. This could have the effect of jeopardizing all that we have sought to achieve. Nonetheless, I believe the President holds the view that Thieu cannot remain intransigent despite his National Assembly speech if we play a hard game and offer him no alternative or show no possibility of renegeing.

I informed the President that the other side told us this morning they were still without instructions and that if this persists at this afternoon's meeting you will stay tomorrow until it is evident that they are speaking from updated guidance. If the guidance is reasonable, you would then hopefully arrive at a settlement. If not, you would then quietly recess for consultation, with both the view toward attempting to prevent Hanoi from going public first and so that we will preserve our options to retain the initiative upon your return.

The President now clearly understands that some kind of explanation will have to be made to the American people, both because we will have to safeside ourselves against a pronouncement from Hanoi and because a resumption of heavy bombing of the North cannot be just sneaked into.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Tohak 100–192, December 3–13, 1972. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Guay.

² See Document 161.

Following the meeting, I received a call from Dobrynin.³ He stated that they had received a communication from Hanoi indicating that there were still many difficult issues to resolve and that you have been the intransigent one. They listed the following specifics:

—A sharp disagreement between you and Le Duc Tho on the composition of the International Commission.

—A demand from you that the North withdraw 100,000 troops under a *de facto* formula.

—An explicit unwillingness on your part to deliver on an earlier commitment for a unilateral understanding to exercise our good offices on the political prisoner issue.

—A disagreement, with Hanoi highly suspicious of our motives, on the issue of the signature of the agreement, i.e., the letters versus signatures on the documents.

—In addition, and this is perhaps the most interesting, Dobrynin mumbled something about your conveying to Le Duc Tho that it is now obvious that so many details remain that the negotiations will have to continue to the end of December. It is apparent that this statement is a source of considerable concern to Hanoi.

I told Dobrynin that my own personal observation of the conduct of the negotiations belied the report from Hanoi. I noted that on Saturday we had been on the verge of a settlement and that Le Duc Tho had agreed that all major issues of principle had been agreed upon with the exception of the DMZ problem but that on Monday⁴ they not only remained intransigent on that issue, under the guise of having no instructions, but again as they had done repeatedly throughout the negotiations, they reopened other issues on which we had achieved earlier agreement. From my personal observation, their tactic had been to repeatedly raise such issues as U.S. civilian presence and paragraph 8c to extract concessions from our side. When this had been accomplished and an agreement on specific issues arrived at, they merely pocketed the U.S. concession and they reopened the issue subsequently to achieve yet another U.S. concession.

I told Dobrynin that quite frankly while we had no objective time pressure to settle that patience was wearing thin. He urged me to provide him with a prompt readout of the results of this afternoon's meeting, stating that Moscow was using its good offices to bring Hanoi in line. Unfortunately, however, the reports from Hanoi seldom were in "G" with those from Washington. I believe it would pay some dividends to give Dobrynin this afternoon or tonight a fairly specific de-

³ See footnote 2, Document 161.

⁴ December 11. See Document 156.

scription of the remaining issues as we see them. Please advise as to how I should respond to Dobrynin.

In a separate matter, Governor Rockefeller called this morning recommending that Bill Keating be designated as the new U.S. Ambassador to the United Nations or in any event be given a new Ambassadorial post. He had talked to Ehrlichman earlier and Ehrlichman had told him the UN post was not locked. Our PR friend apparently believes it is, however, because he mentioned this to me yesterday afternoon.

I advised the Governor not to go out on a limb just yet on his POW project. He has a number of high business officials and legislators coming to New York on Monday on this subject. He has not told them what the subject is and I urged him to keep his powder dry until we see what comes out of this Paris round. He will do so and, if necessary, cancel the meeting scheduled for early next week.

Warm regards.

163. Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Paris, December 12, 1972, 2241Z.

Hakto 41. 1. After morning meetings of the experts, at which both sides exchanged their understandings and some technical progress was made in conforming the texts, we had a full meeting with Le Duc Tho this afternoon which lasted four-and-a-half hours.² He repeated his now familiar tactic this round of preventing either a settlement or a breakoff. We meet again tomorrow morning to go over the understandings and their response to our protocols and I will then leave in the af-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Hakto and Memos to Pres., etc., December 3–13, 1972. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² A memorandum of conversation, December 12, 10:30 a.m.–1:30 p.m., of the experts' meeting summarized below is *ibid.*, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII, Minutes of Meetings, Paris, December 4–13, 1972. A memorandum of conversation, December 12, 3:07–7:35 p.m., of the second meeting is *ibid.*, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [1 of 3].

ternoon. He returns to Hanoi on Thursday.³ We will be in touch by messages, while Sullivan/Porter and Thuy/Thach work on the protocols. It is now clear that they are getting things to a point where they can be settled by one exchange of messages. But they will not send this message until they see what happens in Saigon and in the United States and what pressures we can generate on them.

2. Tho started the meeting by saying that he had finally received instructions from Hanoi. He offered a sentence which we had proposed last week which reads, "Among the questions to be negotiated are the modalities of movement across the provisional Military Demarcation Line." We had withdrawn this sentence of course in favor of our compromise one on Saturday dealing with civil movement and which he ignored. He would agree to separate his new sentence from the respect for the DMZ sentence and put it where we want it, i.e. after the sentence on negotiations in various fields. But they condensed over two paragraphs into one. He then said that in return for this concession there had to be a four-party signing with proper titles, thus withdrawing his formula of yesterday which might have been workable. He absolutely refused to insert the word "civil" before movement. Later on in the meeting, as we went over the remaining questions in the text, he continued to insist that the PRG should be mentioned once in the actual text, thus nullifying their earlier concession that it be mentioned only in the preamble. He tried this ploy first in the Sunday experts' meeting and is now sticking with the PRG title in Article 17.

3. We spent the rest of the meeting conforming the text which we largely accomplished, and on understandings in which we made some progress on Cambodia and Laos as well as minor ones of interest to them, like reconnaissance. Tho offered to shorten the Laos ceasefire interval to 20 days. I tried for a shorter period. He demanded a shorter period for the withdrawal of our civilians in return. In addition they raised Articles 8 (c) and 5 again, asking for understandings on civilian withdrawal and South Vietnamese civilian prisoners. They refused to accept any linking of the latter with either redeployments or demobilization. None of this was pressed insistently. Consistent with their apparent strategy, they were pleasant and subdued, and even invited us to stay for dinner. But I am sure if I had accepted their proposals they would have raised new objections.

4. Tho indicated early in the meeting that he would go home on Thursday, taking four or five days to get there. He mentioned both during the meeting and in a private talk that a settlement was not possible unless he could speak to his colleagues who constantly keep him

³ December 14.

from concessions he wishes to make, especially on the DMZ. He suggested he would be prepared to come back to Paris but that it might be quicker to settle the few remaining issues through messages and that a schedule could then be made on this basis. He offered to tell the press upon leaving Paris that we would be staying in touch through messages and that we might meet again depending on these exchanges. Tho gave us protocols on the ICCS and four-party military commission and offered to have our deputies work on them so that the international machinery could be brought into operation simultaneously with the signing of the agreement.

5. All of this sounds mildly encouraging; but I have come to the following conclusion. Hanoi has decided to play for time, either because of the public split between us and Saigon; or because they have a pipeline into the South Vietnamese and know about our exchanges;⁴ or because their leadership is divided and they are still making up their minds on whether to conclude the agreement. Their consistent pattern is to give us just enough each day to keep us going but nothing decisive which could conclude an agreement. On the other hand, they wish to insure that we have no solid pretext for taking tough actions. They keep matters low key to prevent a resumption of bombing. They could have settled in three hours any time these past few days if they wanted to, but they have deliberately avoided this. For every one of their semi-concessions they introduce a counter-demand. Thus their sentence on the DMZ, which in itself is unacceptable, was counterbalanced today by the withdrawal of their proposal for the signing procedure made yesterday. Moreover, the DMZ sentence, as you recognize, takes away the significance of the respect for the DMZ. I tried in innumerable ways to get the word “civil” included but they totally refused this. Thus what they offered after supposedly more than two days of communication with Hanoi was to move a still objectionable sentence further down in the text, and even here they link all the sentences by semicolons in the same paragraph.

6. We now find ourselves in an increasingly uncomfortable position. We have no leverage on Hanoi or Saigon, and we are becoming prisoners of both sides’ internecine conflicts. Our task clearly is to get some leverage on both of them. I therefore believe we should take the following steps:

—As soon as Tho has left Paris we should reseed the mines, as heavily as possible including of course north of the 20th parallel. This is

⁴ In a December 12 memorandum to Nixon summarizing this report, Haig reported that Kissinger had indicated this possibility. The President wrote in the margin: “most likely.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Hako and Memos to Pres., etc., December 3–13, 1972)

desirable in any event because the longer the mines are in DRV ports the less likely they are to violate the agreement if it is finally concluded.

—We should take off all restrictions on bombing south of the 20th parallel and step up our attacks, particularly by B-52s.

—We should resume reconnaissance activities north of the 20th parallel immediately which would serve as a warning to Hanoi.

—We should plan a two or three day strike including B-52's north of the 20th parallel for early next week. Please get plans. The power plants seem attractive.

—I would like you to look at the bombing situation in southern Laos. Yesterday's noon report mentioned the fact that infiltration was much heavier because the bombing in that area had fallen off.

It is essential that the military perform effectively for once in the above tasks. I would not resume daily bombing north of the 20th parallel at this point until we can discuss it.

7. The North Vietnamese strategy seems to me to be as follows: they have reduced the issues to a point where a settlement can be reached with one exchange of telegrams. I do not think they will send this telegram, however, in the absence of strong pressures. These pressures in turn cannot really be applied now because of Thieu. If Thieu had adopted a common position with us we would have an excellent ground on which to stand now with North Vietnam's insistence on maintaining troops in the South and total refusal to recognize any aspect of sovereignty for South Vietnam. What makes it intolerable is the inability to defend an agreement that Thieu attacks. Moreover his short-sighted device for preventing a settlement has deprived us of the pressure which could bring us a settlement. His offer of prolonged Christmas truce almost guarantees that Hanoi will wait on sending the telegram until the truce breaks down or Congress is heard from. This is why the visit with Thieu is now essential and I know no one else than Agnew who can possibly do it. The present course will guarantee that Congress will cut off the funds and that everything we have striven four years to avoid will be imposed on us. If this is to happen we are better off knowing it early on than to die the death of a thousand cuts.

8. Thus I feel as Bunker does that the Vice President and you should go to Saigon, but there is now less time pressure and I believe we should consult before you take off. The Vice President and you should plan to leave, however, no later than this weekend.⁵ You could probably stay an extra day in Saigon now and visit other countries in order to bring them aboard on a contingency basis. The presentation to Thieu must be brutal. If we can bring Thieu aboard, this will give us a

⁵ December 16–17.

platform for exerting pressures on Hanoi. If we cannot bring him aboard, we should find out now and we will have to consider going for a bilateral deal. In any event the Vice President's trip would have the advantage of calming press speculation. It will fill the gap if the other side does conclude an agreement and give us a base for tougher action against Hanoi if the agreement aborts.

Warm regards.

End message.

164. Conversation Between President Nixon and the President's Deputy Assistant for National Security Affairs (Haig)¹

Washington, December 12, 1972.

Nixon: Well, the [unclear] earlier. Have you got Henry's message?

Haig: No, his message hasn't come in. I called about it. It's very long, very long.² He's laid out all kinds of things that we should be doing, and how we should proceed from here; Henry's thoughts on Thieu; Henry's thoughts on the military action; Henry's thoughts on how [it] should be handled publicly, and what we'll have to cope with; how to keep the dialog going with them to keep from breaking. You know, a lot of the press reporting is—it's encouraging in a way because obviously nobody's telling anybody anything, and these guys are wrong as hell. They're—

Nixon: They're all saying that we're close to a settlement.

Haig: [chuckles] Yeah.

Nixon: They're all wrong.

Haig: They're all wrong.

Nixon: But they may be right.

Haig: They may be right.

Nixon: You know what I mean? They may be right in the broad sense, in the sense that a settlement is inevitable. They are wrong in the

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Oval Office, Conversation 821–1. No classification marking. According to the President's Daily Diary, Haig met with Nixon in the Oval Office from 5:50 to 6:10 p.m. (Ibid., White House Central Files) The editors transcribed the portions of the conversation printed here specifically for this volume.

² Document 163.

timing; a settlement is not inevitable right at this time. That's kind of my feeling about it. What do you think?

Haig: I think that, sir. I've been through all the intelligence that we've had since the 6th of October, the raw reports. It's just inconceivable to me that Hanoi's going to be able to pick up and go on the way they're going and that they do want this because they've instructed all their cadres, they've reorganized their forces in the South, broken down into small units, everyone's been briefed and oriented.

Nixon: Yeah. So, what does that mean?

Haig: Well, I think they're going—they're going to play on what they anticipate to be pre-Christmas anxiety on our part, and, we [unclear]—

Nixon: What I mean is this: let me say that I'm talking about Henry's long message and so forth, Al. There is nothing to be gained by going through a tortured examination of what went wrong and this and that and the other thing. You know what I mean is that—

Haig: Yeah.

Nixon: —just forget that. I am not interested in all that.

Haig: No, sir.

Nixon: There's nothing to be gained of going over: well, they gave on this, and we gave on that, and they're sons-of-bitches, and so forth. Just forget all that. All that—all we have to be concerned now is where to go from here? And the point is that—I told you when I went through this—he's got to go to the meeting tomorrow. You sort of got off—got off to him my thoughts, did you?

Haig: Yes, sir. I sent that message to him³ and told him to use it as he sees fit, sees fit—

Nixon: Yes, if he thinks it wise, of course. You can't tell if it's wise unless you're really there, of course.

Haig: No, that's right.

Nixon: He's got the sense of it. He'll know.

Haig: He did. He was quite explicit in saying that the thing would be done amicably—

Nixon: Yeah.

Haig: —which lessens the chance that they'll go public with an attack. Although they've reacted quite sharply with Thieu today.⁴

Nixon: What are they saying?

³ Document 167. Kissinger in his memoir mistakenly stated that the message was for the meeting on the December 12. (*White House Years*, p. 1441)

⁴ Haig was referring to the North Vietnamese reaction to Thieu's December 12 speech.

Haig: Well, they said this was an unreasonable demand, the United States was responsible for it. Then, Madame Binh did the same thing, except she said that she, that—she sort of implied that we shouldn't allow him to do this, trying to keep his foot between us.

Nixon: Um-hmm.

Haig: But Hanoi was a little more—

Nixon: Um-hmm?

Haig: —more direct in its attack on both Thieu and ourselves, as they mean being a puppet of ours, and an extension of our view, claiming that we really didn't want to settle, and that we're building up with military supplies, and civilians acting as military—tens of thousands, they say, and that we don't really want peace and that we just want to continue to Vietnamize.

Nixon: Um-hmm.

Haig: Which is fairly consistent with their approach to the table.

Nixon: Um-hmm—

Haig: They're making these same kinds of—

Nixon: Al, what's your—when you really come down to the fundamental thing, first of all, Henry has got to get the talks moving on tomorrow and then out of the way if possible.

Haig: That's right.

Nixon: Then he will come back. After he comes back then presumably he will be—there'll be—there will be a letdown here. Everybody will think it was going to go, but that doesn't worry me. I mean, we can take a letdown.

Haig: Hmm.

Nixon: And so on. And with—do you see, he mustn't think it's the end of the world because the talks don't succeed—

Haig: No, no.

Nixon: —right now? I mean, I don't think—you left Henry in that frame of mind when he left, or is he—? His hopes were pretty high on Saturday⁵ when he left, or even after he got back—?

Haig: They were—they were high Saturday.

Nixon: Because when you came back you obviously were [unclear]—

Haig: And I must say, based on the session Saturday,⁶ it was

⁵ December 9.

⁶ The reason for the "Saturday" reference is unclear because Kissinger's December 9 report enumerated accomplishments in that day's meeting with Le Duc Tho (see Document 152). His report on the December 12 meeting concluded that the negotiations had stalemated and the United States should begin bombing North Vietnam again (see Document 163).

just a question of whether we bought a compromise, or folded, or—

Nixon: That's right.

Haig: —they did, but that was it.

Nixon: And then nothing happened.

Haig: Then nothing happened. They reopened the same issues we had hammered out Friday and Saturday so laboriously.

Nixon: What in the hell do you think happened? I guess nothing in between. I don't know.

Haig: Well, I—you know, we've done a hell of a lot of things that must be driving them up the wall in an objective sense. I mean, Christ, we have put in a billion dollars worth of equipment. We had to—

Nixon: [unclear] Come on—now then, though then—so we were disappointed Saturday. Henry obviously got a hell of a letdown on Monday. See, I can tell more by his reactions from this than by reading 30 or 40 pages of—

Haig: Of course.

Nixon: —why—you know what I mean. You can, too. We all know what it is. Now, the reason he's down and discouraged is he raised his hopes high. Now his hopes are dead. Now they're dashed. Well, they should have never been high and they never should have been dashed in my opinion. I think it's always about where it was. Am I wrong or not? If I am, well, then I'll start reading all this stuff.

Haig: No, I think—

Nixon: [unclear]

Haig: No, I think you're exactly right, sir. I think this thing, we just got to—all the indications are that they want to settle and I think they will settle. But they're Communists, and every goddamn nickel they can make from us, they're going to try to get. And they don't mind if it takes two months, a month, a week. They're going to get the best deal they can get.

Nixon: So how are we going to position Ziegler tomorrow [unclear]? Did Henry give any guidance on that?

Haig: Well, he claims that he has guidance in here. I think we should merely say—and I'm sure his guidance will say this—that he's returned for consultations.

Nixon: Well, I'll be in in the morning early enough. As soon as I get in, I'll call you, you come in, we'll have a good talk about it.

Haig: Yes, sir.

Nixon: You and I will get Ziegler positioned.

Haig: Right—

Nixon: "He's home for consultation, but there's still some knotty issues remaining." I think, frankly, we ought to say we—no, no, we can't say we've made progress, if they're going to deny it. No, I mean, I don't know. It is true that there has been progress—

Haig: There has been progress, and I could—I think we could say that—

Nixon: "We have made some progress but there are still some knotty issues to be resolved and we're trying to resolve them."

Haig: That's right.

Nixon: "He's come home for consultation." "When will they be resumed?" "Just as soon as we—when both sides agree they would serve a useful purpose." That's what I'd say, just like that and get out of the room.

Haig: Exactly. And then when there's just [unclear]—

Nixon: Now, let me come to the key point: you really don't feel we should bomb again? Don't you? You see the real problem you got there is that if we do, the bastards could use that as an excuse for not talking. And, yes, they might [unclear]. I don't know.

Haig: No, sir. I'm afraid, depending on what is really the cause of the hang-up, if it's this whole array of things, I think we should start racking 'em. And recognizing it's going to be tough. But, hell, we've taken a lot tougher than this.

Nixon: [unclear]—

Haig: It's not going to be—it's not going to be that tough.

Nixon: N-n-n-no, no. Well, the election is over. Forgetting the election and that sort of thing, sure it's the Christmas season. [unclear] but we'll just say we're doing this because they—we want, we want to get these negotiations going. Look, I don't know. What do we say? Why do we say we're bombing more? What—what's our—?

Haig: Well, I think we have to—

Nixon: We're not going to say a damn thing; we're just going to start doing it. And they'll say, "Le Duc Tho was over there," and we'll say, "Well, there was a buildup, an enemy buildup."

Haig: There was a buildup—

Nixon: That's what I'd say.

Haig: There was a buildup. The talks had gone on for an extended period, beyond what we thought would be necessary. We can't risk dawdling tactics. We're prepared to stop it just as soon as we get a settlement. Of course, it's going to stop.

Nixon: But then we must not stop bombing the North until we get a settlement.

Haig: Until we have it on the line—

Nixon: That's the point. We must not do it. Now that's the point, the mistake we made, to stop this damn thing before we had a settlement, Al.

Haig: And we're going to get—we're going to get pressure from Dobrynin. I am confident Henry's going to come back with some theories as to why we shouldn't do it. We have to consider that. He may know something we don't know. Or he may get some assurances from Le Duc Tho that we don't know about.

Nixon: Right.

Haig: But, my own instincts are that they only understand one thing. And if they're going to try to play us right up to the Congressional return, that will be even tougher to start again then when these men are back in town. And we get into a weather problem. The B-52s are great around the clock, sir, but they need escorts and the escorts are weather sensitive. So while it's technical—technically feasible, it's not, not the kind of thing you can do without reason, with some kind of reasonable weather. Hell, we've got another complication as I sat down to try to war-game this: Thieu's calling for a cease-fire. There has habitually been a holiday cease-fire, and we're going to have to wrestle with that one, how to manage that problem. And I think that's, quite frankly, what Hanoi's very conscious of. They don't want us to start bombing. They realize, now, that they've got a gap that can—

Nixon: When does the cease-fire run? From when to when?

Haig: Well, he offered—ordinarily, they run it Christmas—

Nixon: Through New Year—?

Haig: —midnight the day before Christmas to midnight the day following Christmas. Then they have another one at New Year's. There have been occasions when they've had them longer. They've run them right through the period.

Nixon: [unclear]

Haig: Thieu offered that today, but that was in conjunction—

Nixon: He offered the longer one?

Haig: But that was in conjunction with this POW exchange.

Nixon: No shit, he's done it. They're not going to give us any POWs.

Haig: Now, Henry thinks—

Nixon: That damned thing. He knows better than that.

Haig: That he knows.

Nixon: Huh?

Haig: That was the red herring to take the heat off of him and show his magnanimous spirit. Now, we may have to send the Vice President out to, still, to brutalize this guy.

Nixon: Yeah. About what [unclear]? I mean even before we have a settlement?

Haig: To say, “Look”—

Nixon: What will he tell him?

Haig: —“by God, we want you to know we’re going, and are you going to persist in this? That it’s going to be your destruction. And we’ve got to take military action. We’ve got to concert on that to get maximum pressure on Hanoi.” Well, I think we have to think about this. Maybe I should do that, I don’t know. But I think Thieu right now is so far off the reservation that it’s going to take some more tending.

Nixon: I agree. Maybe you have to do that. Maybe using the Vice President for that is—

Haig: Maybe premature.

Nixon: But Thieu has got to be told in the coldest possible terms. What in the hell, has he paid any attention to this stuff? And, but—well, it’s hard. We always knew it was going to be hard. It’s just a little harder than we expected. What happened is that Henry got his hopes a little higher than he should have before the election.

Haig: That’s right. That’s right—

Nixon: I never thought—I didn’t, you know. I didn’t, as you know, have very high hopes, and I don’t think you did either—

Haig: You never have, and I never have.

Nixon: Huh? Did you ever have—?

Haig: I never have.

Nixon: Really? I never did. I remember when Henry came in, remember he said, “Well we got three [for] three over there.”⁷ I waited—the next morning he cooled off a little. He knew that it was a little bit exuberant. What the hell? You got nothing but a slap on the face from Thieu when you went out there, right? But you know, there comes a time when it must end.

Haig: That’s right. That is absolutely—

Nixon: That was really the theme of Bunker’s call, wasn’t it?

Haig: Yeah.

Nixon: As I understood it, he said well—

Haig: That’s right. We’ve backed this guy. We’ve given him everything. It’s time for him to stand up and face it.

⁷ Kissinger said this when he met with Nixon, Haig, and Haldeman the evening of October 12 on his return from the breakthrough negotiations in Paris. See Document 9. Haldeman also recalled that Kissinger announced to the President that he now had three for three in terms of diplomatic triumphs: in China, the Soviet Union, and Vietnam. (*Haldeman Diaries: Multimedia Edition*)

Nixon: That's right. But we really have, Al. Even Abrams, he sits sort of like a silent rock and never says anything, but even he said it on one occasion that I can recall, he said, "Well, we've got to cut him loose to see what he can do. The time has come. He's depended on us too long."

Haig: Yeah, well, I agree with that—

Nixon: Isn't that really it?

Haig: Yes, sir. And I agree with him completely. We're just going to have to—have to manage that in turn. But I think we're in a hell of a lot stronger position than they are, sir. I really do.

Nixon: Than the North?

Haig: I think we're in great shape and we've—

Nixon: Why?

Haig: —got to stay confident and—

Nixon: Why are we in a better position here?

Haig: Because they are hurting very badly in the South. They're—

Nixon: Goddamnit, if we just get the bombing going again.

Haig: That's right. They can't face that.

Nixon: That's why they're being—if they're being amicable, the reason they're being amicable is because of their fear of the bombing. I don't think there's any other damn reason to talk. I want you to get that across to him. I—just tell Henry that I do not want him to do anything that will limit my option, [sneezes] very clear option, to resume intensive bombing in the North. And that—you know, in a sense, that's really better than having to have that option open than to have—than to pay a price to have them say something pleasant as he leaves.

[Omitted here is brief discussion about press views of the settlement and closing comments.]

165. Backchannel Message From the Special Assistant for Vietnamese Affairs, Central Intelligence Agency (Carver) to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, December 12, 1972, 2354Z.

Tohak 172/WH 29884. Deliver opening of business.

(Please deliver to Dr. Kissinger at Ambassador's residence at opening of business, December 13, 1972)

Quote:

1. At your request relayed by General Haig, I have taken a careful look at President Thieu's 12 December National Assembly speech² and endeavored to assess what this speech does to Thieu's own ability to accept an agreement negotiated by you with Le Duc Tho; i.e., to what extent do Thieu's 12 December remarks paint him into a corner or constrict his latitude for subsequent political action. The short answer to your question is that, to my eye at least, Thieu has employed a lot of rhetoric, some of it quite artful, for a variety of diverse purposes, but he has carefully and deliberately avoided boxing himself in. He has left himself free to do whatever he wants to do or feels he has to do—and the 12 December speech (in tandem with the past few weeks' covert reporting) sheds a fair bit of light on how Thieu views the opportunities, requirements and constraints inherent in the current situation.

2. The speech is vintage Thieu and very Vietnamese. The major themes are interwoven, repeated with variations in different contexts, and sometimes conveyed by elliptical allusion more than than direct statement. The nature and purposes of the speech make it hard to "summarize," i.e., reduce to the matrix of a tidy (Western) logical structure stated succinctly in English prose. In this speech, Thieu is trying to do several things, including:

A. Explain what the Communists are "really" up to, i.e., put the onus for current difficulties squarely on Hanoi—which is where Thieu honestly thinks it properly belongs.

B. Justify the GVN's position, explaining its reasonableness and indeed its essentiality if the GVN is to protect the vital interest of South Vietnam's "seventeen and one half million people."

C. Avoid offending the Americans or, particularly, opening a

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Tohak 100–192, December 3–13, 1972. Secret; Sensitive; Exclusively Eyes Only. Sent via Haig.

² See Document 160.

breach between the U.S. and the GVN (which Thieu knows Hanoi wants very much to open), but at the same time explain why, and how, the Americans are prone to misperceive the true realities of the Vietnam situation and how these misperceptions generate dangerous potentialities of pressures for disastrous actions.

D. Defuse the charge that the GVN—i.e., Thieu—is a major (even the major) obstacle to peace by offering “concrete” proposals demonstrating the GVN’s flexibility, reasonableness and good will—i.e., the Christmas to New Year’s truce (a deliberately vague phrase that could be retroactively construed as meaning Christmas to Tet), the unilateral release of North Vietnamese POWs (to be sent back to North Vietnam), and the offer to sit down and discuss political problems with the NLF and the DRV (i.e., without you).

3. I would respectfully suggest that you take the time to read the whole speech carefully, line by line (FBIS 02 of 12 December has the full text). My additional comments below presume a basic familiarity with Thieu’s text.

4. This speech is part and parcel (an important one) of Thieu’s continuing effort to do several things we have discussed before, an effort that inevitably entails a simultaneous play to several different galleries. First and foremost, Thieu is trying to protect what he conceives as South Vietnam’s vital interest. (Since he thinks of himself symbolically as the custodian of these interests and practically as the only leader really capable of pursuing them, the twin concepts of South Vietnam’s vital interest and Thieu’s vital interests inevitably get intermingled.) Let me return to this point in a moment since, in the final analysis, Thieu’s weighing of net interest will play a predominant role in his actions with respect to any settlement agreement you negotiate.

5. Secondly, he is trying to improve his image (and, in the process, his political position) within South Vietnam. This gets tricky because it involves showing that he is (1) a genuine, independent nationalist who is not a U.S. puppet in any way, (2) capable of protecting the South Vietnamese people, i.e., of providing the leadership that will make it possible for them to resist the Communists (under whose rule the vast majority of the population does not want to live), and (3) not a personal obstacle to peace, which the majority of the South Vietnamese people clearly, and increasingly, desire.

6. In the process of doing the above, Thieu has to prepare the Vietnamese people for the psychological shock of peace, or at least a markedly different form of struggle. His limitations (from our perspective) may be obvious and irritating, but they should not blind us to the fact that Thieu is a shrewd and pragmatic Vietnamese politician with a brilliant grasp and understanding of his countrymen’s psychology. He is convinced his people cannot be rushed into a new situation, they must

have a chance to talk about it, thrash it about and, in the process, get used to the prospect of a changed environment. (Thieu's conviction here is of course compounded by the fact that he personally does not rush, and resists being rushed, into anything.) Trial balloons have to be floated. Straw men have to be erected so credit can be gained for beating them down. Fears have to be voiced and tangible steps taken to demonstrate that they have been duly considered and their grounds allayed. The heretofore unmentionable must transmute into a commonplace cliché. All of this takes time. Progress in this area is circular, not linear, and often hard for the foreign eye to discern.

7. Finally, Thieu has to consider South Vietnam's powerful patron, without whose continuing support no anti- or non-Communist South Vietnamese state can survive. A pragmatic realist, Thieu knows this, but here three other considerations affect his perception and are capable of distorting it.

A. At the risk of being rude, I must here be brutally frank. Thieu does not like you nor does he trust you. He is convinced that you are much more interested in getting a piece of paper signed amid fanfare and panoply than in protecting what he considers South Vietnam's legitimate vital interests. Though appearances may indicate otherwise, there is really nothing personal in Thieu's attitude. He sees you as a symbol not an individual, and you have become what T.S. Eliot would have called an "objective correlative" for many of Thieu's emotions about the United States. As you know, the Vietnamese have an ingrained penchant for explaining situations or developments in terms of personalized conspiracy theories—the more complex, the better. Thieu may not totally accept but is nonetheless obviously taken with the (to us) [far] fetched theory that there is or at least may be a Soviet-U.S. deal afoot to establish a Vietnamese buffer against Chinese expansion and, further, that Washington and Moscow have mistakenly decided that China can be better contained by a unified Vietnam under Communist rule—ergo South Vietnam is in danger of being sold down the river. He alludes to this "parenthetically" (his word) in his speech, and I am sure you are the "theorist" he has in mind.

B. Thieu has another conviction about the U.S. to which he also makes clear reference in his speech, though in language that tries to be considerably delicate. He believes (along with many South Vietnamese) that our understandable concern—laudable from a humanitarian point of view—for several hundred prisoners has distorted our perception or appreciation of Vietnamese reality and made us vulnerable to Hanoi's "cunning and crafty trick" of extracting major military and political concessions from us in return for these prisoners, and little else.

C. Thieu tends to be a creature of habit with an instinctive inclination to employ tactics that have worked before and helped him over-

come previous difficulties or problems. Throughout his Vietnamese political life and in his post-1967 dealing with the Americans, Thieu has frequently achieved his objectives through the exercise of stubborn patience, i.e., by stonewalling. This gambit has served him well in relatively minor matters (e.g., keeping Truong Dinh Dzu and Tran Ngoc Chou in prison), in far from minor matters (e.g., the one candidate 1971 election) and in matters of clearly vital importance (e.g., October 1968). This tactic becomes irresistible in a critical situation such as the current process of negotiating with Hanoi in which Thieu thinks (as he manifestly does) that his American allies need their spines stiffened in their interest as well as his. Thieu undoubtedly feels that his foot-dragging on the October 1972 draft agreement has produced (indirectly) additional concessions from Hanoi and thus not only helped protect South Vietnamese interests but also given the Americans more than they would have (rashly) been willing to settle for two months ago. One difficulty here, however, is that whether Thieu realizes it or not (and he probably does not), his understanding of the American temperament and our political dynamics is far from equal to his grasp of Vietnamese psychology and political reality. Thus Thieu almost certainly fails to appreciate the full measure of risk in his brinksmanship vis-à-vis the U.S. and the attendant dangers of his making a major, possibly fatal, miscalculation of what the traffic will bear.

8. Behind Thieu's 12 December speech lie all of the factors and considerations outlined above. Despite the superficial impression some of its language may convey (and not by accident), I think the speech reflects a very careful and deliberate effort on Thieu's part not to paint himself into a corner. We know from other reporting from sensitive and reliable sources that Thieu considers some form of settlement agreement inevitable. He also knows that at some point he will have to agree to sign, or at least he recognizes the risks that would be entailed in the inevitable impact on U.S. support of his continued intransigence beyond a certain point. The real question, is "where does Thieu place that point?" The answer is that he places it where he (not we) thinks the risks of continued refusal outweigh the risks of signing.

9. Sifting Thieu's language to distinguish what he privately considers rhetoric as opposed to essential substance is not easy. My own assessment is as follows:

A. I think Thieu is quite cynical about the benefits or protection any supervisory or international inspection mechanism is likely to provide. Consequently, while he will push for the best (i.e., most comprehensive, and least fettered) structure obtainable, this is not a vital issue.

B. Much (though not all) of the fuss about "coalition" is probably rhetoric, advanced to stir South Vietnamese thinking, as a bluff, and as a straw man. I think Thieu was shocked to see the Vietnamese term em-

ployed for “administrative structure” in the October draft and saw in it confirmation of his suspicions regarding American naivete or unseemly (hence sloppy) haste. If “*hanh chinh*” is used, however, I think Thieu can probably live even with the language of the October draft, or at least believe that this need not be a crunch issue.

C. I think Thieu is much more privately pragmatic than he publicly lets on with respect to the issue of NVA troops in South Vietnam. For understandable reasons, Thieu wants as many of them out as he can possibly get out, particularly since he knows how dependent his indigenous adversaries are on the support of a nearby NVA presence. Thieu, however, is a realist. He knows the North Vietnamese are unlikely to admit publicly that they have NVA units in South Vietnam and even less likely to sign any written promise to remove them. In the final analysis I think Thieu would settle for a private, unwritten side deal on this issue. His offer in the 12 December speech to match NVA withdrawal with ARVN demobilization in fact lays the groundwork for just such a deal (almost certainly by design). Again I apologize for rude frankness, but while Thieu may not trust you, he does trust President Nixon. In the crunch, he will probably be willing to accept a Presidential assurance of continued U.S. support and U.S. military protection (if the settlement’s provisions are violated) and settle for a side deal on NVA troops that the President promises to make stick.

D. The simultaneous cease-fire (i.e., Laos and Cambodia along with South Vietnam) argument also strikes me as more of a throwaway issue than one of absolutely vital importance. Making the Communists freeze—or at least commit themselves to freezing—throughout Indochina would be useful, but this is not (I think) a matter over which Thieu would be prepared to jeopardize his future relations with the United States.

E. There is, however, one issue over which I am quite sure Thieu will not compromise and, indeed, being who he is and what he is, cannot compromise—psychologically or politically. There is a deeply rooted aspect of all Asian cultures, including the Vietnamese, that imposes a limit on Asian pragmatism: form can be conceptually distinguished from substance only up to a certain point. Beyond that point, form becomes substance, and any attempt to distinguish between them becomes meaningless in the sense of being (literally) incomprehensible or unthinkable. Thieu would be personally and politically destroyed if he were to sign an agreement that eliminated the GVN’s legal right to existence, and he would have the greatest difficulty (real, not just rhetorical) in signing any agreement that did not specifically endorse and sanction that right. In Thieu’s eyes, probably the most important sentence in his whole 12 December speech is the one that reads: “As for the Communists, they seek to elude, or refuse to accept this important ba-

sis: South Vietnam and North Vietnam are two separate zones which must be temporarily considered as two separate states among the four Indochinese states."

10. Predicting the behavior of a political leader of another country of a different culture more than 10,000 miles distant is a chancy business, particularly in a complex situation where the stakes are high and the emotional stresses correspondingly strong. Thieu knows he is engaging in brinksmanship and I think he knows he is close to the brink (though I am not sure he knows how close). He certainly knows South Vietnam has little chance of surviving without continued U.S. support and assistance. My guess, however, is that he honestly believes that neither South Vietnam nor he would have any chance of surviving politically if he were to sign away its legal right to separate existence and simultaneously accept what the Communists have always insisted was the "correct" conceptual depiction of the Indochina struggle. On that issue, therefore, I think Thieu will stick, insisting that—as a rock bottom minimum—no agreement offered for his concurrence contain any reference to the "three states of Indochina" or any unamplified, unqualified reference to the 17th parallel's being only a truce line and not (even temporarily) an international boundary.

11. If Thieu gets the minimal satisfaction I am sure he feels he has to have on this point—which to him is unavoidably central—I think he is probably privately ready to be flexible and at least grudgingly accommodating on almost everything else. He will, of course, balk if the theatrical mechanics of formalizing any settlement make him look like a puppet whose impatient master finally jerked the string. He will probably insist on the outward formality of a high level U.S. visitation to Saigon bringing him the "final text" for ostensible review prior to his public endorsement. Given this piece of international stage business (or some variant thereof)—and given minimal satisfaction on the central juridical issue—I think he is ready to come along. I also think a careful reading of his 12 December speech supports this conclusion. Some of its rhetoric is artfully designed to mask what Thieu is really prepared to accept, but with equal artifice, it puts him on no limbs—save the central one—from which he cannot descend gracefully as a magnanimous questor for peace.

Unquote.

Warm regards,

George A. Carver, Jr.

166. Memorandum From Secretary of Defense Laird to President Nixon¹

Washington, December 12, 1972.

SUBJECT

Ceasefire Agreement

I have had long and detailed discussions with Ken Rush and Tom Moorer on what must appear to you as a critical dilemma in the current negotiations being conducted by Henry Kissinger and Le Duc Tho. On one hand, the North Vietnamese appear to be stiffening by re-opening issues once considered settled and prompting their forces in South Vietnam to prepare for action that would violate the terms of the proposed agreement. On the other hand, the US has encouraged the US people and the rest of the world to believe that peace is at hand and that our POW's would be home momentarily.

Ken Rush, Tom Moorer, and I believe that the dilemma is more apparent than real. We jointly believe that you have only one viable realistic choice. That choice is to sign the agreement now.² Our reasons are described below.

We believe that you will no longer get the support of Congress for continuation of the war if our POW's are not returned to the US promptly. Congress is fully aware of your generous offer of May 8, 1972. Congress is likewise fully aware that the nine points contained in the current proposed agreement as accepted by the North Vietnamese is a far better agreement for both the US and South Vietnam than your May 8 proposal—the same proposal used by me before Congress to gain support for our last Supplemental Budget request to cover the increased cost of the war in Southeast Asia. I know from my direct talks with Congressional leaders in the last few days that they do not under-

¹ Source: Washington National Records Center, OSD Files: FRC 330-77-0095, 385.1, Viet, December 1972. Top Secret; Sensitive.

² In his diary entry for December 13, Moorer summarized a telephone conversation with Haig that began at 11:55 a.m.: "Al said that Laird had sent a memo over to him and included Rush and I in it and said we wanted settlement now at any cost, even including accepting the October settlement. I said I told Laird that I agreed that we had a problem and that is what I told the President Thursday [December 7; see Document 149] as well; we would have difficulty in getting support from Congress, it would be much easier to get an agreement and then force a violation. Al said when Hanoi tells you to go to hell you cannot just surrender." (National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974) Haig later wrote that Moorer's position "had been misunderstood by the Secretary of Defense. He [Moorer] had pointed out the probable costs of the operation, as was his duty; once the decision was made to go ahead [with the bombing], however, he stoutly supported the President." (*Inner Circles*, p. 309)

stand why we are delaying the signing of the agreement—why we are delaying the return of US POW's. Any further delay, or any action that increases US military involvement like the increased bombing of North Vietnam, will destroy the remaining flicker of support you now have from both the Senate and the House.

The same feelings, I believe, are shared by the American people, particularly the families of our POW's and MIA's, and world leaders, both allied and communist. These world leaders respect you for your many initiatives that have moved the world toward a generation of peace. They just will not understand your reluctance to approve an agreement for the end of the war when that agreement is so much better than your own May 8 announcement. I am concerned that you are putting in jeopardy your reputation as a world leader and your future effectiveness on the world scene.

I believe the far better course of action is to sign the agreement now, get all our POW's home and get an accounting of our MIA's, and then test the sincerity of the North Vietnamese. If the test proves that the North Vietnamese have deceived us, then is the time to take action to help the GVN in the South, if such help proves necessary. I am of the strong belief that little US help would be required to permit the South Vietnamese to handle any attempts of the North Vietnamese and/or Viet Cong to challenge the security of South Vietnam. Vietnamization has been successful. It was designed to give the South Vietnamese the capability to defend themselves against a North Vietnamese threat twice the size of the present NVA force in South Vietnam.

We should not be surprised nor alarmed to read intelligence reports indicating that the NVA/VC goals in South Vietnam have not changed. We should expect that they will try to gain their objectives in new ways following a ceasefire. But that should not dissuade us from signing the agreement because South Vietnam is capable now of satisfactorily defending themselves against whatever attempts are made by North Vietnam. President Thieu may take exception to this reasoning. But I am convinced that he will always find reasons for demanding the continued direct military involvement of the US until you finally say no.

Therefore, Ken Rush, Tom Moorer and I strongly recommend:

- a. Avoiding any increased US military action at this time.
- b. Signing the agreement now.
- c. Pressing for the immediate return of our POW's and the accounting for our MIA's.
- d. Putting the onus on the North Vietnamese to honor a ceasefire agreement.

e. Reacting strongly to any North Vietnamese violations after our POW's are returned—thereby gaining support from Congress and the rest of the world.³

Melvin R. Laird

³ Laird added the word “strongly” by hand and deleted the word “only” after “violations.”

167. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, December 13, 1972, 0217Z.

Tohak 173/WHP 254. Deliver immediately at opening of business, December 13.

As we discussed on the telephone on December 12, the President has asked that I deliver the attached message from him to you prior to the December 13 meeting in Paris.

Warm regards.

Prior to your departure for Washington for consultations on Wednesday, December 13, I want you to be aware that the United States will under no circumstances participate in a precipitous settlement which is unsound and which offers no hope of implementation or the ultimate achievement of an honorable settlement. I want you to express my disappointment in the outcome of this round of discussions which have been characterized by repeated delays and procrastination on the part of the Government of the Democratic Republic of Vietnam. In this type of negotiating environment, the United States can not nor will it make more concessions.

I remain genuinely interested in achieving a negotiated settlement of the conflict and I am convinced that the time has come to turn a new page in our relations with the Democratic Republic of Vietnam. Your counterpart should be aware that I stand ready to consummate an honorable settlement at any time that Hanoi is prepared to join with us in a

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip, Tohak 100–192, December 3–13, 1972. Top Secret; Sensitive; Exclusively Eyes Only. Sent via Lord. Written on December 12.

spirit of goodwill and reciprocity. Until that time arrives, however, the understandings which have governed the conduct of both sides during these talks will no longer apply and until there has been measurable progress in resolving the current impasses the U.S. side intends to act in accordance with its own interest.

Warm regards.

168. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, December 13, 1972, 1425Z.

Tohak 179. Deliver immediately.

Following is Bunker analysis of Thieu's future posture. It seems to me I have seen an analysis like this one before. It's a variation of the theme "if it works I'm for it; if it fails I'm agin it."

Begin text. (Saigon 0295)

1. I have not replied earlier to your 2270² since I have wanted to get a reading if possible on any further moves Thieu is contemplating following his speech of December 12. You were correct in assuming that my 0294³ was written after his speech.

2. Thieu's speech, I think, can be seen, as reported in ref B,⁴ as an effort to make the National Assembly share responsibility with him, particularly if he should decide that he must sign the agreement.

3. Thieu is intelligent enough to have known that his proposals for a temporary truce and exchange of prisoners and consultations with the other side were unsaleable and can be read, I think, as an effort to extricate himself from the position he has gotten himself into giving the

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Tohak 100–192, December 3–13, 1972. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Guay.

² In backchannel message WH 2270 to Bunker, December 12, Haig asked Bunker to provide Kissinger with a "frank appraisal of Thieu's ability to accept the draft agreement in light of his National Assembly speech." (Ibid., NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (2))

³ See footnote 4, Document 159.

⁴ Message 294.

appearance of plausibility. Six of Thieu's close advisers have expressed their disappointment in the speech, viewing it as unrealistic.

4. We now have a report of Thieu's briefing of 60 to 70 pro-government Senators and Deputies on the afternoon of December 12 in which he listed points he considered essential to any agreement—the withdrawal of all foreign troops, including North Vietnamese; demobilization of ARVN armed forces corresponding to the number NVA withdraws from South Viet-Nam and the NLF demobilizes; non-recognition of PRG, but willingness to recognize existence of the NLF and negotiate with it.

5. Thieu concluded by saying that there were two alternatives available to him:

A) to sign the agreement as presently constituted, which would be deliberately willing death;

B) not to sign the agreement, which would be equivalent to accepting slow suffocation as a result of the cut-off of military and economic aid by the United States.

Thieu noted that the second alternative had been his choice and he would not sign. He said that the effects of such a decision could be extremely difficult, there will be heavy pressure to force him to change the decision, but that he would not revise his position without a major change in the negotiating position of North Viet-Nam.

6. A different version of Thieu's thinking is Nha's statement on December 10 that Thieu had decided not to sign the cease-fire agreement, but to "accept" it as a "reality". In "accepting" but not signing Thieu will assure the USG that he will implement the cease-fire as signed by the Americans and the North Vietnamese. Nha added that Thieu believes that pressures for him to sign have become so public that it would mean his loss of any nationalist political support if he yields to U.S. pressures and would also jeopardize discussions he might enter into with the North Vietnamese or the NLF since both would consider him an agent of the USG.

7. I think there are a number of considerations to take into account in trying to form a judgment concerning the decision Thieu is ultimately likely to make.

—There is a substantial body of influential opinion, including the Prime Minister, Minister of Economy Ngoc, Tran Quoc Buu, Head of the CVT and of the Farmer Worker Party, leaders of the PNM and Senators and Deputies who have indicated that they consider Thieu's posture unrealistic, that the draft agreement represents the realities and should be accepted.

—It is clear even to Thieu that going it alone is a short-term ploy without any future.

—Thieu's resigning in order to let the Vice President or the Prime Minister sign the agreement in the expectation that he can return to power seems unrealistic. Thieu is not DeGaulle.

—It is already clear that Hanoi won't buy his truce and prisoner exchange proposal.

8. Given these considerations, it seems to me a development along the following lines might be envisaged:

—The Vice President would visit Saigon. Thieu could say that he brought new, firm assurances from the President for continued support and assurances of our prompt and strong reaction if the agreement is violated. The points made in para 3 of ref B would apply.

9. Thieu might then take one of several courses:

A) Sign the agreement with a demurrer saying that he does not recognize the right of the NVA troops to be in South Viet-Nam and mentioning any other principles to which he takes exception.

B) Refuse to sign the agreement, but say that he has no alternative but to abide by its terms.

C) Resign and let the Vice President, or, if the latter also resigns, the Prime Minister take responsibility for signing.

10. If any of the above conditions seem likely to apply, I think the Vice President's visit could be helpful. If Thieu's decision, however, is completely negative and he refuses to sign, then I believe the Vice President should not come to Saigon. I realize the above is not very satisfactory and will try to communicate further thoughts as we acquire more information.

11. Warm regards.

169. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, December 13, 1972, 1720Z.

Tohak 185/WHP 255. Deliver immediately. Ref: (A) Hakto 41, (B) Hakto 43.²

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Tohak 100–192, December 3–13, 1972. Top Secret; Flash; Exclusively Eyes Only. Sent via Guay and Lord.

1. DOD has begun work on preparations for the possible military actions outlined in referenced messages. I will discuss the following two actions with the President and if he approves and you subsequently concur, I will immediately order their execution in accordance with the following timetable:

Time (Saigon time)	Action
0800, December 14	Resume reconnaissance north of the 20th parallel.
0800, December 14	Increase tacair sorties to 250 per day and B-52 sorties to 51.

With regard to reconnaissance, some fighter escort will be necessary and use of anti-SAM missiles can be anticipated.

The level of bombing of North Vietnam below 20 degrees can be increased to 400 sorties per day with return of a fifth carrier to Yankee Station. There are presently three there with one other off South Vietnam. Ordering a carrier back from the Philippines would be a prudent step and an important signal even if you subsequently decided not to raise the sortie level above 250 or order bombing North of the 20th parallel. The 250 level includes MIG cap and certain other support aircraft. I will try to determine what actual attack sortie level will be reached but it will obviously be somewhat below 250.

2. If you agree, we could order preparation for mining now since a 48-hour warning time is desired. We could plan to execute at first light on Saturday morning Hanoi time. In conducting the mining, diversionary attacks are desirable but not required. However, the mining aircraft should be accompanied by SAM/flak suppression aircraft. If suppression aircraft are not authorized, night delivery is necessary and feasible. Best accuracy could be obtained from daylight mining and this would insure Vietnamese observation. Weather conditions theoretically should not affect the timetable for mining.

3. DOD's two-to-three-day strike plan would be along the lines of the seven-day plan recently prepared. The plan can be executed within 48 hours of decision if weather conditions permit. They are presently poor. It includes 16 transportation, power, airfield, and Radio Hanoi targets in the Hanoi area, as well as 6 communications command and control targets in the vicinity; 13 in the Haiphong area including shipyards and docks; four other power plants north of 20 degrees; and 6 air

² Hako 41 is Document 163; Hako 43 from Kissinger to Haig, December 13, 0831Z, is in the National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (2).

defense targets. A number of these targets have not previously been struck. It also includes a buffer zone package of 7 targets, but I would exclude these if the strikes were limited to two to three days.³

Warm regards.

End text.

³ Just over two hours later Kissinger, in message Hakto 45, 1929Z, responded: "1. I agree to increase Tacair and B-52 sorties as you propose immediately effective 0800, December 14 (Saigon time). 2. I think the reconnaissance north of the 20th parallel should be deferred to 0800 December 15 to permit Le Duc Tho to get out of here. 3. The mining should be ordered for Saturday [December 16]." (Ibid., Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Hakto and Memos to Pres., etc., December 3–13, 1972)

170. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, December 13, 1972, 1835Z.

Tohak 187/WH 29892. As I told you on the telephone, the President reviewed with me this morning the contents of your Hakto 41.² He appeared to be in complete agreement with your assessment although he would place greater priority to the assumption that Hanoi is stalling because they are aware of our difficulties with Thieu and the threats we have made and, therefore, believe that the longer they delay the more work we will do for them in the South by lessening support for Thieu and increasing tensions between us. He also believes that we should move immediately to reinstitute reconnaissance north of the 20th parallel and to reseed the mines. He does not agree with the stepup of bombing south of the 20th and was very strong about this. His logic is that we take the same heat for big or little blows and that the targets south of the 20th are of less consequence and, finally, that the signal given by such a step would be marginal at best and perhaps even counterproductive in the context of Hanoi's assessment of what he is willing to do.

With respect to the three-day strike, the President agrees, providing it is as massive as can be mustered. However, with respect to the

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Hakto and Memos to Pres., etc., December 3–13, 1972. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Guay.

² Document 163.

bombing itself, he stated that before we undertake this drastic step he wants to be sure that you and he carefully review all of our options and know precisely the outcomes we can achieve and the risks involved. In this regard, he also expressed some doubts about the Vice President's trip. I strongly hit the theme that we had to at least concert with Thieu on future military operations, pointing to the difficulties which Thieu's ceasefire proposal could cause in terms of our military options. I also pointed out that only the Vice President could posture us properly with the American Right, should Thieu force us to go all the way in our pressure on him. The President stated that he was not really sure about the outcome of the Agnew mission and wanted to have you think about this on the return flight and be prepared to discuss with him the following:

—What specific line should Agnew take in the light of the Paris stalemate?

—What outcomes can we anticipate from the line that Agnew takes? For example, where are we if Thieu turns him down completely? Where are we if Thieu agrees to acquiesce but not to sign?

The President had told me late last night to prepare a menu of economic and military pressures which we could apply to Thieu. The only thing we could get was the list similar to that which Alex Johnson showed you before you departed, plus a list from Secretary Laird which was designed to do all the things that he would like to do to save money, i.e., reduce ten thousand forces immediately, pull off two, three or four carriers, reduce the number of air sorties.³ I told the President that we should hold up on anything like this because it could be totally counterproductive and merely provide Hanoi with an incentive to hang tough and let us do their work for them. I believe this very strongly. The President then stated that we are obviously very much in a corner. It does not seem possible that we can break Thieu in the process of agreeing with Hanoi for this will ultimately lose us the entire game and if we are to do that it would be preferable to continue our alliance with Thieu and have the Congress do the evil deed. He stated as President it would be next to impossible for him to be the vehicle for Thieu's destruction. I believe this is a correct analysis on the part of the President.

³ The two lists are attached as Tabs A and B to a December 13 memorandum from Kennedy and Holdridge to Haig. Tab A is a Department of Defense paper entitled "US Military Actions to Sway President Thieu," December 13, that details the Department's measures. Tab B, December 13, contains the Department of State measures, which are in two sections: "Economic Sanctions" and "Diplomatic/Political Sanctions." (National Archives, Nixon Presidential Materials, NSC Files, Box 162, Vietnam Country Files, Vietnam, Dec 1972)

As I mentioned to you on the phone, there was definitely some sensitivity at the beginning of the meeting about the Reston article and the President mentioned to me that it was obvious that he had talked to you.⁴ Later on in the discussion, when it got to the Agnew visit, he referred to the fact that it is apparently leaking and said that for this reason he wanted to have a lengthy discussion with you as outlined above on what we would seek to achieve and what alternative outcomes we could expect before deciding on whether or not to proceed with that visit.

As to the President's mood, I believe he is genuinely concerned and somewhat uncertain as to where we go from here. He appeared to be fully in agreement with your analyses with the single exception of the tactics on bombing. On one hand, he is opposed to miniscule escalation and on the other is very leery of undertaking any additional bombing at all. At the same time, he recognizes that we are likely to be faced with continued stalling from Hanoi unless we can find a manageable way to apply additional pressure on them. With respect to Thieu, I believe he is in a genuine dilemma. He is extremely miffed at Thieu's performance but understands cold bloodedly that the U.S., certainly the executive branch, cannot be the vehicle for crushing Thieu. It is my own frank opinion that all of the President's concerns are purely substantive as they should be. There is absolutely no indication of a lack of confidence or a wish to nitpick what has been done thus far. For us to assume otherwise would be to crank in subjective consideration which can only risk the distortion of the kind of rational analyses which must determine our future actions. On balance, as I told you on the phone, I think the President was actually somewhat relieved after reading your carefully prepared Hakto 41. It tended to focus him entirely on substance and the issues which must really be carefully considered. Do not misread the President's sensitivity about the Reston article. There was nothing substantively troublesome in the article. At the same time, it was quite evident to Ziegler and anyone else who knows what is going on that Reston was carefully postured.

Following my telephonic discussion with you, I told the President

⁴ The article in question, "Current Peace Session Near End; Thieu's Sovereignty Bid at Issue; U.S. Likely to Send Aide to See Him," by James Reston, appeared in *The New York Times*, December 13, 1972, p. 1. Haldeman recorded in his diary that day: "The P was very disturbed by the Scotty Reston story today on Vietnam, which he feels had to come from K. The P said it was totally baffling to Haig as to why Henry would have done it. Haig called while I was in the office this morning and said Henry would be home late tonight, that he was very touchy in his phone conversation, that they've obviously had a rough time on the settlement. The P commented afterwards that K is showing too many signs of insubordination. That he's got to realize that we can't just increase the bombing below the 20th parallel, that if we want to step it up, we've got to make a major move and go all out." (*Haldeman Diaries: Multimedia Edition*)

of your arrival time and he said that in view of the lateness of the hour you should meet with him Thursday⁵ morning rather than tonight.

We have also set up a meeting with you and our luncheon guest for tomorrow.

In summary, there are the following immediate problems:

—The President has ordered an immediate resumption of aerial reconnaissance north of the 20th parallel.

—He has also ordered an immediate reseeding of the mines. It will take about 48 hours from the time Laird is given the execute for this to occur. Please advise me urgently how I should handle both these items.

—The second problem is the President's disagreement with the stepup of the bombing south of the 20th parallel. This is a problem that can obviously await your return.

—The third problem is the President's uncertainty about Agnew's visit and his wish to discuss with you what specifically Agnew should say and what outcomes we could anticipate, especially in worse cases. Please advise me as soon as possible as to how I should proceed on the reconnaissance and mining. I believe we should give the execute since this is totally consistent with your own thinking.

Warm regards.

End text.

⁵ December 14.

171. Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Paris, December 13, 1972, 1838Z.

Hakto 44. 1. Today's meeting² continued the pattern of the last three days, albeit in more ludicrous and insolent form. Prior to my ses-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (2). Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Guay.

² A memorandum of conversation of the meeting, December 13, 10:30 a.m.–4:24 p.m., is *ibid.*, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [1 of 3].

sion with Tho, the experts met at 9 o'clock ostensibly to reaffirm the texts which had been conformed yesterday except for two remaining issues. In the guise of technical changes, they introduced half a dozen modifications. They reopened Article 7 by proposing the deletion of the word "destroyed", allegedly on linguistic grounds. They started a new effort to weaken Article 20(a) concerning Laos and Cambodia. They wanted to delete all but one reference to the Republic of Vietnam in the text, which in fact is acceptable since the name only comes up in invidious references concerning our side's obligations. They maintained mention of the PRG in Article 17.

2. We then had our meeting starting at 10:30 and lasting until 4:30 including a one-and-a-half hour lunch break during which I talked privately to Tho. The period before lunch consisted of the most banal discussions concerning their new issues in the text. We spent an hour on the metaphysical issue of whether something could be destroyed without being damaged and spent another hour on the virtues of the future versus present tense in Article 20(a). All of this was designed obviously to waste time but whereas there had been some subtlety earlier in this round, the tactic was now transparent and arrogant. After two hours of this, during which I made clear that I knew what they were up to, we once again got back fairly close to where we had started out. For the record, however, they still reserved on the word "destroy" in Article 7 and in Article 20(a) they are still trying to make a change in nuance by substituting the phrase "which recognize" for the clause "and shall strictly respect" in the fourth line. This would, of course, have the effect of highlighting the obligations with respect to internal structure as opposed to the external obligations of non-interference of the Geneva Agreement.

3. We then had a lengthy lunch break. I ate separately with Le Duc Tho and drew upon the President's message.³ He gave me a long song and dance about Hanoi's keeping him on a tight leash and overruling various deals he had made with me. He indicated no give on either of the two major outstanding questions, the DMZ and the signing procedure. As I have already indicated, however, I am sure that if we had caved on these two he would have hung us up on other issues, probably via the understandings. He made clear today that the agreement could not be considered completed unless all the understandings and the protocols were also agreed upon. This is, of course, a completely different tack than the one they took when they were driving for a settlement in October.

4. After lunch Tho took his daily run at an understanding on Article 5; and both an understanding on Article 8(c) and shortening the

³ Contained in Document 167.

period in the agreement to two months. We then discussed protocols for the first time, their having given their texts on the ICCS and the four-party/two-party commissions the evening before. They also gave us a protocol today on removing mines which doesn't look too bad, and promised one on prisoners tomorrow morning.

Their ICCS and military commission protocols are outrageous and I formalized our objections of major principle. Predictably they wish to make international supervision so ineffective as to make it impossible to ask a self-respecting country to participate, while giving extensive powers to the military commissions, especially the two-party one, so as to give the Vietcong a country-wide presence and right of intervention. The ICCS paper reopens all kinds of political issues such as giving the National Council and lower level councils a significant role in supervising the ceasefire. It injects many other political elements, such as using Communist terminology and area designations to describe the regions in South Vietnam; unnecessary repetition of the PRG's title; and referring to Cua Viet as a point of entry, thus implying the DMZ has moved southward. As for the functions of the ICCS itself, it would be largely paralyzed by stipulating numerous liaison officials from the parties; making investigations conditional on the concerned party's agreement; making the commission dependent for its communications and transportation upon the party in whose area the commission is operating, etc. They propose a total of 250 members for the entire commission, compared to our 5000, and inadequately distribute teams around the country. Furthermore the parties would agree on the location and activities of the teams; the ICCS is not authorized to submit separate or dissenting reports; and no link is established with the international conference.

5. The military commissions would be as strong as the ICCS is weak. Their basic approach to the ceasefire is to define areas of control, rather than identifying and locating military units as we propose. The almost hopeless function of agreeing on areas of territorial control is given to the two-party commission. There would be a total standstill, including flights by combat aircraft or movement by ships. It gives wide scope to meddling for the joint commissions around the country and provides for investigations at the request of any one of the parties. There are also some pejorative political references. The sum total would be to legitimize Vietcong interference down to the district level without any effective restrictions on investigations. After my presentation essentially on our objections to the ICCS protocol, Tho admitted that he had never even read his own drafts. He agreed that the deputies should take up the protocols, and suggested that they also discuss the remaining issues in the text of the agreement as well as the understandings. I emphasized the priority of the protocols, and they will start

meeting Friday on a daily basis. It is obvious that unless they get serious, it should prove impossible to negotiate meaningful protocols. However, these ridiculous texts undoubtedly reflect their present mood, and if that mood changes their initial drafts might prove to be ploys.

7 [6]. We ended up with closing statements. I said that an agreement is easily achievable with good will, but I underlined the growing impatience in Washington and the growing conviction that Hanoi did not now want peace. I emphasized our continued readiness to make an early agreement, while pointing out that if the opportunities are not seized when they exist they can be overtaken by events. I said I hoped that we would soon be able to complete the efforts made since October. I confirmed the work schedule here, the fact that we would be in touch with each other by message after Tho returns to Hanoi on Monday,⁴ and our common press line which I gave you on the phone. My closing remarks came against the background of my repeated expression of annoyance over their tactics and warnings on the restless mood in Washington. Tho concluded on the same conciliatory note that is now a staple of his current approach saying he was sure that peace was near but indicating that it would take at least fifteen days for him to be able to return.

He repeated his litany that both sides need to make efforts which could then solve the few remaining questions which were not great. With good will he was confident that these could be resolved. He again suggested that he was returning to Hanoi to convince his government to give him more reasonable instructions, saying there was no other way to reach agreement since he had made his utmost efforts. He offered the option of fixing now a date for the next meeting which I ignored.

I replied bluntly that we now had serious questions about North Vietnamese sincerity, and I described their tactics this week, saying I would never again come to Paris for more than two days. The crucial element of confidence was fast being jeopardized, and we both now had important decisions to make between peace and prolonged conflict with an uncertain outcome. I again reminded him that this would be the last time we would try to negotiate a comprehensive agreement. I closed by saying that we had chosen peace and would see in the next weeks whether the process could be completed. Tho's departure maintained his recent cordiality, which had been underlined at the outset of meeting by gifts to me from the Minister and him.

⁴ December 18.

5 [7]. Where then does this leave us? I explained our basic dilemma yesterday.⁵ Hanoi is almost disdainful of us because we have no effective leverage left, while Saigon in its short-sighted devices to sabotage the agreement knocks out from under us our few remaining props. Thieu's ceasefire offer could further complicate the situation, because if Hanoi accepts it we will have stopped bombing north of the 20th parallel in pursuit of our peace effort while Thieu would have forced us to stop everywhere else to sabotage it. We will soon have no means of leverage at all while pressures will build up domestically if we fail to reach an agreement or get our prisoners back. We will neither get an agreement nor be able to preserve Saigon.

6 [8]. We now have two essential strategic choices. The first one is to turn hard on Hanoi and increase pressure enormously through bombing and other means. This would include measures like reseeding the mines, massive two-day strikes against the power plants over this weekend, and a couple of B-52 efforts. This would make clear that they paid something for these past ten days. Concurrently we would try to line up Saigon and at least prevent Thieu from making further unilateral proposals. Pressures on Saigon would be essential so that Thieu does not think he has faced us down, and we can demonstrate that we will not put up with our ally's intransigence any more than we will do so with our enemy.

The second course is to maintain present appearances by scheduling another meeting with Le Duc Tho in early January. This would test the extremely unlikely hypothesis that Tho might get new instructions. If we were once again stonewalled, we would then turn hard on Hanoi. We would give up the current effort, blaming both Vietnamese parties but placing the major onus on Hanoi. We would offer a bilateral deal of withdrawal and an end of bombing for prisoners. Under this course as well we would have to move on Saigon, to bring Thieu aboard in the event of an agreement in January or in the likely event of failure, to lay the basis for going the bilateral route.

7 [9]. Thus in any event a mission after this weekend to Saigon seems essential to me, and I don't understand the hesitation about the Vice President's trip. We must show continued motion on the negotiating front. If the Vice President's trip succeeds we will at least have some freedom of maneuver to move after the next round to a negotiated settlement. If it fails, we have a basis for disassociation from Thieu, since if these negotiations break down we may well wish to seek a bilateral deal as quickly as possible.

⁵ In Hakto 41, Document 163.

8 [10]. A final comment about the Reston column which I, of course, have not yet seen.⁶ Every journal in the country has been speculating on a high level mission to Saigon after this Paris round, so he hardly broke new ground. Secondly, I purposely gave him some feel for the negotiating situation so as to get him on our side this week, thus making it difficult for him to attack us next week if the talks break up and tough action is required. I fail to understand the objections to my trying to build up capital for the hard decisions that must now be made in Washington.

9 [11]. Warm regards.

⁶ See footnote 4, Document 170.

172. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, December 13, 1972, 2320Z.

Tohak 191/WH 29896. Thank you for Haktō 44.² Your experiences today convince me that the options which you have outlined are sound. I am presenting them to the President this afternoon, together with the rationale which you have included. As I pointed out in my last message,³ I sense a strong resistance to undertake the turn to the Right now. The President asked me if I favored doing so and I answered affirmatively. The President then went through a long exposition of the fact of how difficult this would be. The American people would not understand and the realities were that it was the U.S. and not Hanoi that was backing away from the agreement because we had, in effect, placed additional demands on them. He also added that the other culpable party was Saigon and not Hanoi and that we can expect a massive push from the Left charging us with being tools of Thieu. When you combine this logic with an equally adamant refusal to attempt to rally the American

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Tohak 100–192, December 3–13, 1972. Top Secret; Sensitive; Exclusively Eyes Only. Sent via Lord.

² Document 171.

³ Document 170.

people to do what is right, it is obvious we are faced with some very difficult obstacles here.

Since you may have some questions about my views, I think I should cite them for you clearly: (1) I believe the time has come to initiate massive military pressure against Hanoi and North Vietnam. No other course of action will meet the present need, despite the severe domestic risks which this course of action will entail; (2) It is our own failure to keep sight of this fact that has brought us into the current dilemma; (3) I do not share your or the President's view that the American people, the Congress and whoever else is asked to support the action will not ultimately do so. There will, of course, be a lot of White House discomfort but the simple facts are that the American people understand Hanoi's treachery and would never understand abandoning Thieu because of his failure to accept the presence of North Vietnamese troops in the South. This has always been my view. It is inconceivable to me that the Congress could cut off funds to Thieu while Hanoi held our prisoners or refused to meet reasonable demands associated with the peace settlement.

You now have my views unequivocally which I am presenting without reservation. I do want you to know that with the exception of your own staff—Jon Howe, Holdridge and Kennedy—there is probably not another official in Washington who would join in this assessment but I have had the benefit of observing Hanoi's intransigence first hand. You have seen it more extensively. It is important that you are aware before you arrive here of the attitudes as I sense them. Secretary Laird has just forwarded a memorandum to the President which urges him not to take military action. The memorandum also maintains that the Chairman of the Joint Chiefs of Staff and Mr. Rush hold identical views. I checked personally with the Chairman and he does not hold these views but the typical lineup that we have known for so long is again developing.⁴

It is my view that our best strategy is to meet with the President at 10:00 am in the morning to lay out the alternatives in a forthright and decisive manner and to recommend that we take the only viable option, which is to react now. The President's instincts without this kind of advice will be to do otherwise. He may, in fact, decide to do otherwise despite our advice. I will be at the airfield to meet you tonight to explain in greater detail my own thinking.

With respect to the Agnew trip, I agree with you completely⁵ if the trip is associated with the turn to the Right. If it is merely another act of

⁴ See Document 166 and footnote 2 thereto.

⁵ See Document 171.

theater which further raises the American belief that we are on the verge of a settlement, I frankly see no reason for undertaking it at all. Since given the record of the past ten days meeting, there can be no excuse for further theater which suggests to the American people that progress is being made which is not in fact justified. The more we play this game, the greater our culpability. It makes sense only if it is accompanied by a firm determination to do what is right and to bring the situation to a successful conclusion.

Warm regards.

173. Memorandum From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, December 13, 1972.

SUBJECT

Items to Discuss with the President's Meeting at 10:00 a.m., December 14

I. Decisions which will require implementation by Noon, December 14

1. Cable Bunker to speak to Thieu about a visit from the Vice President on December 18 or 19. (The President did not want to do this until he and you had discussed precisely what the Vice President would say and what the outcomes would be. Therefore, this action also assumes a favorable decision on the Vice President's trip which should be an outcome of the 10:00 a.m. meeting.)

2. Order reseeding of mines for execution on Saturday, December 16.

3. Order resumption of full aerial reconnaissance north of the 20th parallel effective Saturday, December 16. Mr. Laird has correctly pointed out that the reconnaissance should not be initiated until the mines have been put in since the resumption of reconnaissance will increase the risks of casualties and result in the loss of surprise.

Note: The President is adamantly opposed to increased bombing south of the 20th parallel. He states that this is generally a waste of ord-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 27, HAK Trip Files, HAK Paris Trip Haktos and Memos to Pres., etc., December 3–13, 1972. Top Secret; Sensitive; Exclusively Eyes Only.

nance and will mean nothing to Hanoi and may in fact deceive them into believing that this might constitute the limit of U.S. reaction. He believes that we take the same heat in any event and should therefore bomb massively north of the 20th once increased bombing commences.

II. Tasks

In addition to the foregoing, you will wish to discuss with the President the two options you outlined in yesterday's message to me which have been forwarded to the President in memorandum form. You have my views on these options.² I strongly believe that the second option merely is a continuation of theater which will buy us time at the expense of reduced pressure against Hanoi and increase their incentive to hang tough at the January Paris session. More importantly, however, it for the first time will open us up to the charge of outright deception. The record of this past week's discussions in Paris can not in my view justify further procrastination in making the hard judgment as to Hanoi's intentions. In these circumstances I also believe the Vice President's trip and his discussions in Saigon will lose much of its effectiveness and may actually encourage Thieu to continue his intransigence, recognizing that the negotiating scenario is going to be spun out indefinitely.

I strongly favor the first option but with some modifications:

—I believe the mining and reconnaissance should take place effective Saturday.

—I agree with the President's view on increased level of bombing south of the 20th parallel.

—I recommend the resumption of bombing against targets in the Hanoi area commencing Sunday or Monday, December 17 or 18, at the latest. This bombing should be steady and continuous. I know you have a different view from me on this. I do not believe a two-day lick and promise, given the marginal weather conditions that now exist, offer any hope of getting Hanoi's attention. On the contrary, blanket authority should be given to start out with the seven-day plan and then to shift to a continuing strike program at a reduced pace. This would be daily, weather permitting, and include the buffer zone up to five miles of the Chinese border. I recognize you will strongly disagree with this but I want you to have my view.

I have given careful thought to how to handle the public pressures resulting from the steps which must be taken. I have now concluded that it would be a grave mistake for either you or the President to attempt to explain this to the American public. The preferable solution

² See Documents 171 and 172.

would be to prepare a carefully worded statement to be given by Ron Ziegler at a regular press conference on the day of the resumption of the bombing. He would speak as the official spokesman of the United States Government. He would not be expected to get into detailed explanations of what did or did not happen at the negotiating table. His statement should be carefully worded and deliberately specific in outlining what has brought us to the present recess. It should be forthcoming in the context of our desire for peace but make it clear that we would not accept peace at any price and we should lay heavily on Hanoi's unwillingness to meet even the minimum outlines of the October proposal. We should also weave in the theme of the continuing retention of our prisoners of war and the President's determination to continue necessary military activity until the peace which has nearly been achieved is arrived at. It should be made very clear that this bombing activity will not terminate until the agreement has been signed by Hanoi. The statement should also include a strong slap at President Thieu to deflect what is bound to be a strong attack from the Left that we have succumbed to his pressure.

Another matter of considerable importance is the need to resume the bombing before Vice President Agnew arrives in Saigon. To do otherwise will convey the impression that Vice President Agnew has influenced the President after seeing Thieu to take this action. This will have the doubly negative effect of confirming Thieu's influence on our decision making and more importantly deprive the President of credit for another courageous decision which should be his alone based on an objective analysis of the negotiating situation.

III. Actions to be Accomplished

1. We should have a restricted NSC meeting on Saturday or Sunday during which the President's decision is announced to a select group without any public fanfare or any public revelation of the fact of the meeting.³ The meeting should include Rogers, Laird, Moorer, Helms, the Vice President, yourself and the President. It should be conducted with extreme discipline and not as a seminar designed to obtain the views of individuals that we know will be opposed but rather to line them up in terms of their post-decision conduct. We can have absolutely no carping on this situation.

2. Lord, Negroponte (if here), and Kennedy should immediately draft a statement to be used by Ziegler plus minimum Q&As. I would ordinarily recommend that Scali be included in this group but I am

³ The National Security Council did not hold a restricted or a general meeting on Saturday, December 16, or on Sunday, December 17. In fact, the Council did not meet between May 2, 1972, and March 8, 1973.

now confident that he is totally untrustworthy since Ziegler has caught him again this past week leaking to the press. Ziegler should, however, participate in the final draft of the statement and the Q&As.

3. We should have a small select group of a representative from State, probably Alex Johnson, your staff and one from Defense to consider ancillary diplomatic steps which should be taken in conjunction with the resumed bombing. It is now quite evident that the Thais, the Cambodians and to a lesser degree even the Laotians are very nervous and unsettled about the draft peace settlement. It may be that the Vice President should also visit each of these countries but especially Thailand to give them an update on the current state of affairs.

4. There should also be a WSAG convened after the bombing starts to provide continuous operational control and interdepartmental coordination for subsequent steps which must be taken.

5. You must give most careful consideration to messages which should be given to the Soviet Union and the People's Republic of China. In the case of the Soviet Union, we should stress the themes of our desire to settle, the bigger fish to fry rationale, and emphasize the importance of the spring summit with Brezhnev. Associated with this is the President's concern that once the bombing starts, his daughter and son-in-law must not be subjected to embarrassment if they are to proceed with the visit to the Soviet Union. This should also be discussed quietly with Dobrynin. The issue of the PRC will be even more delicate especially in the context of your scheduled trip to China, the increased activity in the buffer zone and the importance of China's at least having our rationale covering the reason for the breakdown.

6. We should assemble immediately the military planning group consisting of Howe, Weinell, George Carver and myself to develop additional military/psychological steps which should be undertaken to apply massive pressure on Hanoi. Kennedy should also be charged with presenting detailed lists of supporting PSYOP war recommendations. Planning in both of these areas has already progressed to the point where an additional menu of these steps should be prepared for your and the President's approval.

The Christmas Bombings, December 14–29, 1972

174. Message From John D. Negroponte of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, December 14, 1972, 1156Z.

WH 46. Subject: Hanoi's behavior in the negotiations.

Summary: The purpose of this paper is to summarize Hanoi's negotiating behavior both in substance and procedure since the reopening of the negotiations on November 20. It concludes that Hanoi has no intention to meet any of the basic requirements that we made clear to them at the end of October; and through a series of irritating dilatory tactics has pursued a course which can be interpreted as desire to achieve either no agreement at all or an agreement substantially worse than that achieved in late October. Hanoi's tactics have been clumsy, blatant, and fundamentally contemptuous of the United States. *End summary.*

Substance:

We came back to Paris on November 20 on the assumption that some of our essential concerns about the October draft agreement could be met. Those concerns were made clear to Hanoi well before our first meeting.

When we entered into the new phase of negotiations with Hanoi in October we did so on the assumption that there had been a fundamental shift in their strategy and that they were willing to take some risks in the pursuit of a peaceful settlement. At that time we acknowledged that to drop their demand for the dismantlement of the GVN represented a significant departure from their previously enunciated policies. Both sides recognized that the pursuit of a settlement on this basis involved taking chances and it seemed, for a period at least, that U.S. and DRV interests had converged sufficiently to form the basis for a settlement. This is to say that we were prepared to disengage from South Vietnam in exchange for which Hanoi was willing to forego accomplishment of all its objectives in the South immediately.

Among the essential elements of this negotiating framework were Hanoi's apparent willingness to leave the political process in the South

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 43, Geopolitical File, Vietnam, Bombing, 1972–73. Top Secret; Sensitive; Eyes Only. Sent via Guay and Haig.

to a reasonable period of evolution, to restrict its right to intervene militarily in the South by accepting a prohibition on further infiltration, and their agreement to withdraw forces from Laos and Cambodia.

As the latest series of negotiations have unfolded, however, it has become clear that Hanoi is either dissatisfied with or undecided about an arrangement that gives it a better than equal chance of ultimately achieving its objectives. Whether they have decided to scuttle the agreement or not, their present course seems devoted to the pursuit of every minor tactical advantage with little perspective for the longer term.

When we resumed the talks on the 20th of November we came with three basic objectives, none of which would have been that difficult to settle had Hanoi really wanted to do so. First, we wanted some modifications in language in the political chapter so as to make it absolutely clear that the National Council of National Reconciliation and Concord did not have governmental functions. Second, we wanted to obtain an inoffensive phrase somewhere in the agreement which established the principle, however indirectly, that the North Vietnamese did not have the unequivocal right to intervene militarily in South Vietnam. Lastly we wanted to insure that there was some effective international supervisory mechanism in place at the time of ceasefire.

What has been the record on these three issues?

We have achieved a very minor success in diluting the functions of the National Council of National Reconciliation and Concord and we have succeeded in obtaining the deletion of the description of the Council as an “administrative structure” which they have mistranslated from the very outset. But in exchange Hanoi has pressed for every conceivable political concession which, if accepted, would render the political provisions of the agreement even more onerous than had been before and would in fact call into question the very principle on which our willingness to proceed in October was actually based. First they agreed to drop the maintenance of the ceasefire and the preservation of peace as functions to be ascribed to the Council but now they have asked that among the functions to be added to the Council’s responsibilities is the promotion of the implementation of the agreement’s attached protocols. In military as well as political matters, it is clear that one of their primordial objectives is to deprive the 1954 Geneva Accords of any meaning whatsoever as a basis for a settlement.

Finally, on supervisory matters, Hanoi knew from the outset that we wanted to ensure that some international supervisory machinery be in place at the time of the ceasefire. Without going into all the substance of their supervisory protocol, suffice it to say that they only passed it over to us on December 12, roughly six weeks after you had made your public statement that this was one of the issues on which we would

seek agreement before signing a settlement. This is not to mention the fact that the content of their protocol is such that our two drafts are irreconcilable over any short time span and agreement on the ICCS is likely only if we deprive it of any teeth whatsoever in exchange for which they may be willing to tone down the political demands contained in their protocol. Their ICCS and ceasefire protocols are truly political rather than technical documents.

Procedure:

Hanoi's procedural negotiating tactics have been tawdry, petty and at times transparently childish.

To cite but a few examples of the kinds of tactics that Hanoi has pursued, one of their basic approaches has been to agree to phrases which they know are important to us in exchange for certain concessions and then subsequently they would reopen the matter in an attempt to extract further concessions, after we had already communicated these changes to our allies. The most blatant example of this was when in the first week of our resumed talks they agreed to a number of significant changes only to reopen every one of them during the following week's negotiating session. Among the concrete examples of this tactic are the replacement provision which they first traded for reference to Article 21 (b) on prisoner matters in October, which they again agreed to in late November, and then on the final day of our meeting, without any forewarning whatsoever, reopened a substantive issue with respect to that provision. Another example, of course, is their agreement to DMZ language during our first week of meetings in November which they subsequently retracted.

Another tactic has been to delay on substantive issues which they know are important to us, particularly the protocols. We can be almost certain that their protocols were ready well in advance of this latest round or at least in sufficient time to table them in late November and they have had our protocols for almost three weeks. And yet they did not provide us any protocols whatsoever until the next to last day of our meetings, including on such matters as the ICCS. As for the prisoner protocol, which they well know is of vital importance to us, it was not tabled until the very same day of your departure.

Another tactic of theirs has been to make concessions and then try to recuperate them in some other form. One example is their attempt to introduce into protocol matters of substance which have not been agreed in the basic text itself and in fact were left out as explicit concessions to us. The role of the NCNRC is one example. The repeated naming of the PRG in the ceasefire protocols is another. Yet another example is the way they have tended to treat the Vietnamese and English versions of the agreement as two separate texts, often conceding to us a word in English but maintaining their language in Vietnamese which

has different implications. To some extent one could say that they are attempting to take advantage of our less than total expertise in the Vietnamese language, although this is not something that we can complain to anyone else about.

Another good example of their dilatory tactics has been their claim that they work slowly because they do not have modern means and that they do not receive instructions quickly from Hanoi. As anyone familiar with the DRV knows they have close to a 100-man delegation in Paris capable of cranking out papers at whatever rate is desired; they have several times as many language officers as any U.S. delegation they have ever dealt with; and surely the SIGINT experts can confirm that Hanoi is in possession of modern Soviet communications equipment. If they can get instructions to COSVN in one or two days, they can certainly get them to Le Duc Tho in the same period of time.

Hanoi has also on occasion used experts meetings designed for the explicit purpose of conforming texts to introduce major issues of substance. This was particularly flagrant on the final day of our meetings when they reintroduced issues relating to the replacement provision and the chapter on Cambodia and Laos.

Hanoi also has a proclivity for using the past record of negotiations in a fashion that is completely out of context. To cite the most ludicrous example, when our first series of renewed meetings began, they reintroduced the question of Thieu's resignation arguing that this was simply a matter on which even the U.S. had made a proposal in September. They have likewise, in preparing their understandings, pursued a tactic of quoting from the record out of context. Finally they have at times distorted your remarks beyond recognition such as on the issue of international supervision of Article 13 which they read to me at an experts meeting and raised again at the last meeting with you. It was absolutely obvious to anybody familiar with the record that you had meant to drop reference to international supervision in the article itself and that we fully intended to retain in it the international supervisory chapter.

In sum Hanoi's tactics have been to unnecessarily prolong and delay the discussions, to distort the past record to their purposes and to renegotiate concessions several times over.

End of message.

175. **Conversation Among President Nixon, the President's Assistant for National Security Affairs (Kissinger), and the President's Deputy Assistant for National Security Affairs (Haig)¹**

Washington, December 14, 1972.

Kissinger: First of all, let me give you my assessment of how these negotiations went. They came back on November—they came here on November 20th determined to settle. When Le Duc Tho arrived at the airport, he said, "It would not be understood if we had a second meeting—if a second meeting was requested." We gave them 69 changes, of which many of them were crap, just to go through the motions of supporting Saigon.² Instead of blowing their top, they went through in a very businesslike fashion. They accepted twelve of them; we were down to four.

Nixon: Wait a minute. You're talking about what day?

Kissinger: The first day, November 20th.

Nixon: Oh. That was the time after the election.

Kissinger: Between November 20th and November 24th—

Nixon: That's when you got the twelve concessions.

Kissinger: That's when we got the first concession—the twelve concessions and, literally, we were within one day of settlement, then. We said, "If we can get two out of three of the other four that were outstanding—" ³

Nixon: Um-hmm.

Kissinger: "—we'll settle." We would have settled for one out of three.

Nixon: Sure.

Kissinger: It was easy to do.

Nixon: Then?

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Oval Office, Conversation 823–1. No classification marking. According to the President's Daily Diary, Kissinger and Haig met with Nixon in the Oval Office from 10:08 to 11:46 a.m. (Ibid., White House Central Files) The editors transcribed the portions of the conversation printed here specifically for this volume. Nixon, Kissinger, and Haig each discuss this meeting in their respective memoirs. See RN, pp. 733–734; *White House Years*, pp. 1447–1448; and *Inner Circles*, p. 309.

² See Document 115.

³ In *White House Years* Kissinger characterized the "concessions" as "improvements," and also wrote about the just completed November round of negotiating: "I had begun to be seized with a premonition of disaster independent of the issues involved. . . . If my instincts were right, worse was yet to come." (pp. 1422–1423)

Kissinger: At the end of the third day, he got a message, read it at the table, blanched, immediately asked for a recess, and it's never been the same since. Immediately then, the next day, he introduced new demands of his own, which he had not done before. And, from then on, he started dragging things.⁴ Now—

Nixon: Huh? What was the message? What's your analysis?

Kissinger: My analysis of the message is that they probably got a read-out of what you said to Duc,⁵ and what I said to their local Ambassador,⁶ which was to say—

Nixon: No, I hadn't seen Duc by that time.

Kissinger: No, you—oh, no—

Nixon: [unclear]—

Kissinger: —that's what we said to him. Or at any rate, they—

Nixon: Well, we had said it, though. We said we'd need to play a hard line with them—

Kissinger: Then they got a read-out of what I said to their Ambassador, which was exactly what I—

Nixon: That was probably it. That was it. I think they're probably infiltrated over there in Paris. That's what I think.

Kissinger: That's right.

Nixon: [unclear]—

Kissinger: That's even more—

Nixon: Yeah.

Kissinger: —likely than what you said—

Nixon: That's it. No, not Duc. I don't think Duc would do it, but—

Kissinger: Well, Duc wouldn't do it himself—

Nixon: But, you see, they got a read-out. I think the Paris thing leaks like a sieve. Their rooms are—and those assholes don't know that their rooms are bugged by the Communists, and the Communists passed it back. And, so?

Kissinger: Whatever the reason is, they then decided that—

Nixon: That's when you showed them, that's when you saw it. That was the turn of events.

⁴ Although the November 20–25 round is being discussed here, no incident in Kissinger's reporting messages to Washington on the round, or in the memoranda of conversation of the meetings held during the round, resembles the scenario described.

⁵ See Documents 131 and 134.

⁶ During the November 20–25 talks, Kissinger met the South Vietnamese diplomats several times. See footnote 3, Document 115; footnote 4, Document 116; footnotes 3 and 4, Document 117; footnote 3, Document 120; Document 125; and footnote 3, Document 126.

Kissinger: Then, there was a turn of events. Then, he introduced two demands, which he knew we couldn't meet.⁷ One, that the political prisoners ought to be released.

Nixon: Hmm.

Kissinger: And, second, that we should pull out our civilian personnel serving in the technical branches there, which would have the practical consequence of grounding the Air Force—

Nixon: Yes, of course—

Kissinger: —and—and grounding the radar, and, in effect, destroying the ARVN. That's when I asked for a recess.

Nixon: Um-hmm.

Kissinger: Because I knew—

Nixon: To come home?

Kissinger: To come home. This was the first session. Still, we were quite optimistic. We thought that if we kept pushing, we could finish it that week, but we had no assurance that we could get Thieu along, so we wanted you—

Nixon: Duc—

Kissinger: —to talk to Duc.

Nixon: That's when you [unclear]—

Kissinger: Now, in addition to whatever they may have picked up of what we said to the South Vietnamese, the South Vietnamese behavior was so incredible that that gave them an incentive, because the longer these negotiations went on, the better off they were. The greater the tension between Saigon and us—

Nixon: Um-hmm.

Kissinger: —the greater possibility that we would flush Thieu down the drain.

Nixon: I see.

Kissinger: Without it—without it. And, the third factor was that every day that I was there on the first trip, Saigon Radio put out the content of the negotiations, which we had given them, and were—was keeping a scorecard on the concessions, so that Hanoi must have decided that any concession they made to us would be played in Saigon as a victory for them. So, for all these three factors—

Nixon: Yeah?

Kissinger: —they put a quietus on the negotiations. Now, when we came back, it was a roller coaster. Up and down, the whole time.

Nixon: Hmm.

⁷ See Document 120.

Kissinger: And, since we thought it should be settled quickly, and since all the evidence up to then was still consistent with settling quickly, it was not easy to tell, at first, what they were up to. For example, on Monday morning, Al and I saw him alone.⁸ He gave us—

Nixon: This was the first day?

Kissinger: The first day.

Nixon: Yeah, the—but before we get that in, we must also throw into the equation the fact that those two—well, there were more than that—the two sessions I had. You had three or four with Duc⁹ when he was here.

Kissinger: That's right, they—

Nixon: It obviously was reported back, because we put that to 'em, and it was put in such unequivocal terms that that undoubtedly got back to 'em.

Kissinger: That got back to them, but that could have worked either way, Mr. President, because they could have concluded from that: "Let's settle fast, and then the Americans will put the heat on him."

Nixon: Right.

Kissinger: In the first session—

Nixon: If they wanted to settle?

Kissinger: In the first session, he always asked me what my schedule was for getting the thing done. When you would go on television? When I would come—

Nixon: Yeah, I know—

Kissinger: —to Hanoi? When the bombing of the North would stop? But the bombing of the North has dropped off so much now because of these idiots in Defense, that we've practically given it to them for nothing. We had 28 tacair sorties today—yesterday. That's not to say that they won't pay a price—

Nixon: Well, what'd they say in Paris? They say it's weather holding that off? [unclear] Bullshit.

Kissinger: So, uh—

Nixon: Go ahead.

Kissinger: So that was the situation on—at the first session—

Nixon: At beginning of the sessions, right?

Kissinger: At the beginning of the sessions, they wanted to know the schedule. When do we go to Hanoi? When is the speech? When is

⁸ Xuan Thuy was also at the December 4 meeting; see Document 139.

⁹ Together Nixon and Kissinger met with Duc on November 29 and 30. On the same days, Kissinger also saw Duc without Nixon; see Documents 131 and 134. For Kissinger's two meetings with Duc on December 1, see Document 138.

the cease-fire? And they wanted to know all of this because, of course, they're planning their military actions around it. Last week, Monday morning, he gave us a very conciliatory talk.

Nixon: Um-hmm.

Kissinger: And, frankly, to show you how naive or wrong we were, we thought the only question was with it—there were only four issues left at that point.

Nixon: I know. You remember, you said before you left, you have two days.

Kissinger: Yeah. Well, we thought it would be done Monday afternoon. We get in there Monday afternoon, he withdraws every concession he's made two weeks previously and says there're only two choices: to sign the October agreement, or to—

Nixon: Why'd he do that privately, not publicly? Do you think—?

Kissinger: Well, incidentally—

Nixon: You don't think he get new instructions—

Kissinger: No.

Nixon: —to be more [unclear]—?

Kissinger: No, no. No, no. He did it privately to establish the fact that he wanted peace. Then he did it in the afternoon—

Nixon: Well, that's all right. Now, why is he trying to establish the fact that he wants peace? So that we don't go wild? Is that it—?

Kissinger: That's right. That's right. They have two problems. They are at the ragged edge, themselves. They are obviously terrified of what we will do.

Nixon: Yeah.

Kissinger: On the other hand, they also feel they can play us. And so, their problem was how to get through the week.

Nixon: Um-hmm.

Kissinger: Now, they start with this very sharp approach. In the afternoon, he withdraws every concession.

Nixon: Yeah.

Kissinger: And says if we want them, we have to give them counter-concessions. So then, I cancelled the Tuesday¹⁰ meeting in order to be able to work on the Chinese and Russians, and because we cannot go back to the October draft, Mr. President, for a number of reasons. If we go back to the October draft, we'll be overthrowing Thieu. We've got to get some changes. Secondly, it has now become—their bad faith has now become so self—so evident—

¹⁰ December 5.

Nixon: Hmm?

Kissinger: —that many things we could have accepted in October—

Nixon: Hmm?

Kissinger: —we cannot, now, accept without their being written down. Thirdly, there are many things we could have accepted on a quick schedule for which there's no excuse, whatever, to accept on a slow schedule, like putting international machinery in place. Now—then, Wednesday, we met, and he was conciliatory again, and he gave us back five of those ten changes we made. Thursday was bad again. Friday, he gave us the one real concession he made of—when I talk like this, that's a four-hour session, every day.

Nixon: Um-hmm.

Kissinger: Friday, he gave us administrative structure. That was the one big concession he made.

Nixon: Yeah.

Kissinger: Uh—

Nixon: Then he withdrew it Monday?

Kissinger: No, administrative structure was never withdrawn, but civilian personnel, he found two things which he knew—

Nixon: Um-hmm.

Kissinger: —we couldn't take. One, is the release of political detainees. The other is the withdrawal of civilian personnel. So, every day, they came up in one form or another. And quite diabolically, one day, he said—remember when Al left that Saturday?¹¹

Nixon: Um-hmm.

Kissinger: He said, “All right, we'll take them out of the agreement.” So Monday, he reintroduces them as an understanding, which doesn't do us any good; we still have to withdraw them. We don't give a damn whether they're in the agreement or not; we want them there. Now, they were never in the agreement. We had a full discussion on the subject. It was settled in October. That concession, alone, if we pull out our civilian personnel—

Nixon: It destroys [unclear].

Kissinger: It's bigger than all the concessions put together he's made to us. So, on Saturday, when Al left, we were down to one issue—the DMZ—or so it seemed. We made another schedule. I said, “I'm sending Al back; he's then going to go with the Vice President—”

Nixon: [unclear]—

¹¹ December 9.

Kissinger: So, the son-of-a-bitch knew the Vice President was ready to leave. So he puts on a fainting spell; says he's getting sick,¹² he's just—

Nixon: Don't you think that was a fainting spell, though?

Kissinger: Oh, that was a fake—

Nixon: An act?

Kissinger: Oh, he was—90 percent acting. He's got a headache. He's got to—he can't meet on Sunday. If they wanted to settle, Mr. President, they would have settled Saturday night, if it had taken 'til four in the morning.

Nixon: That's why you kept at it, which you were right to do. You see—

Kissinger: [unclear]—

Nixon: —you—you're—you may wonder whether you shouldn't have broken it off the first day, but I think—I think, and I don't know whether Al agrees or not; I never asked—but I think it was just well to just to continue to press, and press, and press, and press. If there's one thing for sure for everybody here, they want the goddamn thing over for a variety of reasons, and many for the wrong reasons, and some for the right reasons. Many think it is over. But, at least, we've got to be—we've got to play our string out so that we make the record. Right, Al?

Haig: That's right.

Nixon: And that was what you did—

Kissinger: We—we couldn't break off the first day.

Nixon: If you hadn't, we—well, Christ, you knew. You didn't. You stayed there ten days.

Kissinger: We had to prove what they were up to, Mr. President. We had to go the extra mile.

Nixon: And to prove it, also, to your colleagues; your loyalists, like Mr. Sullivan, Mr. [unclear], those people, too.

Kissinger: Well—

Nixon: Did they finally get [unclear]—

Kissinger: Oh, Sullivan said he doesn't understand how I stood it, and—

Nixon: Is that right?

Kissinger: But you had no idea, when I—

Nixon: You left him over there [unclear], I see?

¹² At the December 11 meeting; see Document 156.

Kissinger: Well, to work on the protocol,¹³ I'll get into that in a minute. So then, on Saturday, we had it down to one issue. It—all we wanted on that issue is that they give us back something they had agreed to three weeks ago. We didn't introduce a new demand. The issue—Al has explained to you the DMZ issue.

Nixon: Oh, sure.

Kissinger: The way they phrase it, we would not just leave their troops there, we would abolish the dividing line between North and South Vietnam, after which they would have an unlimited right of intervention. They would be the only legitimate government in Vietnam, while there were severe restrictions on the South Vietnamese. That—then, we might just as well overthrow Thieu. I mean, we've got to keep Thieu—not sovereignty, Reston has it completely wrong. Sovereignty's not the issue, because he can have sovereignty with a cease-fire.¹⁴

Nixon: Reston, I think, he has it wrong. He has it wrong in one sense and right in another sense. That's really that Thieu is salvageable. To us, it isn't—that isn't what worries us. Not at all. But go ahead.

Kissinger: To us, Mr. President, it seems to me, to sign an agreement which leaves whatever number they've got there—let's say 150,000, which we think, plus the unlimited right of movement across the border, and, indeed, not just the right to movement across the border, but abolishing the border—that I think is close to a sell-out. It's a demand they never made of us. They had agreed to the other proposition three weeks ago, so it's not unthinkable to them. So, what did they do? On Sunday, we had experts meetings to conform the texts. It's a purely technical thing; third-level people on my staff, third-level people on theirs. In the guise of language changes, they immediately introduced four substantive issues to make goddamn sure we couldn't settle. For example, all week long, we had fought on the issue. They had agreed that the PRG shouldn't be mentioned in the text. On Friday, we made the concession that it could be mentioned in the preamble. And we had then thought that the—that Saigon would pull off the preamble and sign a document without the preamble. And they agreed to that. So on Sunday, in the language meeting, they put the PRG into the—into three places in the text. I don't want to bore you with all these details—

Nixon: It's important I get the feel on all this—

Kissinger: It's just to give you the feel—

¹³ For a detailed discussion of the protocols at the December 13 meeting, see Document 171.

¹⁴ James Reston's December 13 column stated: "it is a question of whether the cease-fire . . . will acknowledge in a few simple unambiguous words that the Saigon Government has sovereign right and authority over all the territory of South Vietnam." ("Mr. Kissinger in Paris," *The New York Times*, December 13, 1972, p. 35)

Nixon: I've got the feel. I've got the feel. I just want to, so I can see what they're doing.

Kissinger: That—that they immediately introduce something, which guarantees that there could be no settlement on Monday.¹⁵

Nixon: [unclear]

Kissinger: On Monday, they told me they had no instructions.

Nixon: Yeah.

Kissinger: But they—

Nixon: May I ask one question? May I ask one question that troubles me here? As you know, Kennedy, at your instruction, made a call to Dobrynin.¹⁶

Kissinger: Yeah—

Nixon: Remember? And we—and which I thought was a good thing to do. And he put it out there, and Dobrynin said he'd convey the message. I got on the phone, briefly, with the same thing, just saying—

Kissinger: I thought it was excellent. Al told me.

Nixon: —there's one issue, but the whole point is, excellent or not, do we have the Russians screwing us here, too?

Kissinger: No.

Nixon: You don't think so?

Kissinger: No, because Al gave me a report which—

Nixon: Yeah, but you were there when I talked to him, and [unclear]—

Kissinger: No, but Al gave me a report of something Dobrynin told him of where the negotiations stood, which they had been told by Hanoi, which is so—it's partly true, and partly so distorted, that Hanoi is lying to them the way Saigon is lying to us.

Nixon: Do you think Dobrynin is—not Dobrynin, but the Soviet is trying to move them—?

Kissinger: Yeah, definitely.

Nixon: Do you think so, Al?

Haig: There's something to that, Mr. President.

Kissinger: Because they know you. Brezhnev wants to come here. There's nothing in it for them. If they wanted to screw you, they'd do it in the Middle East. There's nothing in it for the Russians—

Nixon: All right. All right, I get it. I was troubled by whether we had, you know, put a—played a—made a play there which would hurt

¹⁵ December 11.

¹⁶ See footnote 5, Document 139.

us where we have a much bigger game, and I just hate to waste it on these assholes. But you did what you could.

Kissinger: No, what neither—

Nixon: You saw the Chinese, too?

Kissinger: Yeah.

Nixon: Was that worthwhile?

Kissinger: No—well, I don't know. The Chinese never tell us.

Nixon: All right. Come on. Come [unclear]—

Kissinger: So, Monday—

Nixon: [unclear]—

Kissinger: So, Monday they come in, just to make sure we don't settle, they come in with a signing—new signing proposals. So, I figure out a way by which we can accept it, and tentatively accepted it. The next day, he comes in with a DMZ proposal, which is, however, exactly what they gave us the week before—just moving the sentence one place further—and withdraw the signing proposal they had made the day before, and put it into a form that we can't accept, claiming that he had been overruled in Hanoi. In other words, his communication for that worked very fast. Then, again, in the form of going through the language of the document, they introduce four other issues. Then—now, this is December 12th—six weeks after I told them we want to bring the protocols into being simultaneously with the agreement, five weeks after they say they want to sign the agreement, they, for the first time, produced their protocol for the international commission and for the other commission, giving us just one night to study it. Now, when you see those protocols, they're an insult to our intelligence.

Nixon: Yeah. I know.

Kissinger: They have a—they have 250 members in the international commission. They have—each team has liaison offices assigned to it as the same number as the team from the Party. All their communications, all their transportation, comes from the Party. In other words, the Communists supply all the communications and transportation in their area, they have no right to move out of their building unless the Communists agree to it. We'll never get anyone to serve on it. And, so, the international commission is a total joke, and everything is insulting. They had agreed. All week long, they told us there's a great concession, that there would be a team in the DMZ. So where do they put the DMZ team? On the Cua Viet River. Did you know that?

Haig: [laughs]

Kissinger: [laughing] They put the DMZ team on the Cua Viet River, which is at Quang Tri. And then, they have a proposal for a Two-Party Commission, in which they give the Communist member—the international member can't move a—can't go to the bathroom with-

out Communist permission. Then, there's a Two-Party Commission, in which the Communist member can run freely around the country, make any investigation he wants, it's established in every district capital. In other words, the political—the Two-Party Commission is a way for them to spread the VC all over the country. And then, in the international commission, they introduce this Council of National Reconciliation as one of the parties, as if it were a government.

[Omitted here is discussion among Nixon, Haldeman, Butterfield, and Bull about the President's schedule.]

Kissinger: Less was settled on Tuesday, so, then the only thing we accomplished Tuesday¹⁷ was to go over the language of the agreement. We had it down to two—

Nixon: Yeah.

Kissinger: There were only two unresolved issues, one of them a total, cheap, miserable trick on their part, again. They had introduced the phrase that, "The National Council will direct the other party." We refused to accept "direct," so they said, "supervise." We refused to accept "supervise," and we finally bargained them down to the word, "promote," which they had accepted. They accepted the English word "promote," but they kept the Vietnamese word "supervise." So, in the text that's going to be circulating in Vietnam [unclear]. All I'm trying to tell you, Mr. President, is here then I was—

Nixon: You were willing to stay there?

Kissinger: So then I was there on the last day. We had it down to two issues on the text, and one issue of substance. I said, "Let the experts get together and just compare texts once more to make sure we got it right." So they introduced 17 changes in the form of linguistics, by changing the obligations on Cambodia and Laos, by taking out a word on replacements, what weapons we can replace. We had said, "destroyed, worn out, damaged or used up." They take out the word "destroyed." I said, "Listen, Mr. Le Duc Tho, why do you take out 'destroyed?'" He said, "Because, if a thing is damaged, you can't destroy it without damaging it, so it's an unnecessary word." So here we go into an hour's debate on the philosophical problem of whether you—

Nixon: [unclear]—

Kissinger: Uh—

Nixon: How many [unclear].

Kissinger: But, you know goddamn well. Now, all of this we've already communicated to Saigon. If we take it out—if this were Do-

¹⁷ December 12.

brynin—if this were Gromyko in the last hour of the SALT settlement, I'd run this through and wouldn't quibble. But, you know what their strategy is. If we accept their DMZ language, which would be a disaster, they've got to sign it. If we accept their signing language, they've got the 17 language changes. If we accept every one of these 17 language changes, which would destroy again what they granted us three weeks ago on Cambodia and Laos, they've got the protocols. And they are now saying all of these things, and if we accept the protocols, which we—I mean, if we did that, we might just as well overthrow Thieu and leave—then they've got the understandings. On the other hand, he played a very clever game. He's—first of all, their book must say that "Kissinger's a man of great vanity, so keep buttering him up." So, they kept saying to me, "You and I are the only men who understand this war, so you go back to your President, and I'll go back to my Politburo." Here he was sitting with ten little guys all the time, and he kept saying, "You know, I'm trying to settle. I make all these concessions to you, and they overrule me in Hanoi," he says. Now, when a Politburo member tells you he's been overruled in front of ten clerks—

Nixon: That's crazy.

Kissinger: —you know it isn't true. So, what they've done is quite diabolical. They've got the issue in a stage where, with one phone call to us, they can settle it in an hour. But they're always going to keep it just out of reach, and—

Nixon: Henry, tell me this—

Kissinger: Now, Laird thinks we can just yield. We can't yield. They won't let us yield—

Nixon: Did you talk to—did you get Laird this morning?

Kissinger: Well, Laird has sent you a memo.¹⁸

Nixon: Well, wait a minute. How much does Laird know?

Haig: He knows that things are going bad, that we're considering other possibilities for reaction—

Nixon: What is he suggesting? To yield?

Haig: Yeah. Oh, he called. I told you yesterday. He called me the night before and said, "We can't—we can't take military action. I'm going to send a memo over." Well, the memo got here yesterday morning and it just says we've got to settle.

Nixon: So what's new?

Kissinger: Any terms [unclear].

Nixon: What's new with him?

[laughter]

¹⁸ Document 166.

Nixon: Have we ever gotten anything else with him?

Kissinger: Oh, no. No, no—

Nixon: November 3d, Cambodia, May 8th.¹⁹

Kissinger: Mr. President, if—

Nixon: Rogers has stood firm, though, on this, hasn't he?

Kissinger: He hasn't stood at all as far as I know.

Nixon: Well, no, no, but he's never indicated any moving—movement away. Does Sullivan?

Kissinger: No, Sullivan is completely—

Nixon: Well, I know. I think he would if there were—you haven't heard from Rogers? Now, you've briefed him a couple times. How's he see it? What has he said? I want to know.

Haig: He's—

Nixon: This depends on whether we have a meeting or not—

Haig: [unclear]—

Nixon: Huh?

Haig: He's been absolutely unquestioning on it—

Kissinger: No—

Haig: —and what we can do.

Kissinger: Let me—let me put Sullivan's view fairly. In the text of the agreement, Sullivan would make concessions I would not make. But Sullivan has now accepted the fact—

Nixon: That there's—

Kissinger: —that no matter what concessions we make in the text, they're not gonna settle. Now, there are a number of possibilities. It is—there's a 10 percent chance that Tho is telling the truth that he's going back to Hanoi—

Nixon: No.

Kissinger: I don't believe it. I just—

Nixon: Yeah—

Kissinger: —[unclear]—

Nixon: —there's a 10 percent chance. Go ahead—

¹⁹ In conversation with these senior advisers Nixon occasionally referred to three speeches he had delivered to the nation on the war in Southeast Asia: on November 3, 1969, he announced his Vietnamization policy; on April 30, 1970, that the Cambodian Incursion had begun and the reasons for it; and on May 8, 1972, that he had ordered the mining of Haiphong Harbor and other ports along North Vietnam's coastline as well as a stepped-up bombing campaign against the North. For the text of the speeches, see, respectively, *Public Papers: Nixon, 1969*, pp. 901–909; *ibid.*, 1970, pp. 405–410; and *ibid.*, 1972, pp. 583–587.

Kissinger: In fairness, I have to say there's a second possibility that they now want to see, for a little longer, how that Saigon-Washington split works.

Nixon: Right. Third?

Kissinger: There's the predominant possibility that there isn't enough pressure on them to make them settle. Now, the reason I wanted to—I—I recommended and am responsible for the accelerated schedule before November 7th, is that November 7th gave them a deadline from which they could not—that which they could not evade.

Nixon: Yeah.

Kissinger: And, therefore, they had to make rapid movements. I—that—what we are seeing now is their normal negotiating habit. They're shits, if I can use a—I mean, they are tawdry, miserable, filthy people. They make the Russians look good.

Nixon: And the Russians make the Chinese look good, I know.

Kissinger: And the Russians make the Chinese look good. I mean, it isn't just this crap I'm giving you; it is they never, never do anything that isn't tawdry. Now, November 7th scared the pants off them. Now, I remember talking to Al about it, and I take full responsibility; he was in favor of a slower schedule—

Nixon: He went along with it. He went along with no problem—

Kissinger: No, I get a lot of credit, exorbitant credit, when things go well. I have to take the blame when things do not—

Nixon: Who remembers India-Pakistan—?²⁰

Kissinger: Well, no. There I was right. India-Pakistan I was right. This one I wasn't necessarily right on.

Nixon: Who knows? Who knows!

Kissinger: India-Pakistan didn't bother me. On that one, I was right. And that one paid off in China. India-Pakistan was one—

Nixon: What I meant is, at the time—what I'm talking about is are we going to have enough time? All these assholes in the press said we were wrong. Now, at the present time, the press will say, "We're quite aware we're very, very close to peace, and d-d-d-d-d." They were wrong, and so when it turns the other way, they're going to say, "Peace has escaped d-d-d-d-d," and they're going to be wrong again. And it isn't going to make a goddamn bit of difference. My point is, you've got to remember who the enemy are. The enemy has never changed. The election didn't change it. The only friends we've got, Henry, are a few people of rather moderate education out in this country, and thank

²⁰ A reference to the Indo-Pakistani war of late 1971.

God, they're about 61 percent of the people, who support us. The left-wingers, most of your friends, and most—and many of mine—

Kissinger: Some friends of mine—

Nixon: —are against us.

Kissinger: I'm using the left-wingers, Mr. President—

Nixon: Yeah. They're all through with us, though—

Kissinger: I—

Nixon: —and we're through with them.

Kissinger: I have—

Nixon: They don't even know. They don't know what's going to hit them, we believe.

Kissinger: I have no illusions about the left-wingers. Those sons-of-bitches are [unclear]—

Nixon: Well, they're so tawdry, right? Now, let's come down to where we've got to go.

Kissinger: So—but, the difference—

Nixon: I—understand, Henry—you know, I told it—as Al over here will tell you—as I told you last night. I say, "What difference does it make? It's done." You know, what—whether it was before, we should have done it during the election, and so forth and so on. Looking back, we probably should have let it wait 'til the election, and the day after the election: Whack! You know? And said—or [unclear], rather than whack, said, "You've got 48 hours, kiddies. Either settle, or get awful hurt." That's probably what we should have done, but we didn't.

Kissinger: That's probably true.

Nixon: That's probably—I mean, from the standpoint of the election, we would probably have done even a little bit better than we did. [laughs] [unclear] It didn't make a difference; we did very well. But nevertheless, nevertheless, there it is. It's an interesting thing. You know, you've got two interesting analyses of the elections. You've got the Lou Harris analysis, who—which thinks that we were quite helped by the idea that we were sort of for peace and progress, and all that sort of thing. You've got the Dick [unclear] analysis, which I think is much closer to the truth—that says, on the other hand, it says [unclear]. He says all these things. He says, "Oh, yes." He says, "It helped the President's image, and the rest. When—but you came right down to the issues, what really won it, was it was the comparison between a sell-out, a repulsive, peace-at-any-price radical against a sound man." They said that was what it was really about. You see, that's why it didn't make any difference whether you settled or not. But the point is, who was to know, then? Now, though, it's over. Now, we've got to look to the future.

Kissinger: What we had to balance, then—

Nixon: And, what the hell, how are we going to give them another deadline? We—that's our problem.

Kissinger: What we had to balance, then, was to weigh the advantage of an unchangeable deadline against the danger of an endlessly protracted negotiation while our assets were there.

Nixon: That's right.

Kissinger: And we lost the gamble. That's what it comes down to. We lost the gamble 80 percent because of Thieu.

Nixon: Thieu, ah! That's right.

Kissinger: Now, but all of the—

Nixon: If Thieu—if Thieu had gone along, in the first instance, then we could have made the deal quickly that we could have lived with. That was the real problem. That we know.

Kissinger: Because if that—

Nixon: But that we can't say—

Kissinger: No.

Nixon:—due to the fact that we know that Thieu's survival is what we're fighting for. Not his, but we know there ain't nobody else to keep the goddamn place—

Kissinger: That's right.

Nixon:—together at the moment. Now, we're in a real box on that. We all know that. But, you see, so therefore, that's what I mean, Henry. You were basing your whole assumption—we were basing our assumption—on the fact that Thieu would. You remember, when you went to Saigon, you were amazed when you went in and said, "Thieu [unclear]. There is no coalition government. You have veto power." And the son-of-a-bitch says, "No I don't want anything other than—we've got to have total victory."

Kissinger: Yeah.

Nixon: That was, that was, that was the thing.

Kissinger: Even there, the bastard misled us. If, on the first day, he had told us he couldn't accept it, we could have still tripped our relations with Hanoi, and avoided some of the dangers. But he led us on for three days, said he might accept it, and only on the last afternoon of the last day towards—but that's water over the dam.²¹ I agree—

Nixon: Now, where do we go?

Kissinger: Well, we are now in this position: as of today, we are

²¹ For the records of Kissinger's meetings with Thieu in Saigon in October, see Documents 27, 29, 32, 36, 41–43, 48, and 49.

caught between Hanoi and Saigon, both of them facing us down in a position of total impotence, in which Hanoi is just stringing us along, and Saigon is just ignoring us. Hanoi—I do not see why Hanoi would want to settle three weeks from now when they didn't settle this week. I do not see what additional factors are going to operate. I'm making a cold-blooded analysis.

Nixon: Right.

Kissinger: I see no additional factor, if nothing changes—

Nixon: That's right.

Kissinger: —that will make Hanoi more receptive early in January.

Nixon: [unclear]

Kissinger: I see no additional factor that will make Saigon more conciliatory. On—in—on the contrary, Saigon, in the process of trying to sabotage the settlement, is going to float so many proposals of its own that it knocks out the few props we've got left. That Christmas truce proposal of Thieu²² is a disaster, because it removes the few military pressures that we have got left. Therefore, I have come to the reluctant conclusion that we've got to put it to them in Hanoi, painful as it is. But, we cannot do it anymore from the old platform. We have to do it, now, from the platform of—what we have to do is this, Mr. President, if—my—I've thought about it very hard, now. I think I ought to give a low-key briefing tomorrow of just where the negotiations stand.

Nixon: You think you should?

Kissinger: Well, Al thinks Ziegler should, but I don't see how anyone else—I went out there and said they were going well. If I hide, now, it is not going—

Nixon: You're not hiding. Let's think. All right, let's think about it. Somebody could give a low-key briefing, so let's start [unclear]—

Kissinger: I don't think anyone else can do it except I.

Nixon: All right, all right, let's talk [unclear]—

Kissinger: I was the guy who said, "Peace is at hand—" ²³

Nixon: —let's talk about that later. Let's talk about—somebody should give a low-key briefing. What should the briefing be?

Kissinger: The briefing should be is where were we at the end of October, and why did we think peace was imminent? What has happened in the interval, and what is, now, in prospect? We can explain, very convincingly, that with goodwill, peace was easily achievable. But every time we turned over a rock, we found a worm underneath. That, if they wanted a cease-fire, they should have had an international ma-

²² See Document 160.

²³ See Document 73.

chinery in place. They didn't do it. That, while they were talking cease-fire to us, we have reams of intelligence reports that ordered them to go into massive action on the first—

Nixon: [unclear]

Kissinger: —day of the cease-fire—

Nixon: Right.

Kissinger: —and to go on for—

Nixon: They were going to violate it—?

Kissinger: —three days after. They translated the document in a way that was totally misleading as to the nature of—

Nixon: Whether it was a government or a coalition [unclear]—

Kissinger: Or whether it had to “direct,” or whether it had to “promote.” That, the simplest thing—

Nixon: I mean, the way—let me say, if we're going to talk about this—Al, take these words down—the way that it should be done. I mean, I'd have all this so it's done by either Ziegler or [unclear] all these things about the proposed direction. But, the point is, you should say that we had evidence, first, massive intelligence evidence that they were intending to violate the cease-fire and all the understandings. Second, they insisted on translating the document, and insisted on a change in the document, which would have made it a coalition government, or a Communist—a Communist-coalition government over the people of South Vietnam, something we had insisted we would never agree upon, rather than a Commission of Reconciliation, which had for its purpose [unclear]. In other words, be sure that the violation, the Communist government, that that kind of thing gets into the lead. Go ahead.

Kissinger: That then—

Nixon: Think of things we could say then.

Kissinger: That then, even though there was extensive international machinery provided in the agreement, they claimed—

Nixon: They sabotaged the international machinery by making it totally meaningless, so that nobody would even serve.

Kissinger: But, first, they wouldn't even show it to us 'til December 12th.

Nixon: That's right. In view of the—but even that, just say that the international machinery they totally agree—disagreed to set up international machinery to supervise it all in any meaningful way.

Kissinger: Then, they told us that the demobilization provision of the agreement would take care of their troops. Every time we try to give it one concrete meaning, through a de facto understanding, through giving it a time limit, through indicating—

Nixon: They were using these negotiations solely for the purpose, not of—that is not [unclear] not for the purpose of ending the war, but of continuing the war in a different form.

Kissinger: And so, we have come—

Nixon: And not of bringing peace, but of having—continuing war in this terribly difficult part of the country. War in South Vietnam; peace in North Vietnam. Well, that was their proposal: peace for North Vietnam and continuing war in South Vietnam.

Kissinger: So, we have come to the reluctant conclusion that—you have expressed it very well right now, Mr. President—that this wasn't a peace document. This was a document for perpetual warfare, in which they create—

Nixon: Perpetual warfare in South Vietnam—

Kissinger: That's right.

Nixon: —and peace in North Vietnam. That's the way to put it.

Kissinger: That's right—

Nixon: "Peace in North Vietnam and perpetual warfare in South Vietnam, with the United States—and the United States cooperating with them in the—"

Kissinger: Now—

Nixon: "—in imposing a Communist government on the people of South Vietnam against their will."

Kissinger: And this is why these negotiations, which could have been very rapid—

Nixon: That's right. Now—

Kissinger: —and should have been very rapid—

Nixon: —the negotiations: on the other hand, the negotiations—we have had agreements throughout this period of time. We have reached agreement on all these issues, at varying times, from which they have first agreed and then withdrawn. This can be settled in one day—

Kissinger: That's right.

Nixon: —if they're willing to settle. And we're willing to settle in one day.

Kissinger: Exactly.

Nixon: No other meetings are needed; just an exchange of messages has been arranged.

Kissinger: Or—

Nixon: [unclear]—

Kissinger: Or another meeting is necessary. But—so this is—now, we also have to disassociate ourselves from Saigon to some extent. We have to say—

Nixon: Yeah?

Kissinger: —“It isn’t—what is the difference between us and Saigon? Saigon wanted total victory. The President has always said that he would give them a reasonable chance to survive. The difference between us and Hanoi is that they will not give them a reasonable chance to survive. So, Saigon’s objections never had a chance.” I—

Nixon: And, on the other hand, I would tilt it. I would say we were ready to tilt it very strongly against Hanoi, and very lightly against Hanoi—against Saigon. I would say that North Vietnam—that as far as Saigon is concerned, they—we understandably express concern about the agreement, about the people—the people of South—but, on the other hand, Saigon had agreed, on May 8th, at the time we laid down the conditions of a cease-fire, the return our POWs, and internationally-supervised elections, that they would agree to that.²⁴ And now, they have backed off of that proposal, and are insisting now on a total withdrawal of forces, which, of course, is not consistent—

Kissinger: But we have to—

Nixon: [unclear]—

Kissinger: We had to back off a bit from Saigon, Mr. President, if Saigon—

Nixon: And that backs off.

Kissinger: In—I agree. In Saigon’s interest, because then, it isn’t Saigon that vetoed it, but it is our judgment that the Communists are—have used another guise to impose themselves. Now, I would recommend that we leave open the possibility of this settlement, if the other side meets the very minimum conditions that we have indicated. I would then recommend that we start bombing the bejeezus out of them within 48 hours of having put the negotiating record out. And I would then recommend that after about two weeks of that, we offer withdrawal for prisoners, about the time that the Congress comes back—

Nixon: Yeah.

Kissinger: —and say, “It is now been proved that the—the negotiation’s too complex involving all the Vietnamese parties. Let them settle their problems among each other. The South is strong enough to defend itself—”

Nixon: “So we will withdraw.” Now, let me ask a critical question. Do you have in this record a clear Q and A, for one thing, where you said, “All right, will you, if we withdraw all of our forces, and stop the bombing and the mining, will you return our prisoners—?”

²⁴ These were points in the peace proposal Nixon made in his speech to the nation on May 8, 1972.

Kissinger: No—

Nixon: Would you say that they have? See, that's the trouble, because that's—

Kissinger: No, I'll tell you, Mr. President, why I didn't do that, because, I think that—

Nixon: Well—

Kissinger: —the one, they won't—they don't want that, now. They want us to [unclear]—

Nixon: Oh, I know they don't, but it's one point that we're interested in hearing, either when we talk—

Kissinger: But I would—

Nixon: —about—when we talk about going at it alone, without Saigon, Henry, the only basis for our going at it alone is, at this time, the withdrawal of all of our forces, stopping the bombing and the mining, getting our POWs, and continuing to aid South Vietnam—

Kissinger: That's right.

Nixon: That's the only basis.

Kissinger: That's right.

Nixon: And, they'll never agree to that.

Kissinger: Well, Mr. President, they are not all that strong. I think if you are willing to go six months, they're going to crack.

Nixon: Well, but Henry—Henry, I know if I'm willing to go six months it isn't in the cards. Right? I'm willing to go six months, but that I cannot convince the Congress of, in my opinion. I mean, I must say that on that, I would have to respect the judgment of some other people here. We can go for—we can sure go 'til Christmas. I mean, we can go to 'til the Congress comes back.

Kissinger: It's better—

Nixon: We want to remember that we're going to have a period—if you're thinking of bombing North Vietnam for six months, bombing for six months is not going to work.

Kissinger: Well then we can't—then we've had it.

Nixon: Well then, we have to, then, have a look at our choices.

Kissinger: Because—because it is possible—

Nixon: Right, but bombing for what? I mean, what do we say?

Kissinger: Prisoners.

Nixon: We could do that.

Kissinger: When Congress—

Nixon: But, provided we make the record, which we haven't made that record, have we?

Kissinger: No, no, but we can easily fix that, Mr. President, by having the two weeks after the bomb—I would like to bomb for two weeks within this framework, because they might accept it by New Year's, if they get a terrific shock, now. If then, by New Year's, they haven't accepted it, we could at the first formal session in Paris after New Year's propose prisoners for withdrawal.

Nixon: Prisoners for withdrawal?

Kissinger: And—

Nixon: [unclear]—

Kissinger: That's right.

Nixon: [unclear] then say, "Now, Viet"—I meant, the way I would say it: "Vietnamization is now concluded."

Kissinger: That's right.

Nixon: "The American role is now concluded. For a return of our prisoners of war, we will quit the bombing [unclear]." Yes, you could bomb for six months, I agree—

Kissinger: You see, my point—

Nixon: —on that basis. But you can't bomb for six months with the idea that we'll go back and have some sort of a settlement—

Kissinger: I think we're too close on this one—

Nixon: I mean, in other words—your pro—you had that in one of your original proposals last week. But my point is that on this, as far as this one is concerned—

Kissinger: This one—

Nixon: —I have a feeling it's out the window. I mean, I don't want to—

Kissinger: No.

Nixon: —sound pessimistic. I—Al's—Al, for the first time, is more optimistic even than you are. Al thinks they want to settle.

Kissinger: I also think they want to settle, but—

Nixon: Do you think they want to settle?

Kissinger: Mr. President, they are—

Nixon: Do you think they're going to?

Haig: Yes, if they get a good kick in the ass.

Kissinger: They are scared out of their minds that you'll resume bombing. They have taken shit from me that you wouldn't believe. I—here is Le Duc Tho, the number three man in his country, and the things I have said to him, in front of his people, you would not believe.

Nixon: Like what?

Kissinger: About, you know, about his tawdry performance; about his extraordinary trickery. And then, just making fun of him. When he came up, I said, "Now we get the daily speech."

Nixon: [unclear] that's something else.

Kissinger: And—

Nixon: [unclear]—

Kissinger: No, no. The point is, I bluster threats from you. The point I'm making is, Mr. President, the reason they were so nice to me is because their strategy is to make us believe—why do they let their experts meet? Why did he come out every day to shake hands with me, so that I couldn't fight him off? I mean, he just walked up to the guard and stuck out his hand.

Nixon: I understand—

Kissinger: Why did they do all of this? Because they want to create the impression—

Nixon: That it's still alive.

Kissinger: —that the peace—

Nixon: And, of course, they're leaking it all to the press.

Kissinger: That's right.

Nixon: The press is playing it very heavily until today, and now the press is playing it the other way because you've returned, and—

Kissinger: Yeah, but he's leaving tomorrow,²⁵ so they're going to play it, again, the other way tomorrow.

Nixon: Well, that he's going home for what? Consultations—?

Kissinger: [unclear] What he's going to say is he's going home for consult—

Nixon: All right, where does Agnew fit into this?

Kissinger: Well—

Nixon: My own view is very mixed on that. I was—

Kissinger: Well—

Nixon: I was all for it when we had Agnew with something solid he was to go to talk about. But you—Agnew, to send that unguided missile out there, even with Haig, and to have him sit down there, and to have that clever Thieu start to say, "Well, we've got to have this and this," and Agnew won't even know what the hell hit him. That's what I'm afraid of—

Kissinger: I'm no longer—if we go the route I've recommended, I'm not so much in favor of sending Agnew. I am in favor of—

Nixon: Sending somebody?

Kissinger: Of sending somebody, maybe Haig—

Nixon: Yeah.

²⁵ A reference to Le Duc Tho's departure from Paris for Hanoi.

Kissinger: —because—

Nixon: I think somebody has to go.

Kissinger: —we have to shut these guys up.

Nixon: That's right. The point is, I don't want them to think that we've resumed the bombing, and so forth, and that they've gotten their way, Henry. That's the point—

Kissinger: You see, that's—what we have to navigate, now, is a route in which we disassociate from them, but stay closer to them than to Hanoi; to lay the basis for your withdrawing; for your offering the withdrawal for prisoners early—

Nixon: I'd have to make the offer of withdrawal for prisoners. I feel this, if I could make that offer, before the Congress convenes—

Kissinger: You can do it the last week of December.

Nixon: I think that's what we have to do.

Kissinger: The way I would play it—

Nixon: I don't see any other way. I don't see any other way we can survive this whole goddamn thing—

Kissinger: No.

Nixon: —and, in the meantime, what do we do? Retain the present complement of men there?

Kissinger: Where?

Nixon: South Vietnam. 29,000.²⁶

Kissinger: Yes, I don't think they make any difference.

Nixon: All right.

Haig: I don't think they make any difference, and I think it'd be a bad sign to draw them down—

Nixon: I understand that. I just want to be sure that we know what the answer is—

Kissinger: But—but what I would do—

[unclear exchange]

Kissinger: What I would recommend, Mr. President—

Nixon: I feel the same way.

Kissinger: —is, first of all, we ought to get Haig over to the Pentagon as quickly as possible.²⁷

Nixon: [laughs]

Kissinger: He's—

²⁶ The approximate number of United States military personnel still in South Vietnam.

²⁷ Haig was scheduled to become Vice Chief of Staff of the Army in January 1973.

Nixon: What can he do over there?

Kissinger: What he can do over there is—we should put him in charge of a Vietnamese task force. We’ve got this Chairman of the Joint Chiefs who is a Navy lobbyist, and who doesn’t give a goddamn about the war in Vietnam, and we ought to put Haig in charge of it over in the Pentagon. We ought to put one man in charge of it in Saigon, because—

Nixon: Who? Whitehouse?

Kissinger: No. No, no. I mean one military guy. I’d put Vogt in charge.

Nixon: All right.

Kissinger: And then, we can get some real banging done—

Nixon: When?

Kissinger: —instead of having North Vietnam carved up into six little areas—²⁸

Nixon: When? When? When? When?

Kissinger: —and then—now, the way I would play it, is this: assuming we have the press conference tomorrow or Saturday—there’s something to be said for having it Saturday, because that gets Le Duc Tho out of Paris, although he’ll be out of Paris by the time I’d go on.

Nixon: I’d worry about him.

Kissinger: Well, I’d just like—

Nixon: You probably think he doesn’t have a stage?

Kissinger: He won’t have a stage in Moscow.

Nixon: You mean, not to do the bombing, and so forth?

Kissinger: No, no. The bombing I would, then, resume within—over the weekend. Say something—

Nixon: While he’s still in Paris? What is it that you don’t want to do with him? What is it that you want to—don’t want to do while he’s in Paris?

Kissinger: I didn’t want him—I didn’t want to give our version of the negotiations while he’s still in Paris—

Nixon: It’s a good plan.

Kissinger: Let him kick off his own propaganda machine—

²⁸ The United States military divided North Vietnam into 7, not 6, Route Packages (1, 2, 3, 4, 5, 6A, and 6B), from south to north, to allocate bombing assignments. MACV controlled airstrikes in the southernmost Route Package, RP 1, just north of the DMZ; the U.S. Navy controlled RPs 2, 3, 4, and 6B, north from the DMZ to the sector east of Hanoi and then north to the buffer zone abutting North Vietnam’s border with China; and the U.S. Air Force controlled RPs 5 and 6A which included the area from Hanoi north to the buffer zone. On occasion the Air Force might carry out sorties in RP 6B and the Navy in RP 6A.

Nixon: That's right. That's right.

Kissinger: I'd like to gain the twelve hours it takes to check with him—

Nixon: Yeah.

Kissinger: —while he's moving, but he's going to leave Paris. If we have our press conference at noon, he'll be out of Paris 'til six in the evening.

Nixon: Today is Thursday?

Kissinger: Yeah. We can do it tomorrow—

Nixon: I would not make your press conference, if you do it, I wouldn't make it—I don't know. Al and I talked about it last night, and I wonder if, maybe, we shouldn't do it on the basis of, maybe, more on the Ziegler thing. [unclear]—

Kissinger: I think it's a terrible mistake. Ziegler cannot answer the questions. It will look as if I'm hiding—

Nixon: Let's leave you out of it, whether it looks as if you're hiding or not. [unclear] We may want you to hide for your—for everybody's good. Your own, everybody else's. I mean, what do you think, Al? I don't know. You're the best to do it, there's no question about that—

Kissinger: No, the bombing announcement—

Nixon: —but my point is—my point is—

Kissinger: I shouldn't do the bombing announcement. What I think we should do is that I—no one else understands the negotiations well enough to explain. The way—

Nixon: [unclear]

Kissinger: —we've always snowed the press is by just overwhelming them with technical—

Nixon: All right.

Kissinger: [unclear]

Nixon: All right. What do you want to have come out?

Kissinger: What I want to—

Nixon: Think about it. What do you want to have the press report after Kissinger gives his 3-hour briefing to the press?

Kissinger: What we have the press report is, first of all—

Nixon: In other words, what are the points you want the press to report?

Kissinger: That peace was imminent; that it was Communist bad faith—not Saigon—that has prevented it; that—

Nixon: In other words, you want that they—I'm trying to get at something more fundamental. In other words, the press will report the peace talks have broken down.

Kissinger: No. No, no. The peace talks are still open—

Nixon: That's right.

Kissinger: —but that the United States remains willing to settle it. The United States remains convinced that it could be settled—

Nixon: Hmm—

Kissinger: —in an extraordinarily short time—

Nixon: But you see—but—but then, the point is that—I'm trying to give you—you see, you've got to get—all right, that one point is the peace talks are not broken down; they are at an impasse. The impasse is the fault, primarily, of the North Vietnamese, who are insisting—who have—well, the points I made earlier. The third point is that we're ready to resume at any time, on that. But the—then—then, you've got to get across the fact that we are not simply quibbling over language and translation—

Kissinger: That's right—

Nixon: —and so forth. But what it is really about is—

Kissinger: What—

Nixon: It's not only the fate of the South Vietnamese, it's the fate—the fate of peace there. And also, let's understand, we have our POWs there, and they have not—and they have refused. We had hoped to get this done before Christmas. We wanted our POWs, and we are—I'd like to get a flavor of stepping up the bombing at this time for the POW purposes, before he [Le Duc Tho] even comes. You get my point?

Kissinger: That's right. [unclear]—

Nixon: Just stepping up the bombing for the purpose of getting them to talk is not going to be [laughs] a very easy one to wheel.

Kissinger: But for four years, we have said we would not sell out.

Nixon: I know—

Kissinger: And what these guys have tried to get us to do—that if they had been willing to implement the agreement of the end of October, it would have been easy.

Nixon: Um-hmm.

Kissinger: But every time we try to make it concrete on any issue that would inhibit their military action in the future—

Nixon: Um-hmm. Um-hmm.

Kissinger: —they were impossible. For—on the POWs—

Nixon: I know—

Kissinger: —we've asked them for a protocol, how the POWs would be—

Nixon: What I'd like for you to do, if you would, would be to sit down, later this afternoon or this evening—you've got plenty of time to

think—put down on one sheet of paper, put five or six positive points you want the press to write, to come out of this. This is what we have to do. And then, let everything play around that, rather than giving the press what they would like. And that is simply a gory and brilliant analysis of what they did to us, and what we did to them, and we had it here and there, they had it there and there, and this and that. That will ruin us. That will really ruin us. If, on the other hand, we can—the public gets the impression that this broke because these bastards were at fault, that they want to impose a Communist government, they're still holding our prisoners, and we want to get them back, and, consequently, the President is going to insist on taking the strong action to get this war over with. This war must end! It must end soon! And if they don't want to talk, we will have to go get 'em. If they won't return our prisoners, we want to hit them soon. We're going to take the necessary military action to get them back. That's what you've got to get across—

Kissinger: And what I would think, Mr. President, is we should not announce the bombing tomorrow. We should just start it—

Nixon: Announce it?

Kissinger: —on Saturday.²⁹

Nixon: We're not going to ever announce the bombing.

Kissinger: That's right, and then—

Nixon: Then we've got [to] get—and Laird in?

Kissinger: Ron [Ziegler] can handle that one.

Nixon: No, just remind them. These have—no, we've always been bombing. We've just—this is fair—

Kissinger: [unclear]

Nixon: —the weather has been bad. Play that. Let's be a little bit clever. The weather has been bad.

Kissinger: Well—

Nixon: They don't know better.

Kissinger: Well—

Nixon: They don't know better—

Kissinger: —it's known that's we stopped north of the 20th, and I think—

Nixon: All right, fine. Fine. Well—

Kissinger: And I think we can even use that as an advantage to show our goodwill—faith.

Nixon: All right. Fine.

²⁹ December 16.

Kissinger: But, I think—

Nixon: We've stopped north of the [unclear]—

Kissinger: But I think we should resume that.

Nixon: I didn't resume that. Why doesn't he say: "We have resumed bombing. We have stepped up bombing?" Why build it up? Why escalate it that way? Just start bombing north of the 20th.

Haig: What I meant, it's bound to make a hellish splash, Mr. President.

Nixon: When we do it?

Haig: When we do it—

Nixon: Then why explain it?

Haig: I—

Kissinger: No, he should just answer the questions.

Haig: The next day [unclear]—

Nixon: And what, then? What does he say, then?

Haig: Henry should say: "Yes, due to [unclear]"

Nixon: Yeah.

Haig: —the current—

Nixon: No, see, because of the buildup. That's what I'd say: buildup of the enemy, buildup north of the [unclear]. I'd put it on the basis, because of their buildup north of the 20th, it appears that they're going to resume—

Kissinger: No.

Nixon: —activities.

Kissinger: No, Mr. President, on the—

Nixon: You see my point? Or, something like that. I mean, not on the basis of—if you start the bombing for the purpose, only, of getting them to accept this agreement, that ain't going to work. If you start the bargaining, if the reason for it, after January 1st, which it must be, is only for the purpose of getting our prisoners back, that will work. But if you, at the present time, you can start bombing, say: "Because of significant enemy buildup activities north of that"—put it on military grounds, not on political grounds. Don't say that we started bombing because they broke off negotiations. Don't say that. Now, that's just the wrong—

Kissinger: No—

Nixon: —decision.

Kissinger: —Mr. President, I think there's a 50–50—

Nixon: They all know why we started.

Kissinger: I think there's a 50–50 chance if we give them a tremendous wallop, particularly not the sort of shit the Air Force likes to do, if I may use this word—

Nixon: I went over this with them—

Kissinger: —but if we did—

Nixon: It is shit.

Kissinger: If we got all their power plants in one day, so that the civilian population would be without light, knocked out all the docks in Haiphong, so that even if the harbor is cleared, they can't unload there for months to come, then they would know it's—

Nixon: What kinds of ships are still left around there? [unclear] aren't there some?

Haig: Yeah—

Kissinger: We'd have to do it with smart bombs.

Nixon: Well, can then we knock out docks, then, without knocking out the ships? [unclear]—

Haig: Yes, there are certain dock facilities that can be taken out—

Nixon: [unclear]—

Kissinger: I'd frankly take my chance on the ships. Your great asset, Mr. President—

Nixon: All right. Take a chance on the ships. All right—

Kissinger: —is your unpredictability—

Nixon: Look, I'm going to do it. Now, the other thing is nobody—I am the only one who seems to be for this. I went over this with Moorer and Rush. Incidentally, he's saying it's fine. Don't worry about him.

Kissinger: No, Rush is fine.

Nixon: He'll stand fine with us. He—he felt that we should continue, and he thinks that, in the end, that we've got to make a deal, and so forth. But Rush will do. He says: "Whatever you decide on, I—"

Kissinger: We've got to make a deal.

Nixon: [unclear] but the point about the—the point about the—the reason I say take out all the goddamn airfields, Christ, the Israelis did it and it had quite an effect. Let's do it.

Haig: [unclear]—

Nixon: Everything in the air—

Haig: Including the civilian ones—

Nixon: —including the big civilian—

Haig: —the military sides of 'em.

Nixon: Why not the civilian sides of them, too? What kinds of planes do you think—

Haig: Well, we could hit a—

Kissinger: Chinese and Russian.

Haig: Chinese and Soviets.

Nixon: All right, fine. Can you go down the military side of it?

Haig: They tell me they can do it—

Nixon: Yeah? When?

Haig: —using smart bombs.

Nixon: Are we gonna have—are we gonna have, though—are we going to have a delay of four weeks before they get it done? These smart bombs can't be used except in clear weather, isn't that right? Aren't they visual?

Haig: That's right, sir. And the weather right now is absolutely bad.

Nixon: Oh, shit.

Haig: So, we've got to—

Nixon: Here we are again, Henry. We went through this the last year, as you remember.

Haig: I think the only way to do it is to give them about a—just tell them they have blanket authority to do it, because the worst thing we could do, is do a half-assed job the first time—

Nixon: I know. I know. I know, but, Al, suppose the weather—let's talk. Suppose the weather stays bad through January 3d, when the Congress comes back? What in the hell do we get out of it—?

Kissinger: It's impossible.

Haig: After that, you can't.

Nixon: Huh?

Haig: That—that won't be.

Kissinger: We've got—

Nixon: It won't be bad that long?

Haig: No.

Nixon: That's all right. Now, the other point is: what about the [B-]52s? Can't they get in there now?

Kissinger: Yes.

Nixon: Well goddamnit, let's get them in. What's wrong with getting the '52s in—?

Kissinger: Well, we've done—

Nixon: Are we afraid they're going to be shot down?

Kissinger: Well, no. We've got the problem, Mr. President, let's face it: the Chief—the Chairman of the Chiefs is a Navy lobbyist; he's not a military commander. The Chiefs—

Nixon: He's [unclear] '52s?

Kissinger: The Chiefs only give a damn about budget categories. May 8th, you put your neck on the line and those bastards carved up Vietnam into areas of jurisdiction. They didn't give one goddamn

about the national interest. They gave a damn about their service interest.

Nixon: I know. You remember when Connally [unclear]—

Kissinger: You were—

Nixon: —[unclear] commander—

Kissinger: You were right—

Nixon: —so we put that asshole Weyand in there, who was worse than Abrams, if anything. Abrams is a—just a clod. I think he's a good division commander, and everyone—

Kissinger: We made it.

Nixon: —liked him.

Kissinger: You were 100 percent right. We were all wrong—

Nixon: [unclear] mistake, who was right, and who was wrong. But the point is—

Kissinger: [unclear]—

Nixon: —it's done now. We don't have anybody in charge out there.

Kissinger: Well, Vogt can do it. We were all—

Nixon: I need—I need a [unclear] out there [unclear]—

Kissinger: Well, but he didn't have the authority, Mr. President—

Nixon: We've got poor little Don Hughes is out there running the fighters.³⁰ He can't do a goddamn thing—

Kissinger: Well, because they—

Nixon: You have said it.

Kissinger: Because they—because there's—there are four different commands bombing North Vietnam, Mr. President—

Nixon: All right, how do we change the four different commands? Can that be done, tomorrow? I'd like it today.

Kissinger: That can be done the day you give the order. If there'll be—

Nixon: That's got to get done immediately.

Kissinger: They'll be—

Nixon: We can't fart around.

Kissinger: There'll be unbelievable screaming.

Nixon: Well, that's the point. They've got to get it done right, for a change. We cannot make these military decisions and take all the heat, and have them screw it up again.

³⁰ Major General James Donald Hughes, USAF, Deputy Commander, 7th/13th Air Force, Thailand.

Kissinger: But we've got to get a guy in the Pentagon who monitors it from a strategic point of view, and not a fiscal point of view. And we've got to get a guy out there who looks at it from a strategic point of view. Now, my judgment is that if you go bold, if we send a message the day the bombing starts saying, "We are ready to resume right away, but we want to warn you that if this agreement is not concluded by January 1st, we will not conclude it anymore, and we will work in a different framework." That scares them. We have a 50–50 chance, then, of concluding it.

Nixon: Why not?

Kissinger: I believe a better than 50–50 chance.

Nixon: We've had a 50–50 so many times before.

Kissinger: Yeah, but—

Nixon: That's all right. I don't care. I don't care.

Kissinger: I have to give you—

Nixon: Suppose it's 10 to 90?

Kissinger: No, no. It's better than 10 to 90. It may be 75–25, because these guys are on their last legs, too. They are scared to death of exactly what we're talking about now, and they can't take much more. If they will not settle by January 1st, then, at the end of December, at the last plenary session in Paris before December, I would scrap this proposal and go for a straight prisoner for withdrawal and end of bombing proposal—

Nixon: I know.

Kissinger: —and then, you'd be in good shape by the time Congress returns.

Nixon: Congress cannot return [unclear].

Kissinger: But I would not yet do that, because if you do it now—

Nixon: [unclear]—

Kissinger: —then, we missed the chance we have of wrapping up this agreement—

Nixon: [unclear] the proposal last week. The proposal last week said that we would bomb them for six months and just, you know, change the proposal right away.

Kissinger: That's right.

Nixon: We must not do that. We've got to play this string out. This string must be played out 'til the bitter end. It's not—it may not be bitter, I don't know. I'm afraid it is, and I'm afraid that they think they've got—

Kissinger: No, Mr. President—

Nixon: —us in a crack.

Kissinger: No, if they thought they had us in a crack, they'd break.

Nixon: No, no, no. I think what—no, the reason they don't break, I think, is much more fundamental than that. The reason they don't break is that they know exactly the kind of a conversation—or they fear—is taking place now. If they broke, they'd know that conversation would take place. They think without breaking it, they're going to be stringing us along. It's the same old shit they've been through all the time, and the minute they break, they figure they're going to get bombed. Well, they're going to get bombed, even without breaking, because, while they haven't broken, we know they have. That's all that. I think—I think the breaking thing, which you, which you're—they want to keep—they want to keep—they feel that by not—by keeping the negotiations open, by having the peaceniks in this country write: "Well, peace is very, very close. Things are going pretty well," this and that, that that is a hell of an inhibiting force on me. You see? On the other hand, if they break, then they are at fault, and then they say: "Oh, Christ, we run the risk of getting bombed." That's why they're not breaking, Henry, I think.

Kissinger: That's—

Nixon: And you think there may be another reason?

Kissinger: They still want—they still [unclear]—

Nixon: You think they want peace?

Kissinger: Yeah.

Nixon: Really?

Kissinger: Yeah.

Nixon: Why?

Kissinger: If you read the instructions they've put out to their cadres. They have told their cadres: "Just hang on a little longer."

Nixon: Yeah?

Kissinger: "It's going—there is going to be peace." I don't think they can stand a long war. The factors that made them settle in October—when the mines start going in tomorrow, on Saturday, and they are—they are going to have one hell of a—

Nixon: Incidentally, do we have to wait too long to get the mines in?

Kissinger: Well, Saturday's only a day and a half away.

Nixon: Oh, Christ. I'm just trying to think of anything that—well—

Kissinger: But this is pretty fast action. If you start—if you resume on Sunday—you resume the bombing on Sunday, then I would send Haig out. I don't—I would not send the Vice President under—

Nixon: No.

Kissinger: —these circumstances.

Nixon: No, no. The Vice President isn't going out. The Vice President can't take this heat. I mean, the Vice President will get out there, and what will happen is that Thieu will wrap him right around his little finger. He will, I know. If you send the Vice President as a missile with one single objective, with Al there to watch him like a hawk, then he can do it. But the Vice President will go out there, and Thieu will say—but he'll show him, you know, that shit he'll go through, and the Vice President will come back. He'll say: "All right." He'll say the right things to Thieu there, but he'll come back, and then he'll argue to the President—to me—

Kissinger: Because—

Nixon: —privately: "Well, we shouldn't do this, and we shouldn't drop this, and we shouldn't do that—"

Kissinger: Because Thieu's—

Nixon: Trying to make his record for the future.

Kissinger: Because Thieu's behavior has also been totally unforgivable, Mr. President—

Nixon: Terrible. Never said a goddamn word of thanks for what we've done standing by him, and the rest. He needs to be told that?

Kissinger: He's—

Nixon: I am fed up with him, totally, right up to the [unclear]—

Kissinger: He's been incompetent as a war leader—

Nixon: And, incidentally, they're delaying the foundation, for it's going to be withdrawal for prisoners. That's the point. And that, they will—you think, they'll accept withdrawal for prisoners?

Kissinger: Well, he proposed it in a letter to you.

Nixon: I don't mean Thieu. I don't give a goddamn what he accepts. Will the North accept it?

Kissinger: Not for three months.

Nixon: Do you agree?

Haig: I think they're going to have to take some heavy pounding.

Kissinger: I think there's a better chance that they'll accept this agreement before January 1st—

Nixon: [unclear]

Kissinger: —than there is that they'll accept withdrawal for prisoners. But, I have laid the basis of our going to withdrawal for prisoners, and—

Nixon: And we know we can't wheel together.

Kissinger: —and, believe me, it scares them. Every time at the meeting that I say, "Now [unclear] remember one thing, this is your last chance of negotiating in this framework. Don't forget this. Next time,

we talk only military.” And every time he pulls back from that [unclear].

Nixon: Right.

Kissinger: This is why I wouldn’t play it yet.

Nixon: Well, what should we do with Dobrynin, on this?

Kissinger: I would just be enigmatic with Dobrynin.

Nixon: Tell him nothing?

Kissinger: I would say—

Nixon: You’re not going to see him?

Kissinger: I’ll see him, briefly. I’ll say we are totally fed up.

Nixon: I’ve got a little problem, you know. Tricia’s going to be there.³¹

Kissinger: They’ll treat her marvelously.

Nixon: Should she cancel?

Kissinger: No.

Nixon: [unclear]

Kissinger: No, we should keep our good relations with the Russians. We should give the impression that they were screwed just as we were, as indeed they were, Mr. President. The account that Dobrynin gave to Haig³² is, first of all, one they couldn’t have—

Nixon: The main thing to get across when the bombing goes, starts again, Al—remember this is something [unclear] and Ziegler will be talking about—the main point is that I really want this time, Henry, as I said, I don’t want a long talking sheet. I just want to see one page, like I do before I do a—

Kissinger: No, I’ll—

Nixon: —very important press thing. What are the points we want to pound into the consciousness of these dumb, left-wing enemies of ours in the press? Pound ‘em out. Pound ‘em out, and forget about it. Make all the other points, because that dazzles them. But remember, we’ve got an audience out there that’s ours. Talk to the 61 percent. Talk to—I know, everybody thinks they’re dummies—they were smart enough to vote for us.³³

Kissinger: Mr. President, they saved us. They’re the good [unclear]—

³¹ Nixon’s daughter, Tricia Nixon Cox, and her husband were then in Europe and expected to be in the Soviet Union during the time North Vietnam would be bombed.

³² See Document 161.

³³ The percentage of the popular vote Nixon received in the general election on November 7.

Nixon: [unclear] But they've got to hear it clear and loud and simple. Prisoners, they will understand. Treachery, they will understand. Changes of wording, they will not understand. Dates and d-d-d-d-d, they will not understand. But they'll understand treachery, and they'll understand the imposition of a Communist government on the people of South Vietnam. That, they will understand. Thieu's not going along, they'll understand that if it's said in a way more in sorrow than in anger, but, that as far as we're concerned, making it very clear, we are not hostage to either of the Vietnams.

Kissinger: That—

Nixon: We are the party that wants peace in Vietnam, for both sides. And let the future of this poor, suffering country be determined by the people of South Vietnam and not on the battlefield. That's what our proposal is. We call on the South and we call on the North to agree to this kind of thing. Call on them both to agree. You can—

Kissinger: I think that they—

Nixon: —make quite a little show you put on out there.

Kissinger: That's—

Nixon: On the other hand, I think it should be done like today.

Kissinger: No, I think we should wait 'til tomorrow. Give Dobrynin a chance to get—so that his people aren't stunned by it.

Nixon: What do you mean Dobrynin?

Kissinger: I think the Russians shouldn't be stunned.

Nixon: Oh. Why would they be more stunned today than tomorrow?

Kissinger: Because, today, they've had no preparations. I can tell Dobrynin, today, you're fed up, then Brezhnev will have read it tomorrow, and then, by the time I go on, it will be—also, I—

Nixon: This is not the time when I should tell Dobrynin.

Kissinger: No, because—I'll tell you why, Mr. President—

Nixon: All right. Don't use him.

Kissinger: Let me tell you—

Nixon: I don't want to—

Kissinger: No, let me tell you why not.

Nixon: But understand, I'm ready to—we've got to play the big bullet, and we'll use it—

Kissinger: No, but Mr. President—

Nixon: —I think that's the only bullet, but I will not play it, not in front of that—in front of these television cameras, again, and make one of these asshole Vietnam speeches. This is not the time.

Kissinger: You were right. You were right—

Nixon: We can't do it.

Kissinger: No, you were right.

Nixon: You can't rally people when they're up there already.

Kissinger: You were [unclear]—

Nixon: You can rally them when they're on their ass.

Kissinger: —I was wrong.

Nixon: No, you're not right or wrong. It's just a question of what you know.

Kissinger: But the—

Nixon: Go ahead.

Kissinger: But the reason you shouldn't—

Nixon: Never.

Kissinger: —intervene directly is we should not make Vietnam an issue in your relations with Brezhnev.

Nixon: Yeah.

Kissinger: We should have the Russians in the position where they say, "These crazy, stupid—"

Nixon: Yeah.

Kissinger: "—lying sons-of-bitches in Hanoi—"

Nixon: Yeah.

Kissinger: "—have screwed us again."

Nixon: Well, now, the question: what are you going to do about—what should we do—I asked Al about this yesterday—should we get Rogers, Laird, Moorer, Helms in? And we'd have to have the poor, poor Vice President, too. I think he'll listen.

Kissinger: Yeah. I would do it Saturday morning.

Nixon: Before the bombing?

Kissinger: Yeah.

Nixon: Yeah, but Laird will—with all the orders [unclear]—

Kissinger: I wouldn't evade it.

Nixon: Huh?

Kissinger: I wouldn't evade it. I'd say: "I've got you in, gentleman, to tell you you're [I'm] commander-in-chief." Let me give them a brief—a short briefing. I would not ask their advice—

Nixon: Could I ask you—could I ask you—

Kissinger: Or you could do it tomorrow afternoon.

Nixon: Yeah. Could I ask you, incidentally, you're going to do the briefing for the press, and we'll do it tomorrow afternoon, but could you, Henry, take the time, today, to lay the framework for that by enlisting a few people?

Kissinger: Absolutely.

Nixon: All right. Now, the ones you should enlist, it seems to me—

Kissinger: Is the Vice President?

Nixon: You should tell the Vice President: “Look, the spee—the thing is off,” and then say: “The President doesn’t want you to get out there on a loser, and at this point, we’re not ready. Later on, we may have to use you, because we haven’t got an agreement.” You understand?

Kissinger: Right.

Nixon: Now, he’ll talk about the fact, “Well, let me go out and negotiate with him.” You can say, “No, Mr. Vice President, you don’t have a negotiating stroke.” [unclear]—

Kissinger: We shouldn’t negotiate with either of the Vietnamese—

Nixon: You understand that the real reason is I don’t want him negotiating with even Guatemala, because, as you know, he doesn’t have what we know, understand. But you point out if you can see him—or Al can see him, either one, either—the second one—

Kissinger: Yes.

Nixon: —I think you should see—I think—there’s the Rogers thing.

Kissinger: I’ll see him.

Nixon: And I think—I don’t know how you handle Rogers. I haven’t seen him since the meeting in Camp David, and—but I—but he’s not whimpered about everything we’ve done. So, what do you think? How do you think Rogers should be handled? I just don’t want to face Rogers at the meeting—

Haig: [unclear]—

Nixon: I want Rogers as an ally Saturday morning.

Haig: [unclear]—

Nixon: Tell him our whole foreign policy—

Kissinger: The fact of the matter is Rogers will try to use it to do me in, but he will not necessarily—

Nixon: Yeah?

Kissinger: There’ll be two things happening. Rogers will support you at the meeting—

Nixon: Yeah?

Kissinger: —and he will leak out stuff that I screwed it up. Now, those are two inevitable—

Nixon: [unclear]

Kissinger: —results.

Nixon: Let me say, all that doesn't matter. How many times have they done that to both of us?

Kissinger: That's right. But he'll support you—

Nixon: One time I screwed it up, the other time you screwed up. The main thing is winning, isn't it?

Kissinger: That's right. I don't give a damn—

Nixon: The main thing is—look, the main thing is how we look four years from now. Four years we're going to be here.

Kissinger: That's why—

Nixon: Goddamn those bastards. And listen, they don't realize. I mean, you—I mean, I will not do anything foolish. That's why I won't go on the television, or anything like that. I won't do anything foolish. But—I won't say anything foolish—but I will do things that are goddamn rash as hell, 'cause I don't give a goddamn what happens. I don't care. I don't really care—

Kissinger: Mr. President, it's painful for me, but if you do—if you don't do this, it will be like the EC-121.³⁴ The Russians—you got more credit with the Russians—

Nixon: That's right.

Kissinger: —and this—

Nixon: I know that.

Kissinger: —they'll pay attention to.

Nixon: That's right.

Kissinger: Now, we're going to take unshirted hell, again, here in this country. I can just see the cartoons and the editorials—

Nixon: Sure.

Kissinger: —and the news stories—

Nixon: Sure. Sure. And let me tell you, over Christmas period and the rest, it isn't going to make that much difference because they ain't going to have pictures of American casualties, and they aren't going to have—they'll hear about there are a few missing planes in action, but, Henry, the war is a non-issue at the moment. Right, Al?

Haig: Right. Right—

Nixon: Sure, it's in the headlines about peace, and all that, but

³⁴ Reference to an April 1969 incident when North Korean fighter aircraft shot down an EC-121 Warning Star on a reconnaissance mission over the Sea of Japan. All 31 U.S. military personnel on board died. Laird, without informing the White House, stopped the missions and several weeks went by before they began again. Haig later wrote that, as a result, "A vivid and probably ineradicable impression of presidential indecision and vacillation had been planted in the minds of our adversaries." (*Inner Circles*, p. 208)

that's the assholes like Reston, and the rest like him. But the average person doesn't give a damn.

Kissinger: Mr. President, everybody will have to believe, that can be convinced, that we made a tremendous effort. If it fails—

Nixon: Yeah.

Kissinger: [unclear]—

Nixon: And that we will not—we will not agree to a peace that is a peace of surrender. Put it that way.

Kissinger: That was our position—

Nixon: And that we will not agree to a peace that is a peace of surrender. We will not agree to a peace that is a peace that imposes a Communist government. And that we—and you say that, you lay those conditions on it, but that now, on the other hand, we're ready at any time to negotiate for peace. They were willing to negotiate as of three weeks ago. Now, it's time we find out. But that's the end of it. We're not going to be impotent under these circumstances, at a time they are building up. You see, the rationale for the bombing, Al, must be a buildup in the North. Just say that. Christ, everybody's going to think that it's true.

Haig: It is true.

Nixon: It's true. They've restored the goddamn power plants, and the rest, so we're bombing the North again, because they're building up the North—

Kissinger: [unclear] they have the biggest—that's another thing, Mr. President. They have the biggest infiltration, a bigger one than last year, going on right now.

Nixon: Don't worry about that at the moment. I mean that's—that's true, but wait, but my point is, without going into infiltration and the rest, we just have to say: "Because of a—there's a big enemy buildup in the war, and they're not going to trick us, so we're going to bomb them." We'll take the heat right over the Christmas period, and then, on January 3d, it's prisoners for withdrawal.

Kissinger: You can do that. I forget when January 1st is. I think—

Nixon: January 1st is a Monday.

Kissinger: It's a Monday?

Nixon: That's right.

Kissinger: The Thursday before that, whenever that is, it would be about the 28th of December, we table in Paris. We scrap this plan and table in Paris: straight prisoner, and withdrawal, and end of bombing—I mean, withdrawal and end of bombing for prisoners.

Nixon: That's right.

Kissinger: Let them—they'll turn it down right away; we'll be in good shape.

Nixon: Fine. Then we just continue to, continue bombing them. Now, Laird will bitch about the cost of this.

Haig: Right.

Nixon: Now, what is it? Sure, it's a problem. How much is the cost of this?

Kissinger: It's pretty high.

Haig: It—

Nixon: Bombing?

Haig: The real scrub will be about \$3 billion, if it had to go through 'til—to June. If it stops short of that, we're talking about 1.5.

Kissinger: I think, Mr. President—

Nixon: You think 1.5—?

Kissinger: —these guys—

Nixon: The Defense Department is going to have to swallow it, anyway, because we're not going to continue to have four intelligence departments, and four tactical air forces. That's one thing we're changing over at that goddamn place, when you get there.

Kissinger: But they were willing to—the other side, we must look at it realistically. The other side was practically on their knees in October. They'd never have gotten as far as they did. It is not a bad agreement. It's a good agreement, if it's observed. If it's observed, the other side will be forced to withdraw. What we have to do, though, is to convince them that we are not easily pushed around. If we caved now, the agreement will be unenforceable, and we will have—

Nixon: Right.

Kissinger: —signed something that—

[unclear exchange]

Nixon: Well, all right. This is the way. Now, let's—you will go when? You just—last night, we felt that Ziegler should do it. Do you agree Henry should do it now? It's a tough call, isn't it?

Haig: It is a tough call because there are so much in the business of answering questions and—

Nixon: Well, I think Henry has to do it for another reason, maybe. Look, and we can't claim that he's hiding—

Haig: It will—

Nixon: —or that I'm hiding—

Haig: —look contrived.

Nixon: Huh?

Haig: It will look contrived. It—

Nixon: Or that I—

Haig: That's right.

Nixon: Now—

Kissinger: Ron has neither the conviction, nor the authority, Mr. President—

Nixon: Well, he has the conviction.

Kissinger: But he can't project it because he doesn't know enough.

Nixon: No, no. I know. No, Ron doesn't give a shit about the bombing. He doesn't care. He's sure to go right ahead and do it. Don't have any ideas about [unclear]—

Kissinger: No, no. He has the convic—no, he's backed the policy—

Nixon: Yeah.

Kissinger: —but he cannot present the negotiations with—

Nixon: That's right.

Kissinger: —conviction.

Nixon: I understand.

Kissinger: I don't present the bombing anyway. That, Ron should do in answer to questions.

Haig: The morning it happens, he just—

Nixon: Yeah.

Haig: —says he's not sure.

Nixon: Yeah.

Kissinger: Tomorrow, all we do—

Nixon: [unclear]—

Kissinger: —is to—

Nixon: I know.

Kissinger: —is to explain where we stand—

Nixon: I'm not worried about the bombing as some others are. I think you're going to have the heat in the magazines, and so forth and on, and Severeid, and Rather, and all those jackasses. Cronkite will cry buckets of tears. Everybody says: "Why do the bombing over Christmas? Weather is it, and so forth?" Can we get one message to Thieu: please stop the crap about a Christmas-to-New Year's truce, right now. Right now.

Kissinger: Immediately.

Nixon: No—there ain't going to be no truce. Or do we—or shouldn't we do that?

Kissinger: Absolutely.

Nixon: Because I can't stop this over Christmas.

Kissinger: Absolutely not.

Haig: We can stop it Christmas Day. I—I don't know what to do.

Kissinger: I wouldn't stop it. Once we go, we keep going. Maybe Christmas Day—

Nixon: Now, maybe, Al's got a point. Christmas Day, that's all, but not New Year's. Except for Christmas Day, there will be no—there will be no truce, except for Christmas Day.

Kissinger: We can get that to—

Nixon: Just say: "Except for Christmas Day, there will be no truce." I don't want anybody flying over Christmas Day. People would not understand that. There's always been a truce; World War I, World War II, and so forth. All right, the main thing is for you to get rested and get ready for all this and go out there and just remember that when it's toughest, that's when we're the best. And remember, we're going to be around and outlive our enemies. And also, never forget, the press is the enemy.

Kissinger: On that, there's no question—

Nixon: The press is the enemy. The press is the enemy. The establishment is the enemy. The professors are the enemy. Professors are the enemy. Write that on the blackboard 100 times and never forget it.

Kissinger: I, on the professors—

Nixon: Always—

Kissinger: —I need no instruction at all.

Nixon: Always—

Kissinger: And on the press, I'm in complete agreement with you—

Nixon: It's the enemy. So we use them, at times. But remember, with the exception, now and then, of a—I think Wilson, maybe—there are two or three—Howard Smith. Yes, there are still a few patriots, but most of them are—they're very disappointed because we beat 'em in the election. They know they're out of touch with the country. It kills those bastards. They are the enemy, and we're just gonna continue to use them, and never let them think that we think they're the enemy. You see my point? But the press is the enemy. The press is the enemy. That's all.

Kissinger: Mr. President, if you don't do this—

Nixon: [laughs]

Kissinger: —you'll be—

Nixon: I'll do it.

Kissinger: —then you'll really be impotent, and you'll be caught between the liberals and the conservatives. You won't win the liberals. And—and, besides, we'll be totally finished by February. They'll be just be chopping the salami.

Nixon: There's another one that you've got to—you've got—that I think is very important, that I want you to—I want to talk, and I want to you to get to—I want you to have a private talk with Rush. Rush can

work on Laird. And Rush, of course, will be in State, in eventual time. Rush will be loyal.

Kissinger: Rush is—

Nixon: Rush believed last week, when we got these messages—when Al was coming back—he thought we did—you know, that this is exactly the thing to do, and he analyzed it beautifully. He says the problem is here. He says that Saigon's interests and North Vietnam's interest are different from our own, so we've got to—

[unclear exchange]

Nixon: He's totally right. But the point is, we can't make a deal which plays either interest. But Rush must be sold. Now, what about Moorer?

Haig: Moorer's a whore.

Kissinger: He is. He's a whore. He'll do whatever he's told.

Nixon: Helms?

Kissinger: I'll get him.

Nixon: Helms is going to get a marvelous—oh, incidentally, when he goes to Iran, I want him to roam. Let him roam down on to those goddamn sheikdoms. Let him go around, you know, to see the Southeast and the rest. I mean he—he's—

Kissinger: Helms is a loyalist.

Nixon: He'll do a lot of good. What I mean is, he's going to be an Ambassador extraordinary over there.

Kissinger: We—we won't have any problems with Helms.

[Omitted here is discussion of Helms's appointment as Ambassador to Iran and other Ambassadorial appointments.]

176. Transcript of a Telephone Conversation Between the Chairman of the Joint Chiefs of Staff (Moorer) and the Deputy Commander, Military Assistance Command, Vietnam (Vogt)¹

December 14, 1972, 11:05 a.m.

1105—Secure Telecon/Incoming—Gen Vogt, USAF

CJCS—You're staying up mighty late.

Vogt—We had a little party. One of our boys went back to the States.

CJCS—I'm calling you instead of Freddie² (and you can go over and talk to him about our conversation after I finish).

Vogt—Actually, he's up in Dar Lac this evening.

CJCS—I don't want you to transmit any messages or anything just tell him this face-to-face because I just wanted you to know that HAK came back last night and they still haven't been able to overcome the impasse so to speak and so we are working busily on some contingency plans that I think you ought to know about—just so you can think about them. It is not necessary for me to tell you to hold them closely and Meyer's here talking to him too. I haven't talked to Gayler yet but I'll get him as soon as he wakes up. In any event, there are three parts as to what they are talking about:³

One, is the kind of massive three-day strike up North which would envision using as many B52s as possible which would be the way Meyer and I are thinking ought to be done that you could stand down the preceding day so you could get maximum number up there the first time you go up. He thinks he could do over 100, then you have two more days. We have selected targets (our instructions were to try to get the maximum psychological impact is the way they expressed it) and we got things like the Hanoi Radio, Hanoi TPP and the big Kim Nol Yard up there—that railroad marshalling yard and some targets in Haiphong. Most of these are grouped around Hanoi and Haiphong along with this psychological B52s targets they are all-weather targets which

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Top Secret. Moorer was in Washington; Vogt was in Saigon.

² General Weyand.

³ Later in the day the White House sent three Presidential orders for military action to the Defense Department—one for each of the three parts Moorer mentioned to Vogt. Laird in turn directed CINCPAC to implement the orders. A copy of Laird's memorandum to that effect is attached to a December 14 memorandum from Howe to Haig. (National Archives, Nixon Presidential Materials, NSC Files, Box 162, Vietnam Country Files, Vietnam, Dec 1972)

are going to be hit with B52s or A6s or F111s and the tacair visible targets by the remainder that require visibility.

Vogt—We can hit any tacair target right now regardless of the weather because we have the coordinates all worked out up there.

CJCS—And we would give you 48 hours notice and would put on a maximum effort even to the point of taking the carrier out of Subic and sending it down there, etc. That is one thing that is on the front burner but the decision hasn't been made yet and I just wanted you to think about the support and chaff problems and things of that kind.

Vogt—How about the Hanoi Railroad Station right there down town and the marshalling yard which is loaded with railroad cars and full of supplies?

CJCS—We can try to get that because it is on the list and I am trying to get it approved. I don't have approval yet but we got all those things right around town now. Then up North of town you have that big Transformer Station and Bac Yen Complex which I got a picture from today and it (looking at it this morning) is loaded with everything I can think of and it is only 20 miles North of Hanoi and we have got some of those picked out because some targets in Haiphong too because sometimes the weather is suitable in Haiphong and not suitable in Hanoi and vice versa. So I am going to put in the plan of sequence of the strikes would be left up to the Commanders and you might want to go to some of the targets twice depending on what the recce showed as to the damage. I will try to leave as much flexibility as possible when we write up the implementer.

Second, the other thing that they are talking about and which might occur first, really, is the replacement of the mines in Haiphong Harbor and I'll call you on the telephone and tell you about that if that decision is made and there we would try to do as much by surprise as possible because you may have seen that message which came in today that one of the Russian ships apparently is getting ready to leave and we want it, one of the options or things across the way they are thinking about revitalizing that Minefield.

Thirdly, the other thing is photographic reconnaissance (manned) and I am writing that up in such a way that you would continue the recce in high threat areas like Hanoi, etc., by Buffalo Hunter but we would conduct recce (I am interested especially up along the coast from Cam Pha South because of the Komars for one thing) and you could go into other target areas other than Hanoi and Haiphong area over on . . . in the Laos side if you wanted to do that. In any event, essentially there are three different types of reaction:

—The three day air operation, as I explained to you, a major effort which has a psychological impact;

—Revitalizing the Haiphong Harbor Minefield;

—Resumption of the photographic recce (manned) in the less hot areas so that is the three things you might be hearing about.

Vogt—We got plans ready and ready to go up there on 12 hours notice.

CJCS—We'll give you more than that at least try. We told them 48 hours is necessary. One of the main reasons I wanted you to know about this is that would give priority over anything else we've got going on down there—unless there is a crisis. I just wanted you to think about all the support packages, etc.

Vogt—It is a good time since the combat activity in-country is generally low and we can spare the air. We can do it.

CJCS—As I say, I just wanted to give you maximum time to think about it but I want you to hold this very, very close.

Vogt—We'll be ready and we'll work out the problem. Other than the support from SAC if you decide to send us ahead of time we're ready to go. I got some plans for the Power Station right in town and Railroad Station right down town and, from a psychological point of view, it would have the maximum impact because it is loaded with railroad trains at the present time—lots of supplies and it is a good, legitimate target right down town.

CJCS—We'll work on that, okay, John, thank you and you pass this along to Freddie—but keep it real quiet.

Vogt—Will do, so long.

CJCS—Thank you.

Vogt—Thank you.

177. Message From the President's Assistant for National Security Affairs (Kissinger) to the Chief of the U.S. Delegation to the Paris Peace Talks (Porter)¹

Washington, December 14, 1972, 1908Z.

WHP 257. Please deliver the following message from Dr. Kissinger to Ambassador Porter:

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (2). Top Secret; Sensitive; Exclusively Eyes Only. Sent via Guay and Haig.

Begin text:

The President has decided that we will resume full-scale bombing of North Vietnam as early as Sunday, December 17.

In your conduct of the technical meetings it is now essential that you develop a firm written record of the outrageous performance of the North Vietnamese. The North Vietnamese stalling tactics must not be papered over. Your demeanor should be polite but you should conduct yourself in a strong, no-nonsense manner.

Dr. Kissinger presently intends to give a press conference, which is tentatively scheduled for 11:00 a.m. Washington time tomorrow, December 15. In his presentation, Dr. Kissinger will highlight the perfidy of the North Vietnamese.

We will keep you informed as plans become firmer and will insure that you receive a copy of Dr. Kissinger's press conference.

End text.

Warm regards.

178. Memorandum From William L. Stearman of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, December 14, 1972.

SUBJECT

Saigon Station Chief's Appraisal of the Post-Ceasefire Period

The CIA Station Chief in Saigon has prepared an appraisal of Hanoi's intentions for a post-ceasefire period (Tab A)² which foresees a "no peace, no war" covert struggle in which the GVN seems likely to prevail. He notes that this confronts Hanoi with a choice between a long-term covert effort against heavy odds and a resumption of military hostilities. While Hanoi seems to be preparing for the latter contingency, one cannot, he adds, estimate whether the North Vietnamese will have the will or the means to start up the war again.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 113, Vietnam Subject Files, Vietnam—Ceasefire 1972. Secret; Sensitive. Sent for information. Initialed by Kissinger.

² Polgar's appraisal, December 6, is attached but not printed.

The Station Chief referred to reports of possible North Vietnamese troop withdrawals, but predicts that such withdrawals, if any, would be only of token significance. He believes that the Communists will be cautious, covert and selective in carrying out acts of terrorism and violence until U.S. troops are withdrawn in order not to jeopardize the withdrawal. He further believes that enemy documents and briefings calling for an eventual resumption of the war may be hortative and that the Communists are likely to spend some time on the political struggle before clearly sabotaging the ceasefire.

Comment: If, as the Station Chief predicts, the GVN prevails in the political struggle, Hanoi is most likely to resume the war when it believes this can be done without risking renewed U.S. intervention.

179. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, December 15, 1972, 0725Z.

297. Ref: WHS 2273.² Deliver opening of business December 15.

1. On receipt of your message, I requested and received appointment with Thieu. He has no problem with limiting the Christmas ceasefire to a twenty-four hour truce. He added that whether or not we wish a twenty-four hour truce at the New Year holiday is entirely up to us; the GVN does not need it. I mentioned the fact that the President is considering some forceful military response to the North Vietnamese stalling tactics in Paris and that any extended ceasefire would frustrate these actions. Thieu agreed and expressed satisfaction that the President was contemplating such actions.

2. I continued by saying that the President is greatly disturbed by what he construes to be Thieu's negative attitude toward the negotiations; that if it continues it will force him to reconsider our whole rela-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 413, Backchannel Messages, From Amb. Bunker, Saigon, Sept. thru Dec. 1972. Top Secret; Immediate; Sensitive; Exclusively Eyes Only.

² In message WHS 2273, December 14, Kissinger directed Bunker to request an "immediate appointment" with Thieu to tell him that the Christmas cease-fire could be no longer than 24 hours and that the President was increasingly unhappy with his attitude toward the negotiations. (Ibid., Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (2))

tionship. I said that the President had asked me to stress this point because he wants to be completely frank about his position and wants to make it clear that if this attitude continues it cannot but threaten the fundamental character of our future relationship.

3. Thieu expressed some surprise and said that he had not intended to be negative, but had been under pressure to state the GVN views from members of the Assembly because of their ignorance of what was going on in Paris and allusions widely reported in the press to “a final round” of negotiations.

4. I said that the terms in which he had stated his position were so clearly negative to the draft agreement which we are negotiating that it ran the risk of being interpreted as an open break with us. I recalled that the President, you, and I had pointed out to him many times the risk of a cut off of funds from Congress involved in such a course. If this occurred, obviously, the GVN would not survive. The problem then is finding some practical method which will enable us to continue our support. All negotiations involve compromise and one should never take a position publicly from which he cannot recede, no matter how tough he may be in private. I reminded Thieu that he had agreed with me at our last meeting that the GVN as a practical matter could handle NVA troops in South Viet-Nam, were faced with a practical situation and would have to work out a way of handling it. Even though the DRV agreed to withdrawal, which they clearly are not willing to do, it is doubtful whether such a provision could be enforced. Identification of NVA would be difficult and many undoubtedly would change into black pajamas and melt into the population.

5. Thieu re-stated his well known position about the difficulty, politically and juridically, of accepting the presence of NVA troops in South Viet-Nam. He said that he had instructed Ambassador Lam to ask the other side what alternative would they propose if they did not wish to admit the presence of their troops in the South, e.g., in respect to demobilization, over what period, and what manner would they be willing to carry this out? Thieu admitted that if the war continues the GVN could handle NVA troops in South Viet-Nam. The difficulty would arise in the case of a ceasefire and a political confrontation in which the NVA political cadres would remain and continue to stir up trouble, engage in guerrilla and terror tactics and intimidate people. This is the problem he faces in signing an agreement which acknowledges the right of North Viet-Nam to have troops in the South.

6. I responded that I could not believe that he was saying that with all the resources at his command, the overwhelming preponderance of troops, of police, of PSDF, of popular national support that he could not successfully counter the political activities of the NVA troops no matter what these might be. If they engage in the kind of activities he de-

scribed, it would be a clear violation of the agreement and he had the President's assurance of our swift and strong reaction should this occur.

7. Thieu said that he realizes he faces a dilemma—not to sign the agreement and risk a cut off of aid by Congress; or to sign and risk political reaction and deterioration in South Viet-Nam. The adverse political effect of signing, he said, represents not only his own opinion but is shared widely by members of the Assembly and political parties (as mentioned in my 0295³ reactions to Thieu's December 12 speech are by no means all favorable to the course he is taking). Thieu said that the worst he had hoped for was disengagement by the U.S., withdrawal of all U.S. troops, cessation of all U.S. military action, and exchange of prisoners, but provision of aid which would allow the GVN to fight on alone and try to work out political arrangements with the DRV and NLF. This would be difficult for the GVN, but would provide a chance for survival.

8. I noted that he had implied in his speech that it was an obligation of the U.S. to continue military and economic aid under the Nixon Doctrine. I said that on the contrary it was my view that if we considered we had arrived at a satisfactory agreement for ending the war that the President and Congress would consider that our responsibilities under the Nixon Doctrine had been fully complied with in view of the massive aid provided and the sacrifices incurred. I said the crux of the question was not what he or we want, but what we can negotiate. The problem is to end the war and do it in a way which will assure the GVN of U.S. support. Without that support, there is no chance for GVN survival; therefore, it is essential to find a solution which will provide it. Clearly we want him and the GVN to survive, but he will have to make this possible. If it is going to be possible, there must be an end to the kind of confrontation between us which has taken place. Negotiation involves compromise and obviously we are not going to be able to get all we want.

9. The conversation was amicable and I hope some of it got over. Thieu said that he had instructed Ambassador Phuong to come to Saigon to give him a more detailed account of the past week's negotiations than he had been able to receive through reports from Paris.

10. Warm regards.

³ The text of Bunker's backchannel message 295 is in Haig's message to Kissinger, Tohak 179, December 13 (Document 168).

180. Memorandum From President Nixon to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, December 15, 1972.

RE

Your Briefing of the Press on Friday²

On further reflection with regard to our talk last night,³ I think it is very important that you handle this briefing in a rather detached matter of fact way and not in a manner that could be interpreted either as anger or sorrow.

What is particularly vital is that you leave no impression that you are attempting through the briefing to defend your statements made in previous briefings where the Press have gone overboard in being more optimistic than they really should have been as to when the negotiations would succeed, and have failed to recognize adequately the caveats that you worked in and of course the ones that I constantly worked into my speeches before the election, particularly in the television speech on the Thursday night before the election,⁴ to the effect that, while we were very close to agreement and were confident we would get an agreement, there were still some very sticky matters that had to be worked out. That is why it is particularly important that you hit hard on the point that, while we want peace just as soon as we can get it, that we want a peace that is honorable and a peace that will last, and those two considerations—an honorable peace and a lasting peace—are the overriding considerations as distinguished from any deadline for rushing into a peace agreement which is not adequately nailed down in its details and which could lead to another war in the future.

I think what you should do is to start out with a statement to the effect that you want to give the Press an up-to-date report on the status of the negotiations. You could then go on to say that considerable progress has been made on a number of details that you are not going to go into but which are indispensable before any final agreement is

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 341, Subject Files, HAK/President Memos. No classification marking.

² December 15.

³ According to the President's Daily Diary, the President met with Kissinger from 8:34 to 9:10 p.m. on December 14. (National Archives, Nixon Presidential Materials, White House Central Files)

⁴ Reference is to Nixon's speech of November 2; for text, see *Public Papers: Nixon*, 1972, pp. 1084–1089.

reached. Since October 8th we have narrowed differences in some areas but, on the other hand, with reluctance and objectivity you must report that there are other areas where there are still some significant differences where we have not reached agreement.

These differences are ones which could be described in one sense as being primarily technical in nature, but until these differences are resolved, the peace agreement would not meet the conditions that I laid down in my television speech just before the election that we will not be stampeded into an agreement after this longest war in modern history which would give the appearance of temporary peace but, which, because of its defects, would lay the foundations for war later on. We feel we have an obligation after all of this time to both North Vietnam and South Vietnam, the people who have suffered in war for over 25 years, to make an agreement which has a chance to last, and that is why we are insisting on getting these details worked out so that there are no misunderstandings. We do not want to have a repetition of the situation in 1968 where there were misunderstandings with regard to the bombing halt and we have been paying the price for it ever since.

You are having this briefing for the purpose of laying out the differences in an objective way, not with any sense of recrimination but for the purpose of letting both Hanoi and Saigon know what the conditions are that we will insist upon before we will agree to a final settlement.

It is very important that you emphasize that the goals we have been seeking from the beginning were laid out by the President in his speeches of January 25th and May 8th, and that those goals in principle were agreed upon on October 8 and that was why you felt justified in saying that peace was at hand and why we still believe that we can and will reach agreement. We have always insisted that there be a ceasefire. While we have agreed on this goal, adequate machinery for policing a ceasefire has not been agreed to. On the contrary, we have been greatly concerned that Hanoi has been making massive preparations which can only be interpreted unfortunately as laying the foundation for starting up the war again and for breaking a ceasefire. That is why we are particularly insisting on strengthening the language with regard to the ceasefire so that it will be one that will be enforceable and so that there will be no doubt on either side in the event that it is broken.

A second goal is the return of our POWs. We have agreed in principle on this but Hanoi has recently unfortunately insisted upon some conditions with regard to civilian prisoners in the south which are totally unacceptable and, under the circumstances, we have to have this matter cleared up before we can be reassured that our POWs will be returned.

Third, we have insisted that the South Vietnamese people shall determine their own future and that a Communist government shall not be imposed upon them against their will.

Hanoi has been insisting on conditions which would be inevitably interpreted at this time as imposing a Communist government on the people of South Vietnam and this we will never agree to. Incidentally, you should point out, this is a new condition which they had not insisted on before.

It is very important that you come back to the three fundamental conditions that we have laid down as often as possible so that they will get into the lead of the story. You can say that, as far as we're concerned, we are very close to agreement and all it will take will be an exchange of messages accepting the clear understandings that we had a month ago. On the other hand, Hanoi has backed off from some of those understandings and this we cannot accept.

You should lean hard on the point that the President wants absolute assurances with regard to the POWs with no unacceptable conditions attached thereto. That we want a ceasefire which has a chance to be permanent rather than some temporary truce. That we want a political settlement that does not impose a Communist government on the people of South Vietnam against their will but allows the people under the proper international supervision to determine their future with all political parties having an equal chance to present their case to the people.

I think that at some point you should get in, very firm and clear, that the President has had a strong desire to get the war settled from the day he entered office. There were strong political considerations for him to get it before the election. Now we have the upcoming Christmas season with his very strong personal desire to get the war settled because of the very special circumstances with regard to the POWs as well as to all of the people of North and South Vietnam who are suffering as a result of the continuance of the war.

On the other hand, the President insists that the United States of America is not going to allow any artificial deadline to stampede us into making the wrong kind of agreement which would bring great elation and joy now that peace is here when actually it would only mean that what we would have agreed to was a temporary truce which was a prelude to another war.

You should also point out that the President insists that the United States is not going to be pushed around, blackmailed or stampeded into making the wrong kind of a peace agreement. We owe responsibility to those who have fought and died in the war, to the people of North and South Vietnam who have a right to have a chance to live in real peace in the future, and to people around the world who look to us for leader-

ship, to stand for the right principle in bringing this war to an end, and the President is absolutely committed to standing firm on these grounds.

In fairness, you should say that South Vietnam as well as North Vietnam must share some of the responsibility for the fact that we have not reached agreement as soon as we all would have liked. A peace agreement is only as good as the will of the parties to keep it and only as good as the will of the parties to implement it vigorously and effectively. Neither South Vietnam nor North Vietnam can expect an agreement which will humiliate the other or one which will give one an advantage over the other which will enable one nation or the other to start up the war again.

Both the North and the South must recognize that they have an obligation to change their conflict from the battlefield to the ballot box, and that both the South Vietnamese and the Communists in South Vietnam as well as the North must be prepared to present their cases to the people and to accept the verdict of the people as to what kind of government the people have. You should of course point out that a cease-fire does not by definition impose a coalition particularly in view of the political elements that we have agreed to.

As to the prospects for the future, we are going to continue to press for a settlement but we are patient because, after this very long war, we will not settle for a very short peace.⁵ We will continue to negotiate whenever the other side is willing to negotiate seriously on these remaining points which admittedly are technical, but lacking goodwill on both sides could prove to be fatal in breaking the agreement down if we do not work them out at this time. We have of course been continuing our military air operations and our mining operations pending final agreement, and we have a volunteer armed force in Vietnam which we will keep there until all of our prisoners of war are returned. As far as military activity is concerned, on our part we are closely watching the other side and, as any ominous buildup may develop, we will be prepared to react accordingly.

You should point out on the plus side that, as far as the war is concerned as we enter this Christmas season, we can all be thankful that no draftees are going to Vietnam, that our casualties have been at either zero or near zero levels for the last three months, that no Americans are engaged in ground combat and that, for the first time since the war began, both sides are negotiating seriously to try to find a peaceful settlement.

You can say that you have talked to the President, that he is confi-

⁵ Kissinger highlighted this sentence.

dent that we will reach agreement. However, he is also just as insistent that it be the right kind of agreement and that we will not rush into an agreement which is the wrong kind of agreement, because of his desire to have a just and lasting peace.

Finally, repeat the fact that we will not accept any agreement which imposes unacceptable conditions in obtaining the release of our POWs. Second, we will not agree to any provisions which would have the effect of imposing a Communist government on the people of South Vietnam. Third, we will not sign any agreement which, under the guise of bringing peace now, would leave the seeds for war later.⁶

⁶ After Kissinger's press briefing was put off until the next day, Nixon drafted another memorandum to Kissinger, dated December 16, in which he led with these words: "Here are some further reflections on your briefing today, Saturday, having in mind the need to strengthen the portions which might be interpreted as meaning that we were willing to go along with the present pace of negotiations without taking some action to stop the ominous enemy buildup, an action that would bring the negotiations to a quicker conclusion." (National Archives, Nixon Presidential Materials, NSC Files, Box 341, Subject Files, HAK/President Memos)

181. Conversation Among President Nixon, Vice President Agnew, and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, December 16, 1972.

[Omitted here are greetings and an exchange of pleasantries.]

Agnew: I wanted to see you, because after Henry had talked with me yesterday and briefed me, I mentioned a few things to him and then a couple of other things occurred to me—

Nixon: Good.

Agnew: —after he left, and I thought—

Nixon: When do you go on your—?

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Oval Office, Conversation 825–6. No classification marking. According to the President's Daily Diary, Agnew and Kissinger met with Nixon in the Oval Office from 10:01 to 10:35 a.m. (Ibid., White House Central Files) The editors transcribed the portions of the conversation printed here specifically for this volume.

Kissinger: 12:30.²

Agnew: —but were important. Maybe you’ve—

Nixon: Yeah, we’ve talked.

Agnew: —already related it to the President my—

Nixon: Yeah, we will to talk to—yes. Yes.

Agnew: —the concern about the Congress.

Kissinger: Yes.

Agnew: The other concern that I’ve got—and I think that’s real—you know, Mathias and Stevenson—³

Nixon: The Congress, in any event, is going to be a concern, and that asshole Percy⁴ is talking about cutting off aid, and anything they can do, really, to torpedo the whole thing. Isn’t that what it is?

Agnew: Well, as I see it, the Mathias-Stevenson thing, they’re working together on a restoration of Congressional prerogatives. They say the executive has usurped their power and gone beyond the constitutional intent—

Nixon: So what will they try to do, then?

Agnew: I think what they may do is, if we hammer both sides—in other words, a pox on the North Vietnamese, a pox on Thieu and his attitude—they’ll use this as a vehicle to say, “Well, what the hell are we doing there? McGovern was right.” What’s his name is—“Harriman’s right.”⁵ Let’s get out,” and “There’s no real need to stay. It was a mistake originally,” and “Cut the funds off.” That’s what—that’s what I—

Nixon: Yeah.

Agnew: —feel they may do.

Nixon: Yeah. Yeah.

Agnew: The other point that I think is a real concern—as somewhat of a student of what happened in the past, there, particularly in the Diem time—I think that if it gets out that Thieu is—

Nixon: [unclear]—

Agnew: —verbally laced, I think there’s a good chance that somebody over there might try a coup on him—

² As it turned out, the press conference started earlier. According to his Record of Schedule, Kissinger held it from 11:45 a.m. to 12:45 p.m. (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) See Document 182. According to the President’s Daily Diary, Kissinger met with Nixon in the Oval Office immediately after the press conference until 1:25 p.m. (National Archives, Nixon Presidential Materials, White House Central Files)

³ Anti-war Senators Charles M. Mathias (R-MD) and Adlai E. Stevenson III (D-IL).

⁴ Senator Charles H. Percy (R-IL).

⁵ Senator George S. McGovern (D-SD), Democratic Party nominee in the 1972 Presidential election; W. Averell Harriman, veteran American diplomat and head of the U.S. Delegation to the Paris Peace Talks under President Johnson.

Nixon: [unclear] That's why I think that it's got to be handled. Let me ask you this: What's your feeling if—well, if the Congress [unclear]? How do you think Congress will react to the fact that we may have to step up our military activities? I mean, nothing on the ground. As a matter of fact, I don't—except when you think of stepping it up, I think we're going to—you're stepped up already. I see the big headline in the papers saying we bombed the hell out of North Vietnam. You see that?

Kissinger: This one—

Nixon: Do a little bit more—?

Kissinger: —is going to make a hell of—

Agnew: Yeah.

Kissinger: —a lot of noise.

Agnew: I tell you, a lot is going to depend on the way Henry handles this press conference, and—

Nixon: What do you [unclear]—?

Agnew: —how much he's able to tell about this duplicity and the trickiness of—

Nixon: You think—how much—

Agnew: —[unclear]

Nixon: —should we lean on that, in your opinion?

Agnew: I think you should lean very heavily on it: the examples of inserting new issues, pulling them away, always leaving us on the brink of a settlement, reopening what has been settled. If you're going to have any public sympathy at all, that has to be brought out. On the other side, instead of Thieu being treated rather harshly for intransigence, I think the time would be more productive to your interests—our interests—if someone went over there and stroked Thieu. I don't mean—I mean, really consolidated the relationship and said something on this order: "We understand that a country that's been torn by war for over—almost a quarter of a century, we feel it's difficult for us to really appreciate the turmoil that those people are in, as we sit here more or less insulated from their everyday involvement in the horrors of war. And we understand that if the leader, the duly-elected leader of this country, is dealing with a constituency that's entirely different from what we face in American politics. He's been accused of being a tool of the United States, a puppet. It's strictly obvious he isn't. All of the criticisms directed against him, now, relate to the fact that he is not cooperative enough with us—"

Nixon: Hmm. Hmm.

Agnew: "That is truth enough of itself that he acts—"

Nixon: Yeah.

Agnew: "—for the Vietnamese people, and not for the United States."

Nixon: That's true.

Agnew: And then I think we ought to say something to this effect: "Even though he has—he sees some of these things from a different viewpoint and is understandably concerned about any step that may assist in a North Vietnamese takeover of his country, we know him as a man of reason who, presented with a proper settlement, we believe could be convinced of the merits of it and accept it." But that's moot, because we don't have the proper settlement, Doc. Isn't that what, basically, what the situation is? In other words—

Kissinger: The harder part is the situation, the formal part of it—

Nixon: I told him a form of that.

Agnew: I'm just afraid that—

Nixon: I already wrote him a long letter, just exactly along those lines—⁶

Agnew: Did he—?

Nixon: —on the—and with that probably went even further than I should have. Promised every support, and I totally understood his problem, and so forth and so on. We're going to try to do this. We should—we had been allies, that he could count on our friendship—

Agnew: Good.

Nixon: —and we're very curious—

Kissinger: But in any event, there's no intent—

Nixon: He's basically using us, now. What he's doing, basically, is he's sort of kicking us because he thinks that'll help him with some of his people at home, and that we have no intention of making him the culprit, because if it ever comes to it, if, as I've directed to Henry's case over in Paris, and in a directive this morning, this must come out in a way that North Vietnam, rather than South Vietnam, is to blame for the delay in the talks. That's the main point. And, as far as Thieu is concerned, the reason then would be he doesn't want you to go right now, is that we got a long report from Bunker⁷—he's close to him, knows him, perhaps, better than anybody else—he's in a strangely irrational frame of mind, and he [Bunker] is fearful of how he [Thieu] would react. And we can't put a big bullet there, and then be slapped, because then he'd fall. And if he falls, there's nobody else better. We don't want—we don't want to have him to go through the Diem syndrome. That's what my main concern is, so I've—we've got to keep him as happy as we can. I'm concerned [unclear]—

Agnew: [unclear] that I agree with [unclear]—

⁶ See Document 107.

⁷ See Document 168.

[unclear exchange]

Nixon: I mean, we've treated him with tender, loving care up to this point—

Agnew: What I'm saying is [unclear]—

Nixon: —except, we have warned him—which is true—that there are elements in the United States Congress who, in the event they get the impression that Thieu's intransigence is responsible for our not having our POWs home by Christmas, and that sort of thing, then there are allies that would cut off military aid to him. This is what I'd tell him we've got to avoid at all costs, because I—you see, when people talk—I mean, some of the right-wingers, for example, are writing on the—I mean, it's—you would—you can see why they're on the outside and will never get power—writing such nonsense to the effect: why don't we just settle with North Vietnam and let Thieu handle his problems? How? I mean, they say: "Just get our prisoners, and we get out." All right, fine.

Agnew: The only point—

Nixon: We—we'd—you realize if we made a commitment, if we make an offer today to North Vietnam for the prisoners and withdrawal of all Americans, and stopping the bombing, and stopping the mining, they would say, "No." They would say, "No." They'd say, "We will give you your prisoners when you not only do that, but when you get out of North Vietnam." I mean, "get all of—what—when you withdraw all aid from South Vietnam, all aid from Cambodia, all aid from Laos, and all aid from Thailand." That is their condition for the prisoners. That's their condition, you see? And that is why this idea that we just go it alone and separate from Thieu is ridiculous. And Thieu has made the same suggestion. He said, "Well, we don't care. We—you've fought long enough. You make a deal with the North and get out." All right, we can make a deal with the North, but Thieu, you see, just couldn't survive for one week, not one week—

Agnew: Without our—

Nixon: —after United States aid stopped.

Agnew: Absolutely—

Nixon: In fact, he wouldn't survive one hour, because there'd be a coup, and they'd kill him. And then, we'd have the same goddamn thing we've had on our hands—

Kissinger: The biggest mistake that Thieu is making is this: with all its imperfections, this agreement would provide the legal basis for continued American involvement—

Nixon: Yeah.

Kissinger: —in the name of protecting the agreement. Any other agreement that's just bilateral gets us out totally. Then he'll be—

Nixon: Yeah.

Kissinger: —even with American military aid—

Nixon: The main—the main thing—

Agnew: But we don't have the agreement to offer him.

Kissinger: No, no. Right now, we don't have the agreement—

Nixon: Right now. But if we have an agreement, the beauty of it is—the beauty of the agreement that Thieu has really—between us, we know, he's the fellow that torpedoed it. That's just between us. He torpedoed it because, he said, "I will not sign this agreement, because it does not provide for the withdrawal of all North Vietnamese from the South Vietnam before I sign." But, of course, that's a total repudiation of what he said he'd agree to before. A cease-fire means exactly that. A cease-fire means everybody stays in place, and then they settle it politically. So the agreement was perfect on that. The beauty of the agreement that we had was that, not only, it provided for an immediate return of POWs, it provided for immediate cease-fire throughout Indochina including Laos and Cambodia, and it provided for, in addition to that, for a political settlement—political settlement for South Vietnam. See, the South Vietnamese, Thieu's government, now retains 92 percent of the population. Thieu—it provided for Thieu staying in power and that, then, some gobbledygook kind of international supervisory body, or a body agreed powered by three parts, would then have some reconciliation meetings and, possibly, an election to determine who governs—

Kissinger: And operated by unanimity—

Nixon: —and Thieu would have the right to veto. And so, in other words, here we give Thieu—but—and in effect—and—and that, but more importantly, it provides for the United States the right to replace all kinds of matériel.

Agnew: Are you telling me—

Nixon: [unclear]—

Agnew: —Mr. President, that Thieu—we could not have sold that on—

Kissinger: No.

Agnew: —Thieu?

Nixon: [unclear] sold him.

Kissinger: No.

Nixon: I sat and talked to Duc, his principal adviser here. I went over this, point by point, myself.⁸ I said all this. Thieu [*Duc*] said, "No."

⁸ See Documents 131 and 134.

And then, then I went on to say—I said, “Do you realize it?” And he said, “But—but the North Vietnamese will still be there.” I said, “Well, what do you want us to do then?” And, so he said, “Well, President Thieu won’t feel—realizes you’ve fought long enough. Make a separate deal with the North Vietnamese, get your prisoners, and then continue to support us economically and militarily, and we’ll continue to fight the war ‘til we drive the enemy out.” I said, “That’d be all ducky” I said, “but, do you know how much chance, how long the Congress would wait before they throw us out on that?” See, we can’t get that from the North Vietnamese.

Agnew: Of course not.

Nixon: See, the North Vietnamese, Ted, will not give us the prisoners, unless we give them the political settlement. So we’re giving them a political settlement in this which means nothing. It keeps Thieu in power, it provides for elections—between you and me—that will never take place—

Agnew: [unclear]—

Nixon: —I trust, and the North Vietnamese will wither away. But, in addition, there’s something else. We’re dealing with the Russians. We’re dealing with the Chinese. This is in the background. Henry was seeing Dobrynin this morning—frankly, at my direction—and I talked to Dobrynin on the phone while he was gone.⁹ Christ, the Russians want to get this goddamn thing over, for other reasons, because—

Agnew: Sure.

Nixon: —they hate the Chinese. The Chinese want to get it over, because they have other fish to fry with us. But neither of them can get caught not helping the North Vietnamese as long as it goes on. The moment you get this, we can pull the string on that side. And then it means that South Vietnam’s in—really has it made. It’ll be like South Korea. South Korea, now, has the second, incidentally, strongest, biggest army in Asia. South Vietnam has the strongest army in Asia. Here they sit, with the strongest army in Asia, we just put in a billion dollars more of stuff, we’ve given them this kind of an agreement, and Thieu will not accept it because, he says, “No, because the agreement provides for—or, it does not bring—it does not—it [unclear]”—he says that it implicitly provides, because it does not say that all North Vietnamese must leave, a lack of sovereignty of his government over South Vietnam. But his government stays in. We are going to issue a statement, the night of the settlement, that we recognize only his government, as far as that’s concerned. We are going to, of course, continue to provide aid for only his government, you know, on the military side, and here’s the oppor-

⁹ Nixon called Dobrynin on December 10; see Document 155.

tunity. But that business is—and that is the agreement, which, of course, has been blown. That's the reason that—

Agnew: Why won't the North leave that agreement open for us?

Nixon: It is!

Agnew: Is there—?

Nixon: They'll take that today.

Kissinger: Well—

Agnew: Well, why can't we just sell that to Thieu?

Nixon: The October 8th one? They'll take that today because Thieu—Thieu's—but—has a stumbling block. This is the reason why. See, we were—we were improving that agreement [unclear] frankly. We'd gotten 12 improvements. Henry thought that when we went on Monday and Tuesday of last week, we'd get two more. And I had dotted the "i's," said, "All right, have the Vice President go out with the new agreement and say, 'Here it is, now.'" And then, you'd tell them, speaking for—you could say, "Now look: I know the Congress must [unclear], Mr. President. You may not like this provision or that provision, you may disagree with this or that, but if you don't take this, it's going to become known that this agreement, which the President believes is the best we can get, which the Congress overwhelmingly will believe, which the country will believe, if you don't take this, the Congress is going to cut off aid, much as we would want to help you."

Kissinger: The trouble is, now, we could have lived perfectly well with the October agreement. [unclear]—

Nixon: But he won't take it today.

Kissinger: But—

Nixon: That—they'll go back to October 8th, right today, but—

Kissinger: Yeah, but if—

Nixon: —but Thieu won't—

Kissinger: But if we go back—but if we go back to October 8th, now, it would be such a shattering defeat for him after all the fuss he made that—

Nixon: See?

Kissinger: —I don't think he could survive that.

Nixon: See, he said, "We've already crossed the bridge," and he wouldn't take October 8th.

Kissinger: So we need some cosmetic [unclear]—

Nixon: Some, we're trying to get some cosmetic—and we've got some, already. We can improve on October 8th.

Agnew: I thought we had the National Council of Reconciliation and Concord clarified in language.

Kissinger: Sure.

Nixon: We did—

Agnew: That should be a hell of a big concern for him—

Nixon: We did.

Kissinger: But the trouble with the bastard, if you forgive me, is: we briefed him every evening in Paris of what went on.

Nixon: You won't believe this.

Kissinger: Every time—

Nixon: You wouldn't.

Kissinger: —we gave him something, he put it out on Radio Saigon—

Nixon: Yeah.

Kissinger: —as something that really licked Hanoi.

Nixon: And then, Hanoi would withdraw it the next morning—

Kissinger: Then—then Hanoi withdrew the—withdrew everything.

Nixon: Well—

Kissinger: So we went. This he hasn't said to anyone, of course, but he won't say that—

Nixon: But, let me—let me say this—let me say this: we can get, we can get an improved agreement over October 8th. Let me say, first, October 8th was good enough, because—let me put—let's be quite candid about this, about agreements. They're not what counts. You know it as well as I do. They aren't worth a goddamn. The trouble with Yalta, and I studied it at great length—I was—I re-read Churchill's account, which, of course, is the most critical of Yalta of all, time and time and again. And I read Alger Hiss's account, and Bohlen's. Bohlen was, perhaps, the most objective. The trouble with Yalta was not the agreement; it was the fact that the goddamn Communists, the Russians, busted it.

Agnew: Yeah.

Nixon: They didn't give the Poles the free elections. They didn't provide for what they were supposed to in Czechoslovakia. Now, any agreement we make with these sons-of-bitches will be worth only the will of the people to keep it, and what we can have in the way of trip wires to smack 'em again. Now, this agreement that we've developed, I believe, has got so many landmines in it, where, if they start infiltration again, if they don't set up the supervisory board—well, you know what I mean—where we can say, "They have broken the agreement. We're going to start bombing 'em again." Now, that is what's going to make them come along. Plus, of course, the stroke we have with the Russians, the strokes we have with the Chinese, and the stroke we'll have with North Vietnam, because at that point, presumably, we will be giving

them some economic assistance that they desperately need. What you have here is a situation. It's a curious one. However, and this the real point why that son-of-a-bitch Ser—Percy and Mathias, your Senator, whom I trust will have—without saying it, I understand there's nobody—he's got to believe they're not running against him in the primary.

Agnew: We'll get somebody out there.

Nixon: Well, get somebody. No, no, no. I don't need John involved in that. We don't want to make him another Goodell.¹⁰ But look, here's the reason that that sort of thing hurts: put yourself in the position of Hanoi. They can say, "Here's Henry in Paris. It's two weeks before Christmas. It's 10 days before Christmas. It's two weeks before the Congress comes in." And so, he says this: "Nixon's miffed." So they can say: "What the hell? We'll diddle him along. We'll wait." We're not bombing very much, not as much as we were. We may be bombing a lot more next week for this very reason. So you see, they say: "It doesn't make any difference. Why do we make an agreement now, because the Congress will meet, it will be so mad because there is no agreement, that the Congress will proceed to cut off all aid?" You see, there is the danger. There's the critical danger. And so, if they figure they turn it right over to Congress, they aren't going to give it to us. That's the thing. That's the reason we've got to act this week. Henry, isn't that really [unclear]—?

Kissinger: That's right.

Nixon: And then if—if, for example, I was delighted to see that Barry [Goldwater] has made the point on the other side, but that Barry also took [unclear] rest of it by saying, in effect, "Well look, if they don't want to go along with a good agreement, we'll do it alone." [unclear] What he's trying to do, really, is to build a backfire, as I see it, against the damn doves. See, the doves want to lose the war. They really do. Do you agree?

Agnew: Yeah. Sure—

Nixon: They don't give a damn.

Agnew: They have a vested interest in it.

Nixon: So, what we need, now, at this time, we have got to convince the country, and it's going to be tough as hell. We've got to convince the country, and Henry will get it across this morning, first, that it was—that the Russians, that the [unclear] that the Communists were duplicitous. He's got to put in a line to the effect. He's got to take no account of the fact, yes, it is true that the South Vietnamese had some dis-

¹⁰ Congressman Charles Goodell (R-NY) was defeated for re-election in 1970.

agreements with the text, which we have tried to improve. We've got to make it clear that's all [unclear]—

Kissinger: I think it's in Thieu's interest that he is not made—

Nixon: The goat?

Kissinger: —the guy who has stopped the agreement.

Agnew: Oh God, yeah.

Kissinger: I think it is in our interest—

Nixon: [unclear] that it's not—that he didn't stop the agreement. Right.

Kissinger: What I think it is, it's to our interest, is to say roughly what you said, minus that we are sure they'd accept it.

Nixon: Yeah. Yeah—

Kissinger: But we should say, "Yes, there were some disagreements with the South Vietnamese, but that is a moot question—"

Nixon: That's right.

Kissinger: "—because—"

Nixon: That's—see, that's the way he's going to say it: "A moot question."

Kissinger: "Because we never reached that issue."

Nixon: We have never reached the issue, and we don't know whether they'd accept it. But the other point is that we, above everything else, have got to get the goddamn Congress to stand firm.

Agnew: That's not going to be easy, Mr. President.

Nixon: Well, it won't be easy in the present context, but it will be if we get the POW thing up front and center, and let that be the only issue. That might help, too. Do you think—let me put a moot question to you, a moot point. Suppose we offer it today? We say, "All right, there is no political settlement. In return for all of our POWs, and accounting for our MIAs, we will stop the bombing, stop the mining, and withdraw all of our Americans within 60 days."

Agnew: Then the question will come up: "How about economic and military assistance?"

Nixon: All right, on that point: don't you think that the majority of the Congress would stay with us on the first point? As long as we will continue economic and military assistance to South Vietnam, as long as the Communists aid the North, but the point is, as far as the point of the Congress is concerned, the Congress would have to support the proposition of the prisoners for withdrawal.

Agnew: I think it could work—

Nixon: We'd be making—

Agnew: —but I think they'd also force us completely out of there very quickly after that.

Nixon: Well, there's the problem we've got.

Agnew: In other words, I think we could do it via—

Kissinger: But should we continue to play this game?

Nixon: Well, what would we do then?

Kissinger: The North Vietnamese would be delighted to let us play—

Nixon: Yeah.

Kissinger: —another Paris session.

Nixon: Yeah. We can go through another Paris session. That's true.

Kissinger: I mean, we can keep this peace move go—move going for another three or four weeks.

Nixon: [laughs]

Agnew: It seems to me, based on what you told me, Henry, that the only way we're going to get negotiating in good faith is if the North Vietnamese think we're fully ready to resume kicking the hell out of them and do it.

Kissinger: That's right.

Agnew: Uh—

Nixon: Then [unclear]—

Agnew: Now, the question is: How do you keep things quiet here, while you're doing it—?

Nixon: Yeah, but the point is, don't you have to kick them some before they could know that?

Agnew: Oh, yeah. There's no doubt about that.

[unclear exchange]

Agnew: That's why it seems to me that if a consultation with Thieu, now, if Haig goes and he—unless he, he reveals—

Nixon: I mean, what would he say?

Agnew: I think what he really ought to say is that—

Nixon: See, we can't—

Agnew: Be very conciliatory.

Nixon: There's one danger—

Agnew: That we understand [unclear]—

Nixon: But, we are concil—no, we're—we are terribly conciliatory—

Agnew: I think we ought to say it publicly that we're there because the reasons we went in there to help the Thieu government are just as valid today—

Nixon: Yeah. Yeah—

Agnew: —as the day we went in there, and—

Nixon: The problem is that—well, there is one problem.

Agnew: —it would sell it here—

Nixon: The moment we start kicking them again—here's what Thieu wants. Thieu is afraid. Abrams believes that Thieu is simply afraid to go it alone, and I think what happens is that Thieu doesn't want us out. And, he thinks—he just thinks that, because we've done it always before, that we'll be able to carry it again. He doesn't realize that there comes a time when the American people are tired of the goddamn war, and they want it over. And that's what it is. Right?

Agnew: But if the North would let us get to the point where it wasn't moot, then I can see how we—you can operate [unclear]—

Nixon: Wherewith? Like what?

Agnew: In other words, if they said, "Yes, the situation is open to settlement with some cosmetic changes"—

Nixon: Um-hmm.

Agnew: —that will allow us to say to Thieu, "Now look, we've gone back and we've—"

Nixon: That's exactly what he was suggesting—

Agnew: "—we've clarified, and—"

Nixon: —but that's what we had last week. Frankly, we've had it three times, presented it to Thieu, he said, "No."

Kissinger: That's right.

Nixon: Three times. And, believe me, they were good cosmetic [unclear]. They took out a lot of wording—

[unclear exchange]

Agnew: But I thought what I was supposed to do was to go say, "Now, damn it, here they are. This is the last time we're going to present 'em to you."

Nixon: What's that?

Agnew: Wasn't that what I was supposed to do?

Nixon: Yeah.

Agnew: "Here they are—"

Nixon: That's right.

Agnew: "This is the last time," with a high visibility, and—

Nixon: That's right. You were, but, you see, we didn't want to launch you.

Agnew: Yeah.

Kissinger: But we can't do it [unclear]—

Nixon: [unclear] We didn't want to launch you until we had the North on the dotted line.

Agnew: Yeah—

Nixon: And they didn't sign on the dotted line because—

Agnew: That's what I'm afraid of—

Nixon: —you see?

Agnew: If we had them on the dotted line, we should—we should probably have gone ahead with that.

Nixon: We planned to.

Agnew: Yeah.

Nixon: That's right. There, we were having you—you would have gone Wednesday.¹¹ We expected to have the North on the dotted line on Wednesday and then, I'll be damned if Thieu didn't put out that. These are small things, it seems—

Agnew: Yeah.

Nixon: —but he put out a statement, Monday night.¹² Well, we [unclear]—

Kissinger: See, the big issue is the recognition of the demilitarized zone.

Agnew: Yeah.

Kissinger: They had already accepted it—

Nixon: [unclear]—

Kissinger: —two weeks ago. Thieu put it out, so they withdrew it.

Agnew: Well, but, now, we're looking at a situation where we don't have them on the dotted line, so we can't look at it in the same frame as we were looking at it—

Nixon: You know what I hope the situation is? Let me tell you this. It doesn't make—I told this to little Duc—I said, "It doesn't make any difference what—whether we recognize the demilitarized zone or not. It doesn't make it. It's a piece of paper. It doesn't make any difference whether this is called a National Government of Concord or a National Committee of Concord or Reconciliation, or not. It depends upon what happens." And I said, "If they come across that demilitarized zone, we're going to bomb the hell out of them." I said, "That, I gave you a promise to do." [unclear] And, in the event that they try to treat this situation as a government, rather than simply a committee to set up an election, Thieu is going to veto it. So, tell me, what is wrong with that?

Agnew: Why isn't it, Mr. President, to the North's benefit to give us the agreement? Despite—

Nixon: [unclear]—

Agnew: —what Thieu's saying about it—

Nixon: I think the main—

¹¹ December 13.

¹² Nixon was referring to Thieu's December 12 speech. See Document 160.

Agnew: —so, we're clearly placed in a position where we have to act, and we don't have to—

Nixon: Why won't—why—?

Agnew: Why won't they do that?

Nixon: Why don't they do the agreement?

Agnew: For their own benefit?

Nixon: Yeah. Congress is coming in on the 3d. They think they're going to get them to knuckle. They—they think they might, at long last, grasp victory from the jaws of defeat. They're hurting. Why are they talking? Because the bombing and the mining has brought 'em to their knees. This thing is over. It really is. Militarily, they wouldn't even be talking if they weren't hurting badly. But right now, you see, they see the deadline of the Congress coming back, and these assholes like Stevenson and Mathias are saying the Congress will cut off aid. What would you do if you were sitting in the North? Would you agree to anything?

Agnew: No, I just thought—

Nixon: There's the point, see—?

Agnew: I thought I could get the Congress to—

Kissinger: Well, you see, their point is: this was a 50–50 deal. They had made major concessions, really big concessions, but Thieu would have had to make some concessions, too. They must have made the decision with a very narrow margin in October. One reason why we were so much in favor of pushing in October was because they were against a deadline on November 7th that they couldn't change, and that we couldn't change. Now, they feel if they diddle us along, week after week, they can always settle if things get too tough. They've—

Nixon: Yeah.

Kissinger: —very cleverly maneuvered it into a position where, by sending one message, they can settle it.

Nixon: That's right.

Kissinger: But they never send the goddamn message.

Nixon: That's right.

Kissinger: So, if we crack, they get the whole ball of wax. If we don't crack—

Nixon: They still can [unclear]—

Kissinger: —they still have the option of settling, and—

Nixon: Let me tell you, there's still a chance for a settlement. There's still a chance for a settlement. The Russians are pressuring them. The Chinese, maybe. But, the main point is what is pressuring them the most is the fact that the military situation for them is damn bad. It's bad and critical.

Kissinger: If they are willing to cooperate—

Nixon: And we're going to make it much more critical next week. We've got to. And, when the Congress comes back, if we have to have it out, we'll have it out.

Kissinger: They are the tawdriest bunch.

Agnew: Yeah.

Kissinger: You know, we've dealt with—

Nixon: And incidentally, we may have to use you. But, I told Henry, I said, "I'm not going to send—launch the Vice President out there and have him rebuffed by this son-of-a-bitch." I mean, either one. I mean, when I say, "Thieu's a son-of-a-bitch," I say it more in sorrow than in anger, because to Henry, he's cutting his own throat. He doesn't realize if you put the plebiscite up in this country: "Should we support Thieu?" We've polled this. Do you know what it is? Twelve percent.

Agnew: That's bad.

Nixon: Twelve percent.

Agnew: Absolutely [unclear]—

Nixon: On the hand, if you put a plebiscite up in the country: "Do you favor the imposition of a Communist government on South Vietnam by—or a coalition government," it's 52 to 30, against it. You see? Thieu has now confused himself with the real issue, and he's got to watch out. The American people don't know that he is synonymous with whether they have a Communist government. There isn't anybody else out there—

Kissinger: He doesn't understand. I've tried to tell him through his Ambassador—

Nixon: Right. I've told Duc. You heard two hours of a lecture such as nobody has ever had in this office.

Kissinger: That's right. If Thieu—if the American people felt that what came out of there is something they can be proud of, they'd defend it. They don't give a good goddamn whether it's called: "Council"—

Agnew: Of course—

Kissinger: —"Administration"—

Nixon: That's right.

Kissinger: —"Committee."

Nixon: And we'll pay.

Kissinger: And all this baloney over these phrases that excite the Vietnamese so much wouldn't make any difference.

Agnew: No doubt about that.

Nixon: Yeah.

Agnew: If—but what I’m looking at, or trying to look at—and I agree 100 percent with your analysis, Mr. President—

Nixon: Yeah.

Agnew: —I think you’ve got—

Nixon: Yeah.

Agnew: —the thing right, right on key. What it appears to be—

Nixon: [unclear]—

Agnew: —what happens, in the event—

Nixon: Yeah?

Agnew: —that the American people and the Congress get the idea—

Nixon: Yeah?

Agnew: —that we are publicly wavering on Thieu? To me, that is—

Nixon: Well, no. They won’t get the idea we’re wavering on Thieu.

Kissinger: [unclear]

Nixon: Now, don’t worry about that. Huh? Never. Never.

Agnew: That would—that would cause—

Nixon: No—

Agnew: —a cut off—

Nixon: —we’re gonna put that—

Agnew: And a possibility of a coup—

[Omitted here are discussion of a memorandum Nixon was looking at and discussion of the President’s schedule.]

Nixon: Well, anyway, you understand, we’re not going to—we’re—we are trying [unclear] we’re not going to throw off on Thieu. That’s the easiest thing to do. And we can’t cut out from him. A separate peace is impossible. We all know that. He’s the one that’s talking about a separate peace, but the point that we have to do, is that we have to lay a foundation for what we have to do next week. And that is, we’ve got to give them a kick in the ass. And everybody’s got to stand firm for a week over Christmas.

Agnew: Yeah.

Nixon: Despite all of our talk about peace.

Agnew: We’ve still got the fund cut-off looking at us, I think. Regardless of what we do, it’s—

Nixon: Yeah, I agree. You mean, the fund cut-off that the Congress can still act upon?

Agnew: Yeah.

Nixon: It takes a little time, though. We’ll use what we’ve got—

Agnew: Are you going to have Henry brief any selected—?

Nixon: Today?

Agnew: Or any time before they convene?

Nixon: No. No. Not, not now. I mean, what we're going to do, today he's going to brief the press on the status of the negotiations. We don't want to escalate this to that point. Congress is spread all over hell, anyway. We couldn't get them, anyway—

Agnew: No, I didn't mean now. I mean, before they—

Nixon: Well—

Agnew: —before they organize.

Nixon: —the only purpose of doing that would be to indicate what we have to do over the next two or three weeks, and so forth. But, this is going to be—have to be watched week by week. Within a week, we'll know whether the North Vietnamese [unclear] probably know that they're going to just stone us through. We're going to know, then, whether or not we have to submit to the Congress our own cut-off. See? We may have to submit a cut-off, and then everybody's got to line up and fight for it. And the cut-off, however, has got to—one thing we cannot cut off is economic and military aid to the South. That's another reason why we're not going to piss on Thieu. You see?

Agnew: All right, sir.

Nixon: You got it?

Agnew: I have it.

Nixon: You agree?

Agnew: I agree entirely. I'm just concerned, you understand—

Nixon: Yeah.

Agnew: —about—

Nixon: Sure.

Agnew: From what Henry told me about how—

Nixon: Well, Thieu [unclear]—

Agnew: [unclear] the way it was going to appear was that our confidence in Thieu has been diminished.

Nixon: [unclear]

Agnew: I can even go with that, if I don't think [unclear]—

Nixon: I understand.

Kissinger: We won't even mention Thieu.

Nixon: That's right.

Agnew: Thank you.

[Agnew left at 10:35 a.m. Omitted here is discussion unrelated to the Vice President's conversation with the President.]

182. Editorial Note

At President Richard M. Nixon's direction, President's Assistant for National Security Affairs Henry A. Kissinger held a press conference on Saturday, December 16, 1972, at 11:45 a.m. "The aim of my briefing as I conceived it," Kissinger later wrote, "was to place the blame [for the stalled negotiations] where it belonged—on Hanoi—and again to leave no doubt in Saigon of our determination to conclude the agreement." (*White House Years*, page 1451)

To this end, his remarks prior to the question-and-answer session focused on the peace he thought he had negotiated in October, what had happened since, and what the United States should do now. The part most relevant to his avowed aim occurred toward the end of his statement:

"The major difficulty that we now face is that provisions that were settled in the agreement appear again in a different form in the protocols; that matters of technical implementation which were implicit in the agreement from the beginning have not been addressed and were not presented to us until the very last day [December 13] of a series of sessions that had been specifically designed to discuss them; and that as soon as one issue was settled, a new issue was raised.

"It was very tempting for us to continue the process which is so close to everybody's heart, implicit in the many meetings, of indicating great progress; but the President decided that we could not engage in a charade with the American people.

"We now are in this curious position: Great progress has been made, even in the talks. The only thing that is lacking is one decision in Hanoi, to settle the remaining issues in terms that two weeks previously they had already agreed to. So we are not talking of an issue of principle that is totally unacceptable. Secondly, to complete the work that is required to bring the international machinery into being in the spirit that both sides have an interest of not ending the war in such a way that it is just the beginning of another round of conflict. So we are in a position where peace can be near but peace requires a decision. This is why we wanted to restate once more what our basic attitude is.

"With respect to Saigon, we have sympathy and compassion for the anguish of their people and for the concerns of their government. But if we can get an agreement that the President considers just, we will proceed with it.

"With respect to Hanoi, our basic objective was stated in the press conference of October 26. We want an end to the war that is something more than an armistice. We want to move from hostility to normalization and from normalization to cooperation. But we will not make a set-

tlement which is a disguised form of continued warfare and which brings about by indirection what we have always said we would not tolerate.

"We have always stated that a fair solution cannot possibly give either side everything that it wants. We are not continuing a war in order to give total victory to our allies. We want to give them a reasonable opportunity to participate in a political structure, but we also will not make a settlement which is a disguised form of victory for the other side." (Department of State *Bulletin*, January 8, 1973, pages 36–37; Kissinger's opening statement and excerpts from the question-and-answer session were also printed in *The Washington Post*, December 17, 1972, page A9)

About the press conference, Kissinger later observed: "I was asked to give a low-key briefing of the reasons for the recessing of the Paris talks; how to be low-key about such a dramatic event was no more apparent to me in Washington than it had been in Paris." Nonetheless, as he recorded in his memoirs, "I had no objection to this assignment; indeed, I volunteered for it." (*White House Years*, page 1449)

183. Message From the Chief of the U.S. Delegation to the Paris Peace Talks (Porter) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, December 16, 1972, 1830Z.

1. We met with DRV at Neuilly from 1530 to 1815. Xuan Thuy stonewalled from beginning to end.

2. Despite fact we had agreed yesterday on agenda which consisted of a) understanding on Laos and Cambodia, and b) ICCS protocol, Xuan Thuy took position he was unprepared to discuss either.

3. We handed over our revised understanding on Laos and Cambodia and asked for their comments on it as well as on mutual understanding on cessation of hostilities in Cambodia which we had previously handed over. Xuan Thuy acknowledged receipt of both, but

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [1 of 3]. Top Secret; Sensitive; Eyes Only. Sent via Guay and Haig. Kissinger had directed Porter to remain in Paris and meet with Xuan Thuy to discuss the protocols and understandings after he and Le Duc Tho had departed.

said he would have no comment until all understandings had been discussed.

4. We then turned to ICCS protocol and attempted to elicit discussion by comparing U.S. and DRV versions article by article. We never got beyond preamble because Xuan Thuy took position he would have no comments until all protocols had been discussed.

5. Xuan Thuy then launched into lengthy exegesis on DRV conception of control and supervision features of our agreement, which made it clear that two party commission was to be multitudinous and ubiquitous, while ICCS was to be miniscule and cloistered.

6. At this point, we broke for tea and resumed for sole purpose of fixing agenda. After break, we agreed to meet again Monday, December 18 at Gif at 1500. Agenda will be a) U.S. response to Xuan Thuy exegesis, b) discussion of conceptual differences, c) resumption of comparison ICCS texts, and d) decision on what to do next. We have proposed for (d) above that we should negotiate ICCS text article by article. Xuan Thuy has reserved on this point until Monday.

7. When meeting closed, Xuan Thuy rather lamely said DRV wished proceed as rapidly as possible. This comment only served to emphasize fact that today's session was a total DRV stall, building a record of Kleberized intransigence.

8. In view cable exchange which I had this morning with Al Haig, I have not yet filed anodyne version of this report in State channels. However, I am prepared to do this unless you tell me that I should not. Please instruct.²

9. Warm regards.

End of message.

² See Document 186.

184. Message From the Chairman of the Joint Chiefs of Staff (Moorer) to the Commander in Chief, Pacific (Gayler) and the Commander in Chief, Strategic Air Command (Meyer)¹

Washington, December 17, 1972, 0010Z.

5384. Deliver upon receipt. Subj: Linebacker II Operations (U). Refs: A. JCS 2498/110339Z Nov 72. B. JCS 9222/261749Z Nov 72. C. JCS 3348/150147Z Dec 72.

1. Reference (A) addresses the current restrictions and priorities concerning the conduct of air and NGF operations in NVN. Reference (B) limited the number of ordnance delivery sorties attacking NVN. Reference (C) is the Linebacker II alerting message. References (A) and (B) are hereby cancelled.

2. This is an execute message.

3. You are directed to commence at approximately 1200Z, 18 December 1972 a three-day maximum effort, repeat maximum effort, of B52/Tacair strikes in the Hanoi/Haiphong areas against the targets contained in Reference (C). Object is maximum destruction of selected military targets in the vicinity of Hanoi/Haiphong. Be prepared to extend operations past three days, if directed.

4. Following instructions apply:

A. Utilize visual as well as allweather capabilities.

B. Utilize all resources which can be spared without critical detriment to operations in RVN and support of emergency situations in Laos and Cambodia.

C. Utilize restrikes on authorized targets, as necessary. North Vietnamese air order of battle, airfields, and active surface-to-air missile sites may be struck as tactical situation dictates to improve effectiveness of attack forces and minimize losses.

D. You are authorized to reduce B52 operations required during the 24 hour period prior to the initiation of these operations in order to apply maximum effort against scheduled targets.

E. All B52 aircraft will carry maximum ordnance load.

F. Exercise precaution to minimize risk of civilian casualties utilizing LGB weapons against designated targets. Avoid damage to third country shipping.

¹ Source: National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 71, Linebacker II Messages, December 1972. Top Secret; Immediate; Specat; Exclusive. Repeated to Commander in Chief, Military Assistance Command, Vietnam; Commander in Chief, Pacific Fleet; Commander in Chief, Pacific Air Forces; Commander, 7th Air Force; Commander, 8th Air Force; Commanding General, Fleet Marine Forces; Commander, Seventh Fleet; and Commander, Carrier Task Force 77.

G. Naval gunfire operations are authorized along the NVN coast north of twenty degrees latitude to complement the air strike effort. Do not preposition NGF ships in order to preserve maximum surprise for conduct of air strikes.

5. Operating authorities. Current Linebacker operating authorities apply.

6. Public affairs guidance will be provided by separate message.

7. Warm regards.

185. Message From the President's Deputy Assistant for National Security Affairs (Haig) to the Air Attaché at the Embassy in France (Guay)¹

Washington, December 17, 1972, 0135Z.

WHP 261. Per our conversation, you should deliver the following message at 10:00 a.m. on Monday, Paris time to your customer. *Begin text.*

After careful review of the record of the recent negotiating sessions, the U.S. side has come to the conclusion that the DRV side was deliberately and frivolously delaying the talks.

The U.S. side was determined to conclude the negotiations rapidly and this certainly could have been accomplished if there were reciprocal good will and serious intent.

In order to bring the negotiations to a rapid conclusion, the U.S. side makes the following proposal. With respect to the substance of the agreement, the two sides should return to the text as it existed at the conclusion of the session of November 23, 1972, except for the deletion of the phrase "administrative structure" in Article 12(a) and the maintenance of the strictly technical changes in the text mutually agreed in the experts' meetings in December. With respect to the procedure for signature, this should be on the basis of the DRV proposal of Monday, December 11, 1972. Accordingly, the United States and the Democratic Republic of Vietnam should jointly sign the agreement, while the Government of the Republic of Vietnam and the Provisional Revolutionary

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only. Written on December 16.

Government of the Republic of South Vietnam should sign separate documents which would be identical to the agreement, minus the preamble, and thus contain all its obligations.

In the meantime there should be rapid progress on the protocols designed to implement the agreement. The U.S. side wishes to reemphasize that it is unacceptable to reintroduce into these protocols substantive issues which conflict with the agreement itself or attempt to reopen questions already decided.

On this basis, Dr. Kissinger is prepared to meet Special Advisor Le Duc Tho on any date after December 26, 1972, to be chosen by the DRV side. It must be pointed out that because of his other responsibilities it is impossible for Dr. Kissinger to remain in Paris for extended periods of time in the future. The U.S. side also wants to emphasize that the present framework for a negotiated settlement cannot be maintained indefinitely.

The U.S. side reiterates its strong preference for an early and stable peace and believes that a positive response to this message would constitute a major breakthrough toward that goal.

End text.

End message.

186. Message From the President's Assistant for National Security Affairs (Kissinger) to the Chief of the U.S. Delegation to the Paris Peace Talks (Porter)¹

Washington, December 17, 1972.

Subject: Guidance for Future Meetings.

1. The following guidance is forwarded in order to assist you in the conduct of future meetings with Xuan Thuy.

2. Your negotiating priorities should be as follows: first, the ICCS Protocol; second, the four-party military commission; and third, the first six of the nine understandings you have on file with special emphasis on the Laos and Cambodia understandings. The remaining

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII. Top Secret; Flash; Sensitive; Eyes Only. Sent via Guay and Haig. The note "deliver immediately" is typed on the message. Printed from the copy that was approved for transmission as WHP 263.

three understandings and all the unilateral statements should be held aside for me to negotiate at such time as I meet again with the North Vietnamese.

3. Within the foregoing set of priorities, I have no objection if discussion alternates from one subject to another so that you do not get stuck on any single item but preponderant emphasis should be on ICCS protocol and four-party commission.

4. In further reference to protocols, you should not repeat not discuss two-party commission or question of areas of control which comes under purview of that commission in carrying out its responsibilities under Article 3b of agreement. You should make clear to Xuan Thuy that this is matter for South Vietnamese parties to decide between themselves; we are not prepared to discuss it; and at a maximum we are willing to consider one or two very general sentences in four-party document which establishes two-party commission but without any substantive content whatsoever. Our approach to establishment of effective ceasefire remains the thorough identification of the location and size of military and paramilitary units at time of ceasefire.

5. You should reject withdrawal protocol out of hand. It is completely unnecessary and U.S. obligations are amply spelled out in basic agreement itself.

6. As a general guideline, you should insist on elimination of all political references from protocols under discussion. This includes elimination of all reference to NCNRC in protocols and any unnecessary or invidious references which would simply serve to undercut GVN; e.g., repeated allusions to civilian prisoner problem, unnecessary references to GVN police and so forth. On NCNRC you should point out that there is nothing in text of agreement itself to justify repeated DRV mention of council in protocols.

7. In reporting your discussions, I believe it best to confine bulk of your reporting to this channel. Nothing on text of agreement or understandings should be sent through State channels.² Technical details on ICCS protocol may, however, be sent through State channels. In event you have any doubt as to which channel to use, please don't hesitate to consult us in advance.

8. You should make clear in your comportment and in the conduct of your talks that we are reaching the limits of our patience.

9. Warm regards.

² See Document 183.

187. Transcript of a Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, December 17, 1972, 10:45 a.m.

[Omitted here is discussion of the President's guest list for dinner that night, a draft letter for Thieu that Haig was to hand deliver on his upcoming trip to Saigon, and media reaction to Kissinger's December 16 press conference.]

[P:] The whole thing that counts is how we look four years from now and not how we look four weeks from now. I really read the act to people around here, I said, you know what I mean, I didn't have any problem with them, but some of them said oh, gee, it's too bad to have to do it [the bombing] before Christmas and have to do it before the Inauguration, and then we just drag along with talks and when things were going so well and everything, and I said look,—

K: You could have said there was an option you had.

P: I know, we had the option but the point is—

P: It is really harder to do it then than now.

K: Absolutely.

P: The Congress will be back and they'd be badgering. You see, one of the beauties of doing it now we don't have the problem of having to consult with the Congress. Nobody expects me to consult with the Congress before doing what we are going to do tomorrow, you understand.

K: There is, I think, these are basically wanting to settle. We had an intelligence report today in which a very senior Chinese official said that they were pressing Hanoi to settle, that they thought the decision was already made. But these guys are just a bloody bunch of bastards. Dobrynin told me yesterday that they told the Russians that you would have to settle just before Inauguration so you can see their strategy.

P: Yeah.

K: They were going to meet me again early in January—

P: And make us settle on bad terms.

K: Well, make us go back to the October 26 draft.

P: Yeah.

¹Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 17, Chronological File. No classification marking. All blank underscores are omissions in the original.

K: We could have easily lived with it in October, but if we accept now after all this arguing for changes would make us look impotent. With this blow they are going to get, they're going to scream for a few weeks, but with blow they're going to—

P: They are going to realize that—

K: It's going to make the agreement enforceable, Mr. President, they are going to be very careful.

P: I think that point is the most, probably the most important point. With this blow, they are going to think twice before they break the agreement.

K: That's right.

P: The other point, however, too, is with this blow God knows which way it will react. It may be that if they react by being preference saying you cannot force us into it.

K: I doubt it.

P: This has been known to happen.

K: It's been known to happen but if they thought they had that option they would have done it already. They don't react to our moves that way they react to their analysis of the situation. If they felt confident in being able to face us down they would have broken off the talks.

P: Uh huh. Well let me say that's why this blow, I hope to God, Henry, I went over those for the first time, you know I don't do target lists usually, but I went over that God damned thing with Moorer and Rush and Moorer swears that this is everything they can get that's worth hitting, I mean without going—taking out too much civilian stuff.

K: If the whole bloody country is again covered with clouds, so they have to do it with B-52s.

P: Well, the B-52s are no problem, the clouds—

K: No question.

P: And, what's the harm of that. I mean you can't just follow up with the—

K: You can't take out the power plant in the center of Hanoi, and you know if we had had 72 hours of good weather, we could have done the whole bloody thing in one blow.

P: Yeah. What happens then, is the clouds going to last forever. It always seems that they do, although I don't believe our—

K: The thing is going to last until the 20th now. We have had to cancel 65% of our strikes—

P: I do not—any more, you know, I said to Clements about this, and Clements, well I tell you he's on the right wavelength on that, he says

our Air Force is so God damned impotent because we haven't got the right kind of planes.

K: Exactly.

P: Which is also they cost too much considering what their job is. He's so right.

K: He's right on both counts. We have, Mr. President, to cancel over 50% of our targets during the dry season, and now they only have three or four days of what they consider flying weather in months. Now that just means they've got the wrong airplane.

P: By the way, at least the 52s will shake them, won't it.

K: Yes. They are double loaded. That's like a 4,000 plane raid in World War II.

P: It is?

K: Yeah.

P: 100 planes—

K: 30 planes are like a thousand and they are flying 127 double loaded, that's like 250, so it's really between 4 and 8 thousand planes, if they got them all over there. It's going to break every window in Hanoi.

P: Just the reverberations?

K: Yeah.

P: Well that should tend to shake them up a little bit. It does, doesn't it.

K: Oh, yeah.

P: We know how those things are. Assuming that they are expecting—

K: I don't know whether you've been in Saigon when they hit 30 or 40 miles away, how the ground shakes.

P: Well I know how the ground shakes when we even shoot off a 155,² one of our own.

K: Well, this one is going to be two miles outside, and there are going to be about 50 of them. I don't think there are going to be too many windows in Hanoi tomorrow. But it would have been good if we could have taken all power plants simultaneously.

P: But as it is, what are we going to get.

K: Well we are going to get the ship yards in Haiphong, we are going to get the marshalling yards, the rail yards, Radio Hanoi, we'll get the transmitters at the outskirts of town.

P: But we will miss the power plant.

² Reference is to the 155-mm howitzer, a large caliber artillery weapon with a range of almost 15,000 meters.

K: It's in the center of town.

P: But it will still be there, and the day that it clears up they can go in and get it, can't they.

K: Absolutely.

P: That's a standing order to Moorer.

K: But it is a lousy set of airplanes. I think they are going give them quite a shock tomorrow, we're going to have a little screaming here.

P: Sure they are going to scream. They always do. They would have screamed otherwise but for the fact that the talks were broken. Now we'll give them something else to scream about.

K: Absolutely.

P: They'll scream now, well the talks are broken and we have resumed bombing, so we _____ stop bombings. Ziegler said that handling it is going to be very very good that way. We are continuing our activities to prevent another enemy offensive.

K: That's right. They are building up.

P: I know, but we are doing it for other reasons.

K: Oh, no question about it.

P: I mean, let them give their reasons.

K: Yeah.

P: And the fact that it has some truth in it helps.

K: Well, Le Duc Tho asked that we send him a message as soon as he returns. He's returning tomorrow.

P: Yeah. That's the one you told me about yesterday.

K: Yeah. He'll be back within 6 hours—6 hours after he returns he'll get it.

P: He will hear this message.

K: That's what I mean.

P: Yeah. If he'll hear it, it won't have to be delivered by hand.

K: Well, we are sending him another one too which he'll get about four hours before it hits.³

P: What's it going to say?

K: It's just going to say your talks were conducted in bad faith and the only way to settle is to go back to November 23rd. That's taking out the word "administrative structure" which they had agreed to last week, and—

P: We are ready to do that?

K: We are ready to do that immediately.

³ See Document 185.

P: Well, anyway. When you come to think of it, you know, I was looking over all of that crowd and those people that have been in their Cabinets etc, and they are all are decent fine people and the rest, but when you really come down to it, at the top of the heap we've always got to have some who are willing to step up and hit the hard ones, you know, it's—much as we love all of them, there are not many that's going to do that.

K: Well, when you really come down to it, even the Vice President caved in on us because the sum total of his recommendation was to do nothing.⁴ If Congress—when you've got to go wailing to Thieu and you can't do anything because Congress will cut you off, you are paralyzed.

P: Look, he is simply telling us why—warning us that Congress was going to cut us off. I already knew this was a problem. But the point was he would not, believe me, now believe me, he would not take this chance.

K: Absolutely not. No, no, that was clear to me.

P: I mean he was, it was just a cop out. He wanted us to go get Thieu to frankly to convince Thieu that you ought to reassure. Well, God damn it, I was so amazed at that because you went into that with him.

K: Hell, he's done it for two months and even if we did it, where would we be. Our strategy now has to be to turn on both of them.

P: As far as reassuring Thieu, no one could reassure Thieu more than I've reassured Thieu.

K: Listen, you've made three solemn commitments to him.

P: And I did it in two different meetings, and wasted a hell of a lot of time and I also wrote him three letters.

K: Of course, this insane son of a bitch, if he had got along with us early in November, then all these fine points that people talk about now, his sovereignty, who has the right to do what, all would have been washed out in the victory. Whatever he can gain, it doesn't outweigh—doesn't even come close to what we had offered him.

P: I know.

K: And what he simply turned down.

P: Right.

K: I think you'll see that letter is a tough proposition.⁵

P: Fine, fine. I don't want him to take any heart from the fact that we are hitting Hanoi, that's my point.

⁴ See Document 181.

⁵ Document 189.

K: That's what we've got in the letter. The more I thought about it, the more I think that we ought to go to that other option, really, in January. Because what we are doing now over his total opposition may lead to his collapse.

P: Well, the problem with the other option, I thought about it, and we've really got to think of very hard, is for us virtually in going to liberate the defeatist thing, that we turn down our—

K: No, not if we keep military and economic aid going, not as long as we have this letter from Thieu asking us to do it.

P: Yeah. Oh, you know what I mean though. After all, what if McGovern and Mansfield will say—well look, we could have had withdrawal for prisoners long ago when these insane people wouldn't do it. You see my point. It looks like—that's the thing that really sticks in my craw on that one. Withdrawal for prisoners, that's what it's going to be.

K: Yeah.

P: That is a problem, isn't it.

K: Well, it's a problem. On the other hand, the ultimate test is what is going to survive there if you do it. Two years ago it would have led—we couldn't get it two years ago, that's another total lie of these guys, the first time they ever agreed to split military and political issues was October 8th.

P: Right.

K: So, the others offered it but it could never have been accepted. We in a way offered it. Now we have two more years of Vietnamization, we have the Vietnamese able to stand on their own feet, and they've asked for it. It's a totally different picture.

P: Well, then we go where. He will be surprised when he gets that, won't he?

K: I don't think—

P: You see, this is the way, if you did it this way, the way you do it you just blandly say to Thieu, we accept. You go ahead and we'll get the prisoners and so forth and so on.

K: For all your reasons, I've been very hesitant about it, but—well, I myself think that, either the North Vietnamese are going to dig in, which I don't really believe, or they are going to cave quickly. And I think that's more likely.

P: I don't see how they can dig in either 'cause they just can't figure they're gonna take this indefinitely. Now, the one thing that can encourage them some will be some of those statements, public outcry—

K: Yeah, but they've seen that—

P: They've seen that. I checked before, and they saw it also. Let's face it, that's the beauty of the election. They saw all the public outcry was murderous during the election campaign and we won 61 to 38.

K: That's right. They just cannot be sure enough of getting you. They've tried it for four years and I just don't think they have enough self-confidence in order to do it and I think that the Chinese, actually I think the Chinese are pushing them harder than the Russians.

P: Do you really.

K: Oh yeah. We sent this note to the Chinese on Friday, midnight, saying the allies are a bunch of liars and they are tricking you, if you'd like to hear our story we'll be glad to tell you.⁶ Within 8 hours we get a phone call saying come on up and tell us why our allies are liars. And it fits in with all the intelligence reporting.

P: According to the intelligence reporting on Thieu.

K: No, the bastards on their Radio today put out another insane statement about my press conference in which they said in effect this means the talks have collapsed completely, that we will never resume them unless the other side changes its approach completely, and ... (end of tape)

⁶ See *Foreign Relations*, 1969–1976, volume XVII, China, 1969–1972, Document 270, footnote 2.

188. Transcript of a Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, December 17, 1972, 10:45 a.m.

HK: ... got themselves into another hole in which—they could have presented as a victory. They have now turned into a major setback—I don't bother you with a lot of this stuff, but for example on the two-party military commission. The communists are now trying to use this to spread communist cadres into every village—it doesn't make any difference how it will come out, once it hits our press it will be a big issue. If this idiot in Saigon had signed the agreement early in November you'd never had heard of the two-party commission and no American would have given a damn how it was set up and he would

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 17, Chronological File. No classification marking. Although filed as separate document, this transcript is a continuation of the conversation between Nixon and Kissinger in Document 187.

have had a total veto over it. So he's setting himself marginal word changes and paying for it with tremendous difficulties later on.

RN: Yeh . . .

HK: And he of course doesn't understand how he is undermining your confidence.

RN: Well he's done that, it's finished with him. As you know—After the Duc meeting I—

HK: Well, here you invite him to meet you at Midway, which was after all was a great imposition for you then he doesn't even have the courtesy to reply—not even the courtesy to turn him [*you*] down.

RN: That's right. That's why this letter—I am going to take a hard look, it may be tougher than you think.

HK: Well, it's pretty tough now.

RN: In the meantime what we have to do Henry as I said is to strike forward now, we know it's tough, we are going to take some heat, we don't give a damn how they characterize it—they're going to take some heat because of the bomb, some people are going to say we are doing this and that, but as far as we are concerned, this is all, let's take all the heat that we need to take, remembering that it's never going to be easier later, it's going to be harder—5, 6 months from now, if we had to do these things, I mean if this thing were still going on we would have been voted out of the war—now we may still be, but at least we will have given them a hell of a whack.

HK: Well Mr. President you are making the peace enforceable, you are soaring up the courage of the other countries in that area, it's courageous and strong action and it's after all what the people voted for you—they didn't vote for you as a bleeding heart.

[Omitted here is additional discussion of the guest list for dinner.]

189. Letter From President Nixon to South Vietnamese President Thieu¹

Washington, December 17, 1972.

Dear Mr. President:

I have again asked General Haig to visit you in Saigon. He will inform you of my final considered personal judgment of the state of the ceasefire negotiations and of the prospects we now face.

Over the last two months—through my personal letters, through my extensive personal discussions with your emissary, through communications via Dr. Kissinger, General Haig, and Ambassador Bunker, and through daily consultations in Paris—I have kept you scrupulously informed of the progress of the negotiations. I have sought to convey to you my best judgment of what is in our mutual interest. I have given you every opportunity to join with me in bringing peace with honor to the people of South Vietnam.

General Haig's mission now represents my final effort to point out to you the necessity for joint action and to convey my irrevocable intention to proceed, preferably with your cooperation but, if necessary, alone.

Recent events do not alter my conclusion. Although our negotiations with Hanoi have encountered certain obstacles, I want you to have no misunderstanding with regard to three basic issues: First, we may still be on the verge of reaching an acceptable agreement at any time. Second, Hanoi's current stalling is prompted to a great degree by their desire to exploit the public dissension between us. As Hanoi obviously realizes, this works to your grave disadvantage. Third, as I have informed Hanoi, if they meet our minimum remaining requirements, I have every intention of proceeding rapidly to a settlement.

You are also aware of certain military actions which will have been initiated prior to General Haig's arrival. As he will explain to you, these actions are meant to convey to the enemy my determination to bring the conflict to a rapid end—as well as to show what I am prepared to do in case of violation of the agreement. I do not want you to be left, under any circumstances, with the mistaken impression that these actions

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII. No classification marking. Nixon's handwritten mark-up of Kissinger's draft letter is *ibid*. Kissinger later wrote: "I submitted a very firm draft [of this letter] to Nixon. Contrary to his habit of signing my drafts without change, Nixon toughened it nearly to the point of brutality." (*White House Years*, p. 1459)

signal a willingness or intent to continue U.S. military involvement if Hanoi meets the requirements for a settlement which I have set.

If the present lack of collaboration between us continues, and if you decide not to join us in proceeding now to a settlement, it can only result in a fundamental change in the character of our relationship. I am convinced that your refusal to join us would be an invitation to disaster—to the loss of all that we together have fought for over the past decade. It would be inexcusable above all because we will have lost a just and honorable alternative.

I have asked General Haig to obtain your answer to this absolutely final offer on my part for us to work together in seeking a settlement along the lines I have approved or to go our separate ways. Let me emphasize in conclusion that General Haig is not coming to Saigon for the purpose of negotiating with you. The time has come for us to present a united front in negotiating with our enemies, and you must decide now whether you desire to continue to work together or whether you want me to seek a settlement with the enemy which serves U.S. interests alone.

Sincerely,

Richard Nixon

190. Editorial Note

At 5:26 p.m., December 17, 1972, President Richard M. Nixon called Chairman of the Joint Chiefs of Staff Admiral Thomas H. Moorer. According to the President's Daily Diary, the President, at Camp David, talked long distance with Moorer from 5:26 to 5:27 p.m. (National Archives, Nixon Presidential Materials, White House Central Files)

After the conversation, Moorer drafted a memorandum for the record:

"The President called me at home on Sunday afternoon, 17 December, to emphasize that he considered Linebacker II as being 'the last chance for the Air Force and Navy to put forth a maximum effort against NVN.' He said he recognized there have been occasions in the past when there has been competition between the Navy and Air Force but he did not want any such thing at this time. He emphasized that 'the strikes must come off' and that he did not expect any excuses. I carefully explained to the President the weather situation and assured

him that the all-weather strikes would go off and this included the B52s. Furthermore, I said as soon as the weather gave us an opportunity we would move forward with the visual bombing. I pointed out that we were constrained in the selection of targets and tactics because of the weather, since we were, at the same time, making every effort to avoid injury to civilians—when possible.” (Memorandum for the record, December 17, CJCS M-73-72; *ibid.*, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974)

On December 18, 0015Z (7:15 p.m. Washington time), Moorer sent message 5829 to Admiral Noel A.M. Gayler, Commander in Chief, Pacific, with information copies to all senior commanders in the Pacific and Southeast Asia as well as to General John C. Meyer, Commander, Strategic Air Command. The message reads:

“I am sure you realize that Line Backer II offers last opportunity in Southeast Asia for USAF and USN to clearly demonstrate the full professionalism, skill, and cooperation so necessary to achieve the required success in the forthcoming strikes in NVN.

“You will be watched on a real-time basis at the highest levels here in Washington. We are counting on all hands to put forth a maximum, repeat maximum, effort in the conduct of this crucial operation.

“Good luck to all.” (*Ibid.*, Records of Thomas Moorer, Box 71, Linebacker II Messages, December 1972)

In his diary, Nixon commented: “I have called Moorer to be sure to stiffen his back with regard to the need to follow through on these attacks. I suppose that we may be pressing him too hard, but I fear that the Air Force and Navy may in carrying out orders have been too cautious at times in the past, and that our political objectives have not been achieved because of too much caution on the military side. We simply have to take losses if we are going to accomplish our objectives.” (*RN*, pages 734–735)

191. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, December 18, 1972, 1115Z.

300. Subject: GVN Attitudes toward Negotiations.

1. Since his October 23 meeting with Dr. Kissinger,² Thieu publicly has taken an uncompromising posture concerning certain key aspects of the draft agreement. He has voiced four principal objections to the draft:

- To the three-segment composition and role of the NCRC.
- To the lack of recognition of the DMZ.
- To North Vietnamese troops remaining in South Viet-Nam.
- Lack of reference to four Indochina countries.

Thieu's concerns were heightened by the discrepancies between the English and Vietnamese texts, especially with regard to the NCRC. Thieu believed that the Vietnamese language text indicated that Hanoi envisaged the NCRC as a governmental structure, in effect a coalition government by another name. His concerns in this respect he believed were confirmed by statements of the DRV Prime Minister and Madame Binh. The provision for establishment of committees at the province, district, and village levels heightened Thieu's apprehension that the NCRC would attempt to play a governmental role. While it has been pointed out to him frequently that the wording of the draft agreement grants no governmental function to the NCRC and that in any event the GVN can exercise a veto power over its role, Thieu has continued to voice objections to it.

2. Thieu interprets the lack of reference to the DMZ in the draft agreement as an attempt by the DRV to establish the fact that Vietnam is one country and that, therefore, their forces have a right to be in any part of it.

3. Thieu has objected to NVA troops remaining in South Viet-Nam on several grounds. First, he has contended that free elections will be impossible as long as North Vietnamese troops remain in South Viet-Nam, "how can people vote freely with Communist guns at their backs?" More recently GVN objections have shifted to the question of the juridical principle involved on the ground that NVA troops in

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 413, Backchannel Messages, From Amb. Bunker, Saigon, Sept. thru Dec. 1972. Top Secret; Sensitive; Exclusively Eyes Only.

² See Document 59.

South Viet-Nam will establish the principle that Viet-Nam is one and therefore the NVA has the right to be anywhere in Vietnam. Thieu has of late also criticized the draft as permitting two governments to exist side by side, which he has termed inadmissible (failing to mention the establishment of one government through elections). Thieu has had to back away from the position that, with its overwhelming resources, military and political, the GVN could not handle the NVA/VC troops. The figure Thieu has used of 300,000 NVA troops in South Viet-Nam is greatly exaggerated, the actual number being in the neighborhood of 200,000 (JGS figures in November agreed closely with MACV but have been gradually increased to 300,000).

4. Thieu: influences, motivations, maneuvers.

A) He has been playing for time. Thieu's preference would be to continue the fighting. He has privately expressed the view that it would be better for South Viet-Nam if the fighting continued even into 1975 in line with his frequently expressed opinion that the war would eventually fade away. The two months that he has so far gained have been important to him; although better use of the time could have been made, RVNAF has continued to inflict losses on the enemy and to regain territory.

B) Thieu believed, or initially persuaded himself, that Dr. Kissinger did not really represent the President's views—"candidate for a Nobel Peace Prize". Some harsh criticism of Dr. Kissinger was carried in the Viet-Nam press and on the radio but has been muted following our strong objections.

C) Thieu did not fully understand the American system, especially the role of Congress. He thought that in view of the President's great electoral majority he could and would continue support for the GVN.

D) He believed that the President could not withdraw support without indicating that our sacrifices of lives and money had been in vain; that withdrawal of support would diminish U.S. influence in Asia and throughout the world and would call into question the reliability of our commitments under the Nixon Doctrine.

E) Thieu may have believed that he could repeat his performance of 1968 when he defied us and got away with it.

F) Thieu probably genuinely fears his ability to command widespread support in a political confrontation with the Communists despite the GVN's overwhelming resources. This is due to his failure to give adequate attention to developing political support, especially to making overtures to the opposition. (I have been urging this on him during the five years he has been in office.) This is due in part to his distrust of politicians, in part to his suspicious nature. He has few close friends and confidantes, and plays his cards close to his chest. It is also due to the Mandarin structure of the society in which approaches must

be made to the top man, not by him. Also as a military man, Thieu has put major emphasis on military and pacification programs and has neglected the development of political support. He may also realize that his image is impaired by the pervasive corruption which has spread to all levels of the society and to which he has paid little attention other than to issue decrees which have been rarely implemented.

G) There is finally the 10 foot tall syndrome. Many Vietnamese look upon the superior motivation of the Communists as something with which they cannot contend successfully. Rakudi!³

5. Thieu's probable future course:

A) I believe Thieu will continue to play for time. He believes delaying in coming to an agreement will work in his favor and will, therefore, continue to request modifications, even on non-substantive points.

B) He will try to propose alternatives to the agreement, as in his National Assembly speech,⁴ which appear plausible, which he hopes would permit him to avoid signing the agreement, but assure continued U.S. support. He will agree to U.S. disengagement, to negotiate with the DRV and NLF on Vietnamese matters and undertake to fight on alone, but will take the position that the Nixon Doctrine obligates us to provide military and economic support.

C) There is evidence, however, that Thieu is beginning to come to grips with realities and to realize that he may have painted himself into a corner. The alternatives he proposes, such as U.S. disengagement and the proposal to settle other problems with Hanoi and the NLF, can be seen as efforts to extricate himself from this position.

In his briefing of the Cabinet and members of the Senate and Lower House after his December 12 speech, Thieu said that there were two alternatives available at present:

1) To sign the agreement as presently constituted, which would be deliberately willing death.

2) Not to sign the agreement and accept slow suffocation as a result of a cut-off of U.S. military and economic support. He indicated that the second alternative had been his choice and that he would not sign.

D) Evidence, however, is accumulating that Thieu, true to his nature, is playing one card at a time and close to his chest.

—His address to the National Assembly was a move to involve the Assembly in sharing responsibility in the decision to sign or not to sign.

³ Rakudi is the name of a head ornament worn by female performers in classical Indian dance.

⁴ Of December 12; see Document 160.

—On December 13, Thieu told Vice President Huong that he is greatly concerned about the extent of a cut in U.S. military and economic aid by Congress should he not sign the cease-fire agreement. Thieu said that even if he does not agree to sign the GVN will abide by the conditions stipulated in the cease-fire agreement. The Vice President emphasized that Thieu is definitely aware of the disastrous effect on the GVN if U.S. aid is cut. The Vice President added, however, that Thieu is of the opinion that the U.S. will not risk the consequences that will result from immediate and complete disengagement and will not wish to see South Viet-Nam fall to the Communists as a result of its action in cutting off aid.

E) Thieu is continuing to make practical—military and political—preparations throughout the country for a cease-fire. He has also been busy building up support for his position through popular demonstrations (instigated by the GVN) and through various means preparing the people for a cease-fire and a political contest, thus indicating that he may believe both are inevitable. Thieu probably has more support now than at any time since 1968, in part because many people, including much of the opposition, do not see a satisfactory alternative.

F) On the other hand, there are many influential elements who believe Thieu has been following a dangerous course, who feel that the draft agreement reflects the realities of the situation existing and likely to continue to exist in South Viet-Nam, and should be accepted. These include Prime Minister Khiem, Minister of Economy Ngoc, Tran Quoc Buu, Head of the CVT and the Farmer Worker Party, leaders of the Progressive Nationalist Movement, the RDV, and a number of Senators and Representatives. Most Vietnamese interviewed by Embassy officers in recent weeks regard eventual acceptance by the GVN as inevitable. While there is uneasiness over lack of specific provisions for withdrawal of the NVA the consensus is that it is unlikely that Hanoi would agree to a formal commitment—and even if it did it could circumvent the agreement if it desired to.

Most Vietnamese accept the fact that U.S. support is essential and there are almost no indications that any influential Vietnamese feels that Thieu should push his opposition to the point that U.S. aid might be put in question. General Truong and many of the division commanders have expressed the view that after nine months of continuous fighting the troops are tired and need a cease-fire. Some general officers have expressed the view that if Thieu's refusal to sign the agreement resulted in a cut-off of U.S. aid, the military would insist on his resignation; others have said he would not be so impractical as to do so. In fact there is danger that the troops would lose the will to fight were the war to go on without U.S. support. Tran Quoc Buu has said that the workers

and peasants of Viet-Nam want peace and there is little question that this is true of the vast majority of the population.

6. Thieu's alternatives: In view of the above developments, Thieu seems to be preparing for one of several alternatives:

A) To sign the agreement by insisting that the National Assembly share the responsibility.

B) To sign the agreement, adding a demurrer indicating that the GVN does not accept the principle that NVN troops have the right to remain in South Viet-Nam, that the NCRC has any governmental functions, or that Viet-Nam is one in the absence of agreement between the two sides.

C) To refuse to sign, but to agree to abide by the conditions stipulated in the agreement.

D) To refuse to sign, asserting that the GVN will fight on alone, but appealing for continued U.S. military and economic assistance.

E) To resign together with the Vice President permitting the President of the Senate to sign and leaving direction of the government to the Prime Minister. Thieu might plan to be a candidate in a new election.

7. My view is that Thieu will follow the course that will ensure continued U.S. support and will do whatever is necessary to secure it; in fact, I think that if it comes to a showdown, he will be forced to do so, for I do not believe that in the last analysis the armed forces will agree to a policy which would force a cut-off of aid. But I think it is essential that Thieu be made to understand clearly what our limits are. Otherwise, he will continue to procrastinate and temporize. He must be disabused of the idea that we fear that our cutting off aid would diminish our posture in the world or call into question the Nixon Doctrine; certainly the sacrifices of 50,000 lives and the expenditure of \$125 billion is more than any country, no matter how powerful, could reasonably be expected to do in aiding another nation. He must be made to understand also, once and for all, that Dr. Kissinger represents the President's views; that under our Constitution the President is responsible for the conduct of foreign policy and that Dr. Kissinger acts as the President's agent and with his full support. He must be made to understand that with the huge addition of weapons and matériels we have supplied, we consider our obligations under Vietnamization to have been fulfilled and that we have given South Viet-Nam the means to protect itself; we cannot accept the argument that with the overwhelming resources at its disposal the South Vietnamese cannot handle a relatively small number of NVA troops in South Viet-Nam or that the great preponderance of nationalists cannot compete successfully in the political contest with the NLF provided they have the will. This only the Vietnamese can supply. The many safeguards written into the agreement, such as

concurrent demobilization of forces, the withdrawal of foreign troops from Laos and Cambodia, the prohibition against their return, international supervision and guarantees, the veto and the principle of unanimity are adequate safeguards. Thieu has not explained these safeguards in either his speeches or briefings and it is therefore fair to say that there is not here a full understanding of the agreement.

8. In view of the uncompromising posture Thieu has assumed, I think he will need considerable assistance to make it possible for him to sign and still survive. Once he agrees privately with us to sign the agreement, the suggested visit of Vice President could be helpful as mentioned in Saigon 0294.⁵

9. Thieu will probably continue to play his old game of waiting until the last minute to decide which way to jump—but, as he has always done, he will opt for survival.

10. Warm regards.

⁵ See footnote 4, Document 159.

192. Message From the Chief of the U.S. Delegation to the Paris Peace Talks (Porter) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, December 18, 1972, 1200Z.

1. Appreciate clear instructions contained WHP 263.²

2. At this moment we are waiting to see what effect your press conference and bombing-mining will have on North Vietnamese here, and particularly on their willingness to hold meetings on expert level and/or those of Kleber type. I believe they are meeting to discuss their tactics with regard to experts meeting scheduled for today and additional possible public manifestations here of their displeasure.

3. As you know, Negroponte has been called back, Sullivan is leaving today, and Aldrich and Engel will depart on Thursday. We will then be relying on my team only to carry on both experts and Kleber

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII. Top Secret; Sensitive; Exclusively Eyes Only. Sent via Guay and Haig.

² Document 186.

meetings. We shall have to proceed cautiously until my group has thorough understanding of basic agreement, nine versions of protocols, and the understandings. Most of this material was quite unknown to us prior to last week, and it is intricate and voluminous. This situation requires that I remain here over the holidays instead of coming home as planned.

4. I do not yet know how often Xuan Thuy will be willing to hold experts meetings, but I doubt that it will be on daily basis. I hope to induce him to meet as frequently as possible, and if I succeed, I will have Isham attend Kleber meetings on 21st. Meeting between Christmas and New Year is usually cancelled.

5. I have not changed my opinion that Kleber meetings have been useless to us for long time and have merely provided others with forum they find very useful. They are worse than useless now, they are harmful, because they cause us to sit, unable to support our ally's views, while making ourselves targets of NVN/VC allegations. We have been over this subject before, and I have conformed to your opinion that Kleber meetings are necessary.

6. Warm regards.

193. Transcript of a Telephone Conversation Between the Chairman of the Joint Chiefs of Staff (Moorer) and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, December 18, 1972, 11:20 a.m.

1120—Secure Telecon/Outgoing—Dr. Kissinger (WH)

HAK—Tom, how are you?

CJCS—Fine.

HAK—I just wanted to check on the progress of this operation.

CJCS—It seems to be going along on schedule, Henry, but it's still night out there and the first wave has gone in and out. There were 4 MIGs—one of which has been shot down—and a large number of mis-

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Top Secret. Kissinger called to be updated on bombing of Hanoi-Haiphong area, which had just begun.

siles. We haven't gotten an exact feel for the number yet but, obviously, we do know that we achieved surprise in the sense there was not until they began to ping the aircraft with radar did they realize an attack was underway and we have now COMINT indicating they were not prepared for it.

HAK—I have had reports of losing two B52s.

CJCS—One, we think, the other one is returning to the base. We do have one down there but there were 48 total.

HAK—You expected to lose two or three.

CJCS—Sure, that is not surprising. That is the hardest missile center in the world. I guess most of the missiles came from immediately around Hanoi. That is where our concentrated effort was so I think that, of course, I don't like to lose any planes, but one out of 48 amounts to another plane was hit and was taken back to their base and is all right now.

HAK—You're going to keep it up for a few more hours?

CJCS—The B52s will go in two more waves about noon and 1728 this afternoon which is 30 minutes before daylight out there and, in between, we have A6s and F111s and as soon as daylight occurs then the other planes will start in. If visibility permits, yes, right around the clock.

HAK—How does the visibility look?

CJCS—Not bad as information was forecasted yesterday morning. There is some break in it and it is entirely satisfactory for the B52 operations which are going on now and we'll just have to wait.

HAK—That is the local commanders decision there and they will go with smart bombs in Hanoi if the weather is good?

CJCS—First opportunity, of course, I talked to Vogt several times if that is not possible because of the weather then we'll use LORAN and bomb other places on the list and we are busily making up additional lists now.

HAK—When you get those short things over with we'll start beating up the communications again?

CJCS—Absolutely. I just got to Laird and were starting in on augmenting the Minefields. We have already mined the Channel and are now going to start augmenting the area surrounding the Entrance to Haiphong. My instructions are to do this on a "not to interfere" basis with the land action. There will be occasions when the weather is entirely suitable for mining when it is not suitable for attacking ground targets.

HAK—We'll leave that entirely up to you. *When you get ready to hit*

*the Buffer Zone let us know and we'll be ready to let you do it to within 5 miles of the Border.*² But make a special effort to be accurate.

CJCS—We'll do that and we will have to watch the weather for that one. We are going to really lay it on them. I'll be in touch, Henry, any time you need any information I'll be ready.

HAK—The President tells me he talked to you yesterday?

CJCS—He told me he wanted to be “damn certain everybody understood this is for keeps.” I passed it on by telephone and message to all concerned.

HAK—Thank you, good.

² Kissinger was referring to the border with China.

194. Message From Richard T. Kennedy of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Haig)¹

Washington, December 18, 1972.

Tohaig 12. 1. Second wave of strikes has been completed. One B–52 was hit and aircraft went down over Thailand. All crew members were recovered. An F–111 is reported missing from the first wave and is believed to have gone down over the water.

2. Secretary Laird has asked whether it wouldn't be better to limit the strikes against these targets for a two-day rather than a three-day period. He would like to return to the targets that were being hit prior to the bombing halt. He is probably concerned about aircraft losses but also wants to give field commanders more flexibility for hitting targets in bad weather situations. As you know, they have already been told to expand the target list. There will probably be some discussion on the two- or three-day issue after we are able to assess the effectiveness of today's strikes and our losses. I will keep you informed of thinking here.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig/Haigto & Misc., December 17–22, 1972 [3 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The original is the copy approved for transmission. The message was sent by wire to Haig, who was in flight to Saigon at the time.

3. Re your Haigto 02,² I called Alexis Johnson who agreed completely. Nothing will be done until we hear from you.

Warm regards.

² Not found.

195. Summary of Conclusions of a Washington Special Actions Group Meeting¹

Washington, December 18, 1972, 4:13–5 p.m.

SUBJECT

Vietnam

PARTICIPANTS

Chairman: Henry A. Kissinger

State:

U. Alexis Johnson

Marshall Green

Defense:

Kenneth Rush

R/Adm. Daniel J. Murphy

G. Warren Nutter

JCS:

Adm. Thomas H. Moorer

V/Adm. John P. Weinell

CIA:

Richard Helms

George Carver

William Newton

NSC Staff:

Richard T. Kennedy

John H. Holdridge

James T. Hackett

SUMMARY OF CONCLUSIONS

It was agreed that:

—The Department of State will brief the British, Canadians, Japanese, Australians and New Zealanders on developments in Vietnam. General Haig will brief the Koreans, Ambassador Galbraith will inform the Indonesians and Ambassador Bush will see the UN Secretary General.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-117, Washington Special Actions Group, WSAG Minutes (Originals) 7-27-72 to 9-20-73. Top Secret; Sensitive. The meeting took place in the White House Situation Room. The minutes are attached.

—Questions about the possibility of our proceeding on an agreement without Thieu are to be answered with the comment that Thieu has been moving toward us and we are confident that he will cooperate.

196. Message From Richard T. Kennedy of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Haig)¹

Washington, December 19, 1972, 0002Z.

Tohaig 14. 1. Third wave of strikes has been completed and targets included Hanoi radio. After the strikes a shift was noted to an alternate frequency with a garbled and weak transmission from a different voice. One B-52 was lost during this wave and crashed in the Hanoi area. It was downed by either a MIG or SAM. There will be some Tac Air strikes during the daylight period today but it has not been determined whether these will be LORAN guided or visual. They still have eye on boats and will hit at first opportunity.

2. Present intention is to proceed with full three-day plan. Target list will be expanded somewhat to give greater flexibility in better weather but HAK has emphasized that heavy pressure must be maintained on Hanoi/Haiphong complex.

3. At the WSAG today it was agreed that Alex Johnson would brief the Japanese, British, French, and Australians tomorrow on the status of negotiations. You should know that the full text of the message given to the North Vietnamese today² has been provided to the two customers.

4. Tomorrow Green and Sullivan will brief the Canadians and Indonesians on status of the negotiations on the ICCS.

5. Senate Democrats are already making expected statements. They are, however, calling for us to go back to the October 26 agreement and Thieu should understand this.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig/Haigto & Misc., December 17–22, 1972 [3 of 3]. Top Secret; Flash; Sensitive; Exclusively Eyes Only. The original is the copy approved for transmission.

² See Document 185.

6. HAK has indicated his desire that your plane come directly to Key Biscayne on your return. Present planning is that both he and the President will be there.

197. Memorandum of Conversation¹

Saigon, December 19, 1972.

PARTICIPANTS

Ambassador Ellsworth Bunker
Major General Alexander M. Haig, Jr.
President Nguyen Van Thieu
Press Secretary Nha

General Haig noted that the President had asked him to travel again to Saigon to explain to President Thieu the current situation in Paris and future U.S. intentions. General Haig pointed out that President Nixon had worked intensely on the Vietnam situation ever since General Haig returned to the United States from Paris on Saturday, December 9th.

President Nixon had, just prior to General Haig's departure for Saigon on Sunday night, dictated a personal letter to President Thieu. Only General Haig, Dr. Kissinger and the President were aware of the contents of this letter and no copies would be distributed in the U.S. bureaucracy. President Thieu should understand that President Nixon had written this letter only after the most careful and painful reappraisal of the situation in Southeast Asia, the current state of negotiations and especially President Thieu's attitude with respect to them. The President is confident that President Thieu will treat this letter with the greatest secrecy.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII, Haig-Thieu mtgs. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at the Presidential Palace. In message WHS 2274, December 15, Haig told Bunker that the purpose of his impending trip to Southeast Asia would be to explain current American actions to allies in South Vietnam, Cambodia, Laos, and Thailand. Specifically: "My objectives in discussions will be to provide a first-hand description of our current negotiating strategy, to indicate the President's displeasure with Thieu's inflexibility and to again underline our unequivocal determination to proceed with an agreement along the lines of the October 26 draft if Hanoi's current delaying tactics come to an end." (Ibid., Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXII (2))

General Haig handed President Nixon's letter to President Thieu which President Thieu read very carefully, obviously somewhat shaken by its contents.² General Haig stated that President Thieu had been meticulously briefed each evening in Paris as to the outcome of each day's meetings between the U.S. and the North Vietnamese. On several occasions during the negotiating sessions, it appeared as though a final settlement would be arrived at. At times, there were only two or three outstanding issues remaining. President Thieu would recall that on Saturday, December 9, his Ambassadors were informed that only one issue remained to be resolved before the agreement was concluded. However, at the subsequent meetings, on Monday, Tuesday and Wednesday, Le Duc Tho recalled many of the North Vietnamese concessions, going beyond even the provisions of the original draft agreement which had been tentatively reached in October. At the outset of the second Paris round, in the latter part of November, it appeared as though Hanoi was still genuinely interested in arriving at a settlement but during a meeting held on the U.S. Thanksgiving Day, November 23rd, Le Duc Tho received a message from Hanoi which caused him to visibly blanch and call for a recess.

Following that session, Le Duc Tho's negotiating tactics shifted dramatically from what had been a conscious effort to arrive at a settlement to what was an equally conscious effort to delay, procrastinate and frustrate the arrival at an agreement. The North Vietnamese tactic was a careful blend of cordiality sufficient to prevent a breakoff of talks, combined with a hard-nosed intransigence which never permitted the final accord to be achieved. In the final days, the North Vietnamese settled most of the remaining issues in the agreement itself but then attempted to reopen major issues of principle in the associated understandings. When the understandings themselves were largely ironed out, the pattern then turned to reopening substantive matters of principle in the related Protocols. We now had to ask ourselves what Hanoi's intentions were and what strategy they were pursuing. There seemed little question that Hanoi now believed time was on its side. It may be that Hanoi still wishes to consummate the agreement but to defer doing so in order to improve their position. It was the U.S. view that Hanoi has been encouraged by the growing drift between Washington and Saigon. It is obvious that they may have concluded that the longer they delay the wider the gap will become and the greater the possibility that time will accomplish for them what they have been unable to achieve on the battlefield or at the negotiating table. However,

² Document 189. Haig later wrote: "Thieu was shaken by what he read when I gave him Nixon's letter. . . . I am not speaking figuratively; a shudder ran through his body." (*Inner Circles*, p. 309)

there are other factors that may be influencing their conduct. It is obvious that they must be keenly aware of the euphoria that followed the announcement that peace was near. They, therefore, may believe that President Nixon is unable to diverge from the path towards peace.

Thirdly, they have been under no military pressure north of the 20th parallel and they might well believe the Christmas season, the peace euphoria and the upcoming Presidential inauguration all converged to deter President Nixon from taking the positive military steps which their intransigence at the negotiating table has more than justified.

A fourth factor might be their realization that all the preceding factors will contribute to great frustration in the U.S. Congress which is due to reconvene on January 3rd. This frustration will result in renewed efforts to pass disabling resolutions designed to terminate U.S. participation in the war and support for the Government of South Vietnam and especially the Thieu Regime.

On the other hand, it could be that Hanoi was merely undecided or that the advantages gained by President Thieu's own delays had contributed to uncertainty in the Politburo as to their ability to manage a ceasefire under the provisions now contained in the draft agreement. It is the general impression in Washington, however, that President Thieu had been the main cause for the turn in Hanoi's attitude. President Thieu should be conscious of the fact that while this is the U.S. official judgment, Dr. Kissinger had carefully avoided placing the onus on President Thieu for the current stalemate in his briefing to the American press and the American people the previous Saturday.³ Dr. Kissinger had gone to great lengths to develop a sophisticated exposition which placed on Hanoi's doorstep full responsibility for the current stalemate. He had done so in the most sophisticated and credible way so as to avoid a buildup of resentment against President Thieu in the American body politic. Despite these efforts, however, this resentment was inevitable if the talks were to break down.

As a result of Dr. Kissinger's briefing, the disappointment in the U.S. had been considerable and was growing with each passing hour. Despite what is an apparent judgment in Hanoi that President Nixon would be unable to resume pressures against North Vietnam, the President had again made the courageous decision to renew the air war at a scale heretofore never contemplated. On Saturday last, the U.S. had reseeded all of the large magnetic mines in the Haiphong channel. Concurrently, manned reconnaissance over the entire length and breadth of North Korea [*North Vietnam*] had been reestablished. This morning, the

³ See Document 182.

U.S. launched a series of air raids against targets in the Hanoi-Haiphong area utilizing over 120 B-52 aircraft, together with F-111 and A-6 all-weather fighter bombers—strikes which would continue throughout the day. The target list was expanded to include targets which had heretofore been forbidden to the military. President Nixon was determined to continue these strikes at this maximum intensity for a three-day period, after which a more normal but intense pace would be maintained. This action, on the part of the President, would be strongly resented by many in the U.S. and especially those in the Congress who had long opposed the bombing of North Vietnam. It was designed to again convey to Hanoi that they could not trifle with President Nixon. More importantly, however, the action which was now underway would underline to Hanoi the determination of the President to enforce the provisions of any political settlement that might be arrived at. President Thieu also should draw appropriate conclusions from the President's actions. There is little doubt that these actions would prove to be another severe political liability in the United States. Again, however, the President was willing to stake domestic tranquility against the proper and correct action. At the same time, President Thieu must not misread the implications of this decisive U.S. decision.

The President was now more determined than ever to proceed with an agreement if Hanoi again demonstrated the reasonableness which it had shown in October. Were President Thieu to view the current state of affairs from any other perspective it would be a grave mistake. Thus, as President Nixon's letter confirmed, President Thieu should take no comfort from the present turn of events. There will be even greater domestic pressure upon President Nixon because of the military escalation. When combined with the letdown which had already occurred due to the peace stalemate, it was likely that a hue and cry would develop for an early settlement at any cost, including the termination of support to President Thieu. The President's position will continue to be that he will settle for an agreement which is correct and manageable. This draft is totally consistent with the U.S.-GVN joint proposals of October 1970 and January and May of 1972 which were fully endorsed by President Thieu. The President, under no circumstances, will accept a veto from Saigon on his actions. Thus, President Thieu should be fully aware that Hanoi might well in the immediate future return to the negotiating table prepared to settle. President Thieu cannot lose sight of this fact. Hanoi is aware of our requirements. Should it wish to settle, it can be done very quickly.

The issues that remain are few and manageable. During the last two rounds in Paris and despite certain equivocations during the last three days, the following achievements have been arrived at: The DRV has agreed to the deletion of the phrase "administrative structure"

which removes any remaining ambiguity about the fact that the National Council is not a government. This is precisely in accord with the position taken by Mr. Duc during his visit to Washington.

Furthermore, it should be noted that Dr. Kissinger fought doggedly for each and every change recommended by President Thieu and his government. While all of these were not accepted, they were not presented in pro-forma fashion. In some instances, matters of principle were haggled over for two and three days at a time.

A second accomplishment was an initial agreement by Hanoi to accept a sentence obligating both North and South Vietnam to respect the DMZ. We achieved greatly strengthened provisions on Laos and Cambodia, including a specific obligation to respect the Geneva Accords. We managed to have reference to three Indochinese countries deleted from the text of the agreement in conformance with GVN objections. While we were unable to have a reference made to four Indochinese countries, the elimination of any numbers certainly enabled President Thieu to maintain that four countries did, in fact, exist. We obtained Hanoi's agreement to compress the time between the cease-fires in South Vietnam and those in Laos from 30 days to 20 days and we were going to continue to press for further compression to ten days. We had obtained an approved military replacement provision which gives a greater assurance that we can continue to provide all the military aid needed by Saigon under the ceasefire conditions. There were also numerous other changes made to improve the tone and precision of the document.

With respect to the signature itself, Hanoi had agreed and later withdrawn a proposal through which there would be three documents. One containing the preamble listing all four parties would be signed by the U.S. and the DRV. A second containing only the agreement itself, less the preamble which contained no reference to the PRG, would be signed by the GVN. A similar document without the preamble would be signed by the so-called PRG. Thus, the three documents when merged would constitute the instrument.

General Haig asked President Thieu to comment specifically as to whether or not such a signing procedure would be acceptable since, in effect, it meant that President Thieu would not be affixing a GVN signature to a document which specifically recognized the PRG as a Government. Furthermore, if such a solution were acceptable to President Thieu, the U.S. for its part would insist on a footnote which specifically makes the point that the U.S. signature did not constitute recognition of the PRG. The U.S. side believes that if all of these changes were to survive a suitable agreement would result, and it is President Nixon's intention to proceed with it or to seek another alternative which could only be at the expense of GVN interests.

Furthermore, President Thieu should be very much aware that in addition to the improvements in the text of the agreement itself, the 60 days delay has enabled us to provide President Thieu with over \$1 billion of additional equipment. The delay has disrupted enemy military plans geared to a late October agreement and ceasefire. President Thieu has been able to demonstrate before his own countrymen and world opinion at large that he is anything but a puppet of the U.S. We have also insured that at least some of the international control machinery will be in place at the time of the ceasefire.

And, finally, President Thieu has managed to unify support in his own country to a degree heretofore unmatched. For all these reasons, President Nixon is convinced that President Thieu and his government can no longer objectively oppose a settlement which offers a reasonable chance to the people of South Vietnam to avoid the disastrous consequences of a communist imposed regime. In President Nixon's view, and that of Dr. Kissinger and General Haig as well, it is difficult to understand why President Thieu persists in describing the political formula in the agreement as the imposition of a disguised coalition government. The facts are clear and incontrovertible. On the political side, the communists have dropped their long and insistent demands for a coalition government and President Thieu's resignation. As President Thieu has long insisted, the political future is left to him to negotiate with the other side, with all of the assets of his governmental structure, his Army, police and other branches kept intact. The only political provisions are for a National Council which President Thieu has unfairly and incorrectly portrayed as a forerunner of a coalition government. Were he to continue to do so, he would psychologically endow what is no more than an Advisory Committee with the very governmental functions that its authors had eliminated from its character. Even Hanoi's negotiators had conceded explicitly and repeatedly that the Committee lacked any governmental power. It is clear that the Council is little more than a dressed up electoral commission along the lines of the U.S.-GVN January 1972 proposal. President Thieu would control at least one-half the membership and the Committee will operate on the principle of unanimity. Its only tasks were to supervise an election whose nature and timing are left to the South Vietnamese parties to decide. It was also to help promote implementation of the agreement. Thus, to claim a simple Advisory Body was endowed with governmental powers was self-defeating in the extreme. On the other hand, President Nixon, Dr. Kissinger and General Haig understood completely President Thieu's concerns on the military side, especially those generated by the continuing presence of North Vietnamese troops in South Vietnam. Certainly, President Nixon, who has been in the forefront of anti-communist battles throughout his political career was not naive about this issue.

The reasons why Hanoi wanted to maintain its troops in the south were clear. A case could be made that the political concessions that Hanoi made also make it imperative that they maintain forces in the south to be sure that the NLF, the VC or the PRG, whatever nomenclature was given to the communist indigenous elements, would not be totally destroyed by the GVN. Beyond that, however, it is evident that the North Vietnamese forces had to provide the strength to expand communist control because indigenous guerrillas had no hope of doing so. It was evident in 1968 that they lacked the power but, more importantly, this past spring they failed totally in carrying out their end of Hanoi's strategy to overcome the GVN.

President Thieu should think carefully about this current situation. In the early 1960s, President Diem with far less political and actual power than President Thieu was able to contain guerrilla warfare by indigenous forces and, in fact, was winning the struggle against subversion. For this very reason, Hanoi opted to reenforce indigenous guerrillas in the south and ultimately to undertake a mix of conventional and guerrilla activity. Now the situation was reversed. President Thieu, with U.S. help, had been able to defeat large scale North Vietnamese reinforcement of a greatly weakened South Vietnamese communist infrastructure. The very fact of this defeat had resulted in a conscious decision by Hanoi to negotiate and to again return to guerrilla warfare. President Thieu, with his Army, police and security forces would be more than a match for the enemy in this kind of a struggle. In fact, President Thieu should welcome this shift in Hanoi's strategy as a major victory which indeed it is.

Recent events in MR1 confirm that the conventional battle against a heavily equipped North Vietnamese invading force was far more risky than the kinds of battles that have been so successfully waged in the Delta. Thus, it was Hanoi's failure that has caused it to shift to a less effective combat strategy and, if anything, progress made in South Vietnam since 1965 and especially under the Vietnamization Program which commenced in 1969 should absolutely guarantee President Thieu's success if he has the will and wisdom to recognize his current advantage.

President Thieu nodded and agreed that he felt confident the GVN could indeed easily stamp out a guerrilla insurgency. General Haig continued that what was important for President Thieu to remember is that President Nixon was not naive about Hanoi's intentions. There were, however, considerations which President Thieu must understand if the U.S. and Saigon were to prevail. The facts are simple. For the past four years, General Haig, Dr. Kissinger and President Nixon have been the principal personalities in the U.S. Government who have worked against a majority consensus to discontinue the struggle and

terminate support for President Thieu. As early as October 1970, President Nixon was uniformly counseled by his Cabinet and his Congressional Leadership to cut U.S. losses in Southeast Asia and to withdraw from the conflict. Despite this counsel, President Nixon rallied the American people to continue the struggle and justify the sacrifices of the then 49,000 American dead.

Since that time, President Nixon has moved against this consensus in his government and his Congress to react vigorously at the time of Cambodia in May of 1970, in Laos in the spring of 1971 and, finally, to react even more violently despite his upcoming election when he mined and bombed North Vietnam in the wake of Hanoi's massive invasion in March of 1972. President Nixon had been able to execute these acts by staying just one step ahead of his domestic opponents throughout the past year. This last October, at a time when the American people were greatly distressed at President Thieu's handling of his Presidential elections, General Haig and President Thieu worked out a strategy in Saigon which enabled President Nixon to overcome an inevitable cutoff of support to President Thieu. General Haig and President Thieu worked out a strategy which culminated in the revelations of January of this year during which the secret negotiations with Hanoi were revealed by Dr. Kissinger and a new forthcoming political proposal was tabled. This strategy defused U.S. critics and enabled President Nixon to continue to support the war through this past spring and beyond the decisions of May 8th. It was evident to President Nixon as early as last spring that somehow a new basis would have to be found to enable him to continue with the conflict. The old rationale and logic was no longer adequate for continued U.S. sacrifice and support.

Thus, President Nixon instructed Dr. Kissinger, in July of 1972, to work intensively in an effort to achieve an agreement with Hanoi. And by October of this year, when the full results of the decisions of May 8 began to be felt in North Vietnam, Hanoi finally offered a workable proposal. President Nixon now firmly believes that this proposal which meets our minimum requirements of October 1970 and January and May of 1972 cannot be rejected. Frankly, President Nixon could not understand how President Thieu could be insisting on guarantees which exceeded the joint U.S.–GVN proposals of two years earlier now that a settlement was within grasp.

Nevertheless, the simple facts are these. Unless the U.S. finds an entirely new basis to justify the sacrifices that the American people have been asked to bear, there is no hope that the American Congress will be willing to continue to do so. Thus, it is not because we are naive and expect that peace will automatically follow the agreement; rather precisely the opposite motivations underlie President Nixon's desire to have President Thieu's concurrence in the proposal. It is the President's

view and one shared by Dr. Kissinger and General Haig that if we have an agreement, then those elements in the U.S. who have long supported the war effort and President Thieu will be able to claim, with obvious justification, that they have been right all along and that continued support for Thieu has finally brought Hanoi to the peace table. With this agreement, the anti-communist elements in America will have a sense of pride in what has been done up until now and, more importantly, the American people can rally behind an agreement which has been achieved through the President's persistence in doing the correct thing. With this renewed sense of pride, the American people will be willing to make whatever sacrifices are necessary to insure that the agreement succeeds. Thus, continued support, economic and military, for South Vietnam will be assured. But even more importantly, should Hanoi violate the agreement, then the legal, psychological and patriotic basis will exist for prompt and brutal U.S. retaliation. Without this kind of modified platform, President Nixon cannot hope to retain Congressional support in the U.S. In recent weeks, the elements in the American Congress who have traditionally supported President Thieu have turned against him. Such leading Hawks as Barry Goldwater, Senator Stennis and Representative Hebert have told President Nixon that they will lead the fight to cut off support to President Thieu should you surface as the sole obstacle to peace.

The facts are indeed simple. President Thieu cannot rationally deprive President Nixon of the platform he must have to continue to support President Thieu. Were he to do so, the outcome would be inevitable and prompt a total cutoff of U.S. support. This is not the desire of President Nixon and is not presented to President Thieu as a threat but merely a recitation of simple objective reality. Careful analysis of the current agreement confirms the following. Contrary to President Thieu's allegations, there is no language in the draft agreement which authorizes the continued presence of North Vietnamese troops in the south. On the other hand, we do not believe that it is essential that there be a specific prohibition, given the other interlocking aspects of the agreement which affect the troop issue. The fact that infiltration of men and material is specifically prohibited, that North Vietnamese troops must withdraw from Laos and Cambodia and that the DMZ must be respected all demand that the agreement be specifically violated if Hanoi is to maintain a viable North Vietnamese force in the south. More importantly, however, President Thieu, within the provisions of the agreement, has been armed with adequate leverage to force Hanoi and PRG compliance with the demobilization provisions. For example, President Thieu retains between 30,000 and 40,000 political prisoners, an asset of major concern to Hanoi. These prisoners can be released as a direct condition of confirmed demobilization.

Of equal importance is President Thieu's ability to govern in the political process in direct proportion to Hanoi's willingness to demobilize or displace its forces in the south. This should be carefully considered by President Thieu. Certainly, over the past eight weeks, he has clearly enunciated the principle that Hanoi has no right to be in the south. Furthermore, President Nixon has committed himself to support this same principle, in a speech after the settlement or in a statement following a meeting with President Thieu in the wake of an agreement.

Thus, the principle is clearly established in the eyes of the world. President Thieu has the leverage to insist on its implementation and there are interlocking provisions within the agreement itself to make the principle binding. President Thieu has also been repeatedly assured by President Nixon that should Hanoi fail to demobilize or relocate its troops, this will provide a firm basis to delay on any political provisions, including the creation of the committee or ultimately the initiation of national elections.

President Nixon has also stated that he will support President Thieu should this situation develop. Thus, President Thieu himself is the deciding and governing factor and has all the assets to insure the ultimate withdrawal or neutralization of North Vietnamese forces. More importantly, it is clear that if Hanoi opts to maintain these forces in the south and is unwilling to risk a violation against which the U.S. will retaliate, these forces must be attrited. Finally, it is inconceivable that Hanoi will be able to maintain indefinitely forces in the south which cannot be replenished or rotated and which have no hope for ultimate return to their homeland. How can the morale, let alone the fighting spirit of such an expeditionary force be sustained? President Thieu agreed that he could more than manage a North Vietnamese expeditionary force under these conditions.

General Haig concluded by again emphasizing the absolute essentiality of changing the fundamental character of the conflict in such a way that a whole new basis can be found for U.S. support. It is President Nixon's considered judgement that this basis is provided for through the draft agreement which includes the minimum demands listed earlier in the discussion.

President Thieu then asked General Haig to tell him exactly where the draft agreement now rested. General Haig proceeded to go through the draft agreement as of December 12, explaining the following:

—The language of the revised preamble, reviewing the proposed three-document-signature-alternative.

—Revised language of Chapter I on which the U.S. seeks to return to the November 23rd version.

—The controversy over the term "destroyed" in Article 7 of Chapter II.

—The DRV effort to telescope three months to two months in Article 8(c) of Chapter III.

—The language controversy in Article 12(b) of Chapter IV.

—The DRV attempt to delete “as soon as possible” in the last sentence of Article 3.

—The DRV modification to Chapter V on the DMZ.

—The DRV proposal to modify Article 20(a) of Chapter VII.

General Haig then recapitulated the existing divergencies between the U.S. and DRV as of General Haig’s departure from Washington. These included:

—Controversy over the DMZ (Article 15).

—Procedures for signature of the agreement.

—The controversy over the translation of “promote” in Article 12(b), and the DRV insistence on linking the Protocols in the agreement to Article 12(b).

—DRV wish to change three months to two months in Article 8(c).

—DRV effort to remove Indonesia from the ICCS.

General Haig then reviewed the questions raised by the DRV on December 13th in which the DRV opened several additional issues in the guise of an experts’ meeting that took place prior to the negotiating session. These included:

—The change in the preamble to show that the U.S. and DRV act with the concurrence of rather than in concert with their allies.

—Deletion of the title of the Republic of Vietnam throughout the text, except in one article.

—In Article 7, deletion of the word “destroyed.”

—In Article 20(a), a change in language which would have the effect of highlighting the parties’ specific obligations under the 1954 and 1962 Accords.

—Efforts to provide for in the understandings the withdrawal of all U.S. civilians and the release within 60 days of civilian detainees held by the GVN.

General Haig then explained in detail the differences between the U.S. and DRV on the ICCS and two and four-party Protocols.

President Thieu stated that he understood General Haig’s concerns and pointed out that General Haig had to understand that President Thieu had the responsibility for the security of the people of South Vietnam, and, therefore, had an obligation to improve the agreement to the degree possible. He then asked if General Haig [*Hanoi*] would be willing to accept it. General Haig stated that no one could be sure but that most of the minimum provisions that General Haig had just outlined had at one time or another been accepted by Hanoi and, therefore,

if Hanoi decided to settle, it would most likely be willing to settle on these terms. President Thieu then asked whether Hanoi would actually accept withdrawal from Laos and Cambodia. General Haig pointed out that the specific language of the agreement explicitly required the total withdrawal of North Vietnamese forces from both Cambodia and Laos. The time sequence, however, was still not firmly settled. In Laos we had been assured of a ceasefire within 20 days compressed from the original 30 days. The U.S. would continue to try to compress this further to ten days and following the ceasefire Hanoi was obligated to withdraw its forces. In the discussions between the Pathet Lao and the Royal Laotian Government discussions were directed toward withdrawal of all foreign forces within sixty days of the ceasefire. General Haig noted that he would be speaking with Prime Minister Souvanna the following day and would urge him to compress this time even further. More importantly, he would urge Souvanna to not accept any political provisions or to not withdraw allied foreign forces until the North Vietnamese withdrawals were underway.

In the case of Cambodia, withdrawal provisions are less finite. Hanoi has stated that it cannot dictate to the parties there since other factors are involved. On the other hand, it has given the United States firm assurances that with the ceasefire in South Vietnam there is no need for the conflict to continue in Cambodia. The U.S. in turn has put Hanoi on notice that any change in the military balance in Cambodia following the ceasefire in South Vietnam would be interpreted as an abrogation of the overall agreement. This understanding will be appended to the basic agreement. Furthermore, the United States has warned Hanoi that all U.S. air assets in Southeast Asia can be concentrated in Laos and Cambodia if the fighting does not terminate there. Finally, the U.S. would press for a cessation of offensive operations in Cambodia within 48 hours of a ceasefire in South Vietnam. President Thieu then asked if Hanoi agreed to withdraw its troops from Cambodia and Laos to North Vietnam. General Haig stated that the discussions were explicit and that the provisions of the agreement prevented the movement of troops in these two countries into South Vietnam. President Thieu then asked what kind of international supervision would exist in Laos and Cambodia. General Haig stated that we now visualize reestablishing the ICC as established in the earlier Accords and President Thieu noted that the ICC had been ineffective before and wondered how it could be effective now. General Haig stated that the U.S. was not naive about this issue and therefore we would retain a unilateral U.S. surveillance reconnaissance capability which would permit up to 40 flights a day to ensure that the North Vietnamese were being withdrawn and that violations were not occurring. Only in this way could proper supervision be ensured. Experience had certainly shown

that no international body could prevent violations if the intent to do so existed.

President Thieu asked General Haig to explain again how we could get the North Vietnamese troops withdrawn from South Vietnam if the agreement lacked specific provision for their withdrawal. General Haig stated that the interlocking provisions of the agreement which were explicit about infiltration, the use of Laos and Cambodia territory and base areas, and the demobilization principle were the clear vehicle. Furthermore, as General Haig outlined earlier all the leverage was on Thieu's side both in terms of the political prisoners held by President Thieu and his control on the governor on the political provisions wanted so badly by the Viet Cong. President Thieu asked how shipment of matériels from North Vietnam to South Vietnam would be controlled. General Haig stated that here again a unilateral U.S. capability to surveil the infiltration routes would be retained. Additionally, we would hope that the ICCS and the two and four party mechanism would offer additional assurances. President Thieu stated that it was very clear to him that there would be no peace as a result of the agreement but more importantly that while the United States' intention to retaliate might be clear, Hanoi would never risk actions which could provoke U.S. retaliation. The period after the ceasefire would be very quiet during which the enemy would not use fire arms. They instead would spread out their troops, join the VC and use murder and kidnapping with knives and bayonets. Then after U.S. troops had been withdrawn they would again take up their weapons and resort to guerrilla warfare. This would inevitably occur if President Thieu did not meet their political demands but always at a level which would not justify U.S. retaliation. General Haig stated that this was probably true but that as he had pointed out earlier, President Thieu, the ARVN, the police and RF and PF could more than cope with these tactics just as they had successfully for the past four years. President Thieu agreed that he and his forces could manage such a situation very well.

President Thieu then asked General Haig how the United States visualizes it would get its prisoners back. General Haig stated again that the obligation was specific in the agreement, that all the U.S. prisoners including those in Laos and those held by the VC in South Vietnam would be released within sixty days and this was a specific obligation of the DRV. During the recent Paris talks Hanoi had attempted to link the release of American prisoners with the release of political prisoners held by the GVN. This was in fact the subject of one of the remaining contested issues. However, the earlier agreed language of Article VIII made it clear that the release of all U.S. prisoners and the accounting of all U.S. missing in action had to be completed within sixty days regardless of the issue of VC prisoners or North Vietnamese

prisoners held in the South. President Thieu then asked whether or not demobilized North Vietnamese troops would be sent back to their homes. Mr. Nha added his own question, i.e., what would be the U.S. attitude towards this tactic. General Haig stated that Hanoi had maintained that North Vietnamese troops in the South were actually not theirs but rather South Vietnamese nationals who volunteered while living in the North or the sons of such volunteers. General Haig stated that this was patently untrue but at the same time the very fact that Hanoi denied that it had any troops in South Vietnam served to preserve the principle that they had no right to be there.

President Thieu stated that in his view, guerrilla warfare will last for many years and that this agreement would not settle the problem. Nevertheless, this would be an acceptable risk. It took twelve years in Malaysia to stamp out guerrilla warfare with a troop ratio of ten to one. He noted that it was obvious to everyone that the warfare would continue. The GVN's difficulty involved signing an agreement that recognizes that Hanoi has a right to be in South Vietnam. As the President of South Vietnam, it is perfectly clear that everything must be done to insure continued U.S. support to permit South Vietnam to survive. It is important that the President do everything possible to get as many favorable changes as can be achieved in the draft agreement. It now appears that South Vietnam has two choices:

—First, to sign the agreement and thereby receive continuing U.S. support but with the full knowledge that the war will not end and guerrilla conflict will continue.

—The second alternative is not to sign the agreement and thereby to lose U.S. support.

The alternatives are very clear.

President Thieu then asked General Haig what the United States would do if Hanoi would not accept the changes which the United States negotiator had demanded. General Haig replied that it would then be obvious that Hanoi had saved us from our current dilemma. Although the tasks would be difficult, we would have to take the position that Hanoi was insisting on a disguised surrender and, therefore, the conflict would have to continue in its present form until there was a change in Hanoi's attitude.

On the other hand, if Hanoi were to return to a more reasonable posture and accepted the changes proposed by the United States, the lines would be clearly drawn and it would be next to impossible not to have President Thieu surface as the sole obstacle to peace, with all of the serious implications which would result.

President Thieu asked whether or not the United States and Hanoi negotiators had discussed the Protocols associated with the agreement. General Haig stated that as President Thieu was aware, the U.S. side

had tabled several Protocols, including the ICCS Protocol, early in the negotiations. Hanoi had not commented but then in early December, during the last days of the last round, they cabled a counter draft which sought to totally emasculate the effectiveness of the international body, while placing great emphasis on the two-party machinery. This was an obvious effort to extend VC influence and presence throughout the GVN controlled area. The U.S. had no intention of accepting Hanoi's approach and would continue to insist on the effective international control body. Hanoi had also tabled several other Protocols involving procedures for the removal of the U.S. mines which were not especially troublesome and an additional Protocol covering the modalities of the withdrawal of U.S. forces. This Protocol again reopened the issue of the residual U.S. civilian presence and was, therefore, also unsatisfactory. During the meeting of the technical experts over the past few days, very little progress had been made with respect to the Protocols, with Xuan Thuy maintaining the position that the agreement itself would have to be ironed out before finite work could be done on the Protocols.

President Thieu then asked General Haig if Hanoi had agreed to the 11 December draft which had been provided to his Ambassadors in Paris. General Haig reviewed again the status of the negotiations as of 12 December. When this review had been completed, President Thieu stated that given the realities of the situation, what he was being asked to sign was not a treaty for peace but a treaty for continued U.S. support. There would be no peace but North Vietnam would not be able to take over South Vietnam, even with the agreement. However, Hanoi will have the capability to wage war for a long time. Under the provisions of the treaty, Hanoi will never take an action which would provoke a U.S. response. Nevertheless, the agreement will not provide a lasting ceasefire. If Hanoi were to abide by the prohibitions against infiltration, it would be tantamount to suicide for Hanoi.

Certainly, as the President of Vietnam his first thoughts have to be for all of the people of South Vietnam and not just his own future or survival.

President Thieu stated that it was very clear to him that President Nixon had no desire to take action against him. On the other hand, the draft agreement affects the whole South Vietnamese nation and had to be considered in that context. President Thieu asked General Haig when he would return to the U.S. General Haig stated that he had planned to return by Thursday⁴ night at the President's direction, noting that he would travel to Phnom Penh that afternoon, return to Saigon that evening and depart for Vientiane around noon, with the

⁴ December 21.

view towards arriving in Bangkok on Wednesday night for a meeting Thursday morning with Prime Minister Thanom and a departure from Bangkok Thursday afternoon.

General Haig again reiterated the sensitive nature of President Nixon's letter to President Thieu, noting that if the fact of the letter or its contents became public that President Nixon could only consider it to be a serious act of bad faith on the part of the Government of South Vietnam. In this regard, it was also important to future relationships which were now strained that there be no public utterances about the nature or contents of the discussions between President Thieu and General Haig.

General Haig added that he had personally requested President Nixon's permission to deliver the letter to President Thieu because General Haig, as well as Dr. Kissinger, had been President Thieu's staunchest allies in the U.S. General Haig would soon be departing his post to return to the U.S. Army and for this reason, he had specifically requested President Nixon's approval to carry the communication to President Thieu and to explain its implications with the same spirit of frankness that has always characterized his discussions with President Thieu. The situation had become sufficiently grave that there was no longer time for diplomatic talk or delicate maneuvering between two governments whose continued unity and cooperation was essential if the fruits of a victory which had been jointly achieved through sacrifices, courage and extreme energy by both partners were to be realized. The most serious single outcome of the current dilemma would occur if the drift between Washington and Saigon were to continue. Certainly, challenges of far greater gravity have been met in the past with unified action based on cooperation and mutual trust. A departure from that framework now could risk everything that had been achieved at the very moment that both parties were nearer to a substantial victory than they had ever been.

President Thieu stated that he would have to think very carefully about President Nixon's letter and General Haig's presentation.

General Haig stated that he hoped that he would be able to return to Washington with some kind of a reply for President Nixon. It was essential that the United States be armed with the benefit of President Thieu's thinking so that its future strategy could be determined.

The meeting adjourned at 12:50 p.m.

198. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, December 19, 1972, 0545Z.

Haigto 4/301. Ambassador Bunker and I have just completed a two hour and fifty minute meeting with President Thieu and Mr. Nha.² Mr. Duc had been lined up to participate but I insisted on a private meeting with only Nha to interpret. Of course, I wanted Nha to hear the discussion. I presented to Thieu in the bluntest and most unequivocal way all of the considerations which made it imperative that he join with us in accepting the agreement if North Vietnam meets our minimum requirements. I outlined for him what those requirements were and the current state of the draft agreement. I noted specifically the actions President Nixon had courageously taken Saturday and this morning and the costs that these actions entailed for the U.S. in manpower, matériel and political good will at home. At the outset of the meeting, I handed him President Nixon's letter which I told him had been dictated personally by the President in my presence before my departure on Sunday.³ I told him that no one else in the U.S. Government had a copy of this letter and that it represented the most painful and most deliberate judgment of his strongest supporter and friend in Washington. Thieu was obviously shaken. I then proceeded for over an hour and a half to outline all of the considerations which dictated his acceptance of the agreement.

When I completed my presentation, Thieu went on at great length and stated that it was obvious that he was being asked not to sign an agreement for peace but rather an agreement for continued U.S. support. I told him as a soldier and one completely familiar with Communist treachery that I agreed with his assessment. I added, however, that both you and the President would be equally ready to accept that assessment. Thieu stated that he was confident that the ceasefire would last at the most three months and would be followed by a resumption of guerilla warfare. During the first three months the enemy would use knives and bayonets. They would then take up their weapons after U.S. forces had been withdrawn and a period of peace ensued. He stated

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² See Document 197.

³ Sunday was December 17; for the letter, see Document 189.

that Hanoi would never undertake actions which would justify U.S. retaliation.

I generally agreed with his assessment but pointed out that the situation was now the reverse of what it was in the early fifties, and he was far more powerful than was the Diem regime at that time. I pointed out that all our assessments—military, political and intelligence—confirmed that he would be victorious in a guerilla struggle and he conceded that this was so. I then told him that in any event the question was moot. We were at the final juncture at which he would have to speak in favor of moving with us or be prepared to proceed alone. He stated that he understood completely and while I suspect he may waffle his answer somewhat, I am equally confident that he will go along providing we achieve the minimum changes to the agreement which you and I have discussed. This would include the three document signature, the elimination of the term “administrative structure” and the return to the interim DMZ language which Hanoi gave us in November.

I know we have been around this track before and that I may be faced tomorrow morning with a response that is a total stonewall. Be this as it may, I told him at departure that I have been ordered not to participate in a meeting with his National Security Council and that our discussion tomorrow morning should again be with the same participants. Both Ambassador Bunker and I are of the impression that Thieu will come along even if he does not give us an affirmative answer tomorrow. There is no question in my mind that he understands completely the alternatives. I told him that if he did not give me an encouraging answer to provide to President Nixon Thursday night that we would consult our own interests and work out an arrangement that could only result in his downfall and the failure of all that we have worked for. He stated that the issue was simple and he understood it. I will give you a more detailed report tonight upon my return from Phnom Penh.

Concerning the air strikes against the North, I am scheduled to meet with General Weyand first thing tomorrow morning. Please do not permit Department of Defense concerns to deter us from what must be done. I feel that Thieu’s attitude which was cordial, frank and totally honest throughout the discussion was in large measure influenced by the President’s decision to move violently against Hanoi. He seemed reassured that we are not naive about the outcome of the agreement and very amenable to the reality that we must have a new basis for continuing our support to him.

Warm regards.

199. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the President's Deputy Assistant for National Security Affairs (Haig) in Saigon¹

Saigon, December 19, 1972, 2055Z.

Tohaig 22/WHS 2285. To be delivered immediately upon opening of business.

Thank you for your fine reports on your meetings with Thieu and Lon Nol.² I am delighted that Lon Nol continues to show good sense even though, as you rightly put it, he is a dreamer. As to Thieu, we can only hope that he has indeed seen the light and brought himself—however reluctantly—to recognize where his interests and those of his country genuinely lie. When you see Thieu again, please be sure to discuss with him the scenario and schedule of events which would follow if we come to an agreement with the other side. Tell him that I am prepared to come to Saigon before I make the other stop, after the other stop, or both. We need an indication from him of which he prefers. You should impress upon him that we can have no more holdups. I do not want to be faced with any more meetings with his Ambassadors in Paris and the endless palaver that we have experienced.

Please make one more attempt to convince Thieu that he needs me here. Obviously, for my part, I would be better off as being seen as his opponent, but this is not the issue. The point is that for the future he is going to need all the support he can get and thus a reconciliation with me when I come through is important and in his interest.

Before you leave, please also ask Bunker his views on what kinds of leverage, either in holding up economic or military aid or other possible steps, he thinks would be feasible as additional pressure on Thieu if we want to use it.

Warm regards.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1019, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig/Haigto & Misc., December 17–22, 1972 [1 of 3]. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only.

² See Document 197 for the meeting with Thieu. A memorandum of conversation of the meeting with Lon Nol, which took place from 3 to 4:30 p.m. December 19, is in the National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 122, Country Files, Far East, Vietnam Negotiations, CD-Related Memcons, October 1972–August 8, 1974.

200. Transcript of a Telephone Conversation Between Secretary of Defense Laird and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, December 19, 1972, 5:35 p.m.

K: Hello.

L: Henry, on this three day business I haven't really gotten any authority to continue going on this.² I assume the plan is to continue strikes when they are authorized.

K: Absolutely, there is no three day thing. It is indefinite.

L: But the maximum B-52 effort was limited to three days.

K: But what conclusion do you draw from that?

L: That in the memorandum I have on my desk³ the President doesn't give me authority to go beyond that.

K: Absolutely not, this was supposed to be kept going.

L: If tacair clears up they can take some of those bridges in the buffer zone.

K: Absolutely, but with smart bombs. We can't have any over-flying of Chinese territory.

L: We can bomb with smart bombs but we can't have any over-flying of China.

K: Right. But make sure we don't get into China.

L: Yes, I will do everything I can to make sure they don't get into China.

K: And keep them 10 miles from the border.

L: Maybe 5.

K: OK. 5.

L: Tomorrow we are going up to 129 B-52's again. We didn't lose any of the planes . . .

K: Good.

L: The other day the one that landed, the plane was shot up, the others of the crew are wounded, but the pilot is dead. So there are two planes that cannot be repaired or replaced but it's the crews I am inter-

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 17, Chronological File. No classification marking. The conversation took place on a "secure phone." All blank underscores are omissions in the original.

² The initial authorization was for three days of airstrikes on the Hanoi-Haiphong area. See Document 184.

³ See footnote 3, Document 176.

ested in anyway on these things. And tomorrow we will probably lose about 2. I figure with about every 150 sorties we lose about 2.

K: Keep this going up until Christmas. We are not flying on Christmas.

L: It might be just as well to fly the B-52s . . . and make sure over Hanoi and Haiphong and then out.

K: After tomorrow.

L: We are putting 129 over Hanoi and Haiphong tomorrow and then marking 30 of them for that continuously and use the others for B-52 _____ in the north.

K: Let me get back to you on that.

L: Tentatively let me put it out that we show we can plan something. We are getting some requests for Laos. I would like to put a few over there because Godley is beginning to complain. He said there are some tanks over there.

K: OK.

L: Not tomorrow but the next day. The air should clear tomorrow. They are getting a helluva message over there.

K: Let me talk to the President. Let me get back to you in a couple of hours.

L: Well, let me know by noon tomorrow.

K: Right.

L: But if the weather clears we don't have a problem.

K: OK, Mel.

201. **Transcript of a Telephone Conversation Between the Chairman of the Joint Chiefs of Staff (Moorer) and the President's Assistant for National Security Affairs (Kissinger)**¹

Washington, December 19, 1972, 5:49 p.m.

1749—Telecon/Incoming (Secure)—Dr. Kissinger

HAK—Every plane get out all right?²

CJCS—Haven't heard from the last flight that went in at 1710 and they aren't going to say anything until they get well south that is their instructions they don't want the north . . . we don't have any indication that they didn't. I will probably know sometime between now and the next ten minutes.

HAK—Call me. One other thing, the Secretary has called me and wants to knock down the number of sorties over Hanoi to 30 and let you use the B52s, (God Dammit hold on a second—to someone in the room with him) in Hanoi and Haiphong and we're going to let you chose the B52 targets.

CJCS—What we have done is chosen more targets.

HAK—We don't want to pick your targets for you.

CJCS—I picked them and Laird has approved them.

HAK—God Dammit we sure don't want to get into the syndrome of last summer where we were just dropping bombs *now that we have crossed the bridge let's brutalize them*.

CJCS—I thought 30 planes with 108 bombs/big load from CONUS basis is about the right size I think after we put in 129–90–90³ in addition to that my message will say additionally put B52s around Vinh and this is in addition to the 30 that will always go up to Hanoi/Haiphong area depending on what the requirements are and MACVs responsibility in the meantime we'll be going with A6s, F111s and when the weather comes up we'll really go in full blast everything.

HAK—Your requirement is to have maximum impact on the North.

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Top Secret.

² Kissinger was inquiring about whether the third of three waves of B-52s scheduled to bomb in the Hanoi-Haiphong area on December 19 had done so without loss.

³ The numbers represented how many B-52s were to be deployed each night during the first three nights of the bombing (officially called Operation Linebacker II; unofficially dubbed the "Christmas Bombing"). As it turned out the figures for the second and third day were 93 and 99 respectively. (Clodfelter, *The Limits of Air Power*, pp. 186–187)

CJCS—I understand that.

HAK—I will tell you you'll have massive problems with the President if there is any, if under any guise whatever, this stuff is being pulled off that.

CJCS—Henry, there is no guise, I'm just thinking about it in terms of . . .

HAK—Your military judgment as to what we should do then that's fine.

CJCS—That is my judgment, Henry, I think we will be doing here will be for what I am putting this in now is heavy pressure permanent continuous operation as opposed to the three-day "massive" effort.

HAK—After that three-day effort you will have 30 over Hanoi/Haiphong area every day?

CJCS—Every day.

HAK—Massive effort over North Vietnam and some for the SVN.

CJCS—Around Vinh every now and then we get a plea from Godley you know.

HAK—I sent out request for MR-1?

CJCS—That's all taken care of.⁴

HAK—Good.

CJCS—I think we divided up the resources properly and we can keep continuous pressure you can rest assured that it will be done.

HAK—You know what the President wants.

CJCS—Of course I do, I talked to him a long time last night⁵ about this posture and we'll keep this up for awhile that is the whole object.

HAK—You don't have to keep up 100 a day in the Hanoi/Haiphong area after tomorrow and you can go to 30 with another massive effort over rest of country, we don't want them to feel that we are letting up.

CJCS—We are not you can depend on that. I'll keep you advised. Incidentally, did you see the FBIS message where all 5 frequencies have gone off the air.

HAK—*That breaks my heart!*

⁴ See Document 200.

⁵ According to the President's Daily Diary, Moorer and his wife attended a private dinner party at the White House where the guest of honor was Alice Roosevelt Longworth. (National Archives, Nixon Presidential Materials, White House Central Files)

202. Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, December 19, 1972.

Nixon: Hey, Henry.

Kissinger: Mr. President?

Nixon: Hi.

Kissinger: I just wanted to tell you that the third wave of B-52s got out, and no planes shot down.

Nixon: Good.

Kissinger: So out of 90 today we only had one damaged, and that returned to the base.

Nixon: Good.

Kissinger: So—

Nixon: Did they hit anything? The—

Kissinger: Well, Radio Hanoi has been off the air for ten hours.

Nixon: All right. Good.

Kissinger: And that is bound to create havoc up there.

Nixon: Good.

Kissinger: Because they rely on that radio, and also it's the radio on which all their guerrillas rely for news and instructions.

Nixon: Right.

Kissinger: So, I think we're giving them a message they won't forget so easily.

Nixon: Right.

Kissinger: Actually, when one reads Xuan Thuy's statement today, it's reasonably restrained.²

Nixon: Um-hmm.

Kissinger: So they may go tough on us tomorrow.

Nixon: Well, if they do, they do, right?

Kissinger: I think, Mr. President, it's the only right course.

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Oval Office, Conversation 34–138. No classification marking. According to the President's Daily Diary, Nixon and Kissinger spoke from 8:18 to 8:22 p.m. (Ibid., White House Central Files) The editors transcribed the portions of the conversation printed here specifically for this volume.

² Xuan Thuy held a news conference in Paris on December 19. See "Thuy Puts Blame on U.S.," *The New York Times*, December 20, 1972, p. 14.

Nixon: Sure. Well, it—but, you know, it's interesting that that fellow Sullivan, who of course is, basically, play the winners, but you really think that he honestly thinks we did the right thing, or—

Kissinger: Oh, yeah. Oh, yeah. No question—

Nixon: Or do you think he's just playing the games?

Kissinger: No. Well, he probably—

Nixon: He wants to be Ambassador to the Philippines, which is nice—

Kissinger: Sure. He sharply plays his—the game, but—

Nixon: He didn't think we'd do it, huh?

Kissinger: He—oh, no. [laughs] I told him in Paris that, when we left, he said, "Well, the President is caught between the two Vietnamese parties." I said, "The worst mistake anyone can make is to think this President lets himself be caught." I said, "I have no idea what he's going to do but my guess is he'll turn on both of them."

Nixon: Right.

Kissinger: And I think if we now get the agreement it makes it enforceable.

Nixon: Um-hmm. Ha. That's the point, isn't it?

Kissinger: Exactly. Now we've got—we got their attention.

Nixon: Yeah. Well, as a matter of fact, the whole business about the bombing, it hasn't raised all that much hell yet.

Kissinger: No, it's amazing; it has raised very little hell.

Nixon: That's right.

Kissinger: People don't give a damn whether it's a B-52 or a DC-3.

Nixon: That's right. And the point is that they realize that we've got to do something. We just can't sit here.

Kissinger: And of course, that—[chuckles] they're a little handicapped, because Radio Hanoi isn't putting anything out.

Nixon: Um-hmm.

Kissinger: So they don't know what the line is.

Nixon: That's right.

Kissinger: They've been off the air now for, well, for 10 hours.

Nixon: Good. Now, when are you going to hear from Haig?

Kissinger: Well Haig is seeing Thieu again tomorrow, so I should hear by noon.

Nixon: Hmm.

Kissinger: But he already saw Lon Nol. Lon Nol thinks that Thieu is crazy. He doesn't understand why he [Thieu] doesn't jump at it.

Nixon: He does?

Kissinger: Yeah.

Nixon: Good. He's convinced him at least.

Kissinger: Oh, yeah. Oh, no, we'll—we'll come out of this, if we get an agreement now, we'll come out a lot stronger.

Nixon: Yeah. Well, the main thing is we're—we've got a few chips. We didn't have any before, and now we've got some, and at very great cost, but to hell with it.

Kissinger: Well, Mr. President, it's—if it works, it's going to be like May 8th.

Nixon: Yeah. And if it doesn't work, we've still got an option.

Kissinger: Well, if it doesn't work we: a) got an option, and b) we are no worse off then—even then, better off than having done nothing.

Nixon: That's right.

Kissinger: Because the other thing had a much better chance of not working. Bill Sullivan told me how they stonewalled us in the technical meetings.

Nixon: Yeah. Yeah. [laughter] Okay.

Kissinger: Right, Mr. President—

Nixon: Well, Sullivan's earned Philippines as a result of this.³

Kissinger: Yeah, he certainly has.

Nixon: And we'll put him there.

[Omitted here is further discussion about possible Ambassadorial appointments to Australia and Indonesia.]

³ He became Ambassador to the Philippines in July 1973.

203. Backchannel Message From Richard T. Kennedy of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Haig) in Saigon¹

Washington, December 20, 1972, 0207Z.

Tohaig 25/WHS 2288. Deliver immediately.

We have not been sending you the few results we have received on air strikes thus far, assuming that you have received more current information from MACV. However thought it would be helpful for you to know mood here. Strikes will continue into 3rd day at previously planned level with some 100 B-52 sorties. Secretary Laird discussed the idea of calling a halt to the campaign after the 3-day period, but Dr. Kissinger has convinced him that they should continue a strong effort against the Hanoi/Haiphong complex as well as hitting targets in other areas of North Vietnam north of the 20th parallel. At least 30 B-52s a day will be devoted to the Hanoi/Haiphong complex.

Admiral Moorer submitted his expanded target list to Secretary Laird and it was approved by the Secretary without being referred to us.² Dr. Kissinger fully agrees that we should keep up a maximum effort until Christmas and is not hesitant even about hitting the buffer zone targets if weather conditions permit.

All here are gratified by fact that no B-52 was lost in second day of sorties.

We will send you fuller information now that you are leaving Vietnam.

Warm regards.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1019, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig/Haigto & Misc., December 17–22, 1972 [1 of 3]. Top Secret; Sensitive.

² In JCS message 7656 to Gayler and Meyer, December 19, 2058Z, Moorer sent a list of the newly authorized targets, noting: "The targets listed above are designed to concentrate on the Hanoi and Haiphong areas while at the same time permitting sufficient flexibility to take advantage of local breaks in the weather." (Ibid., RG 218, Records of the Chairman, Records of Thomas Moorer, Box 71, Linebacker II Messages, December 1972)

204. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, December 20, 1972, 0353Z.

Haigto 6/303. Just completed lengthy meeting with Generals Weyand and Vogt. Vogt confirms that he can and should continue with intensified three-day strikes. He received this morning authorization for a full range of additional targets.² These more than meet any flexibility he must have. He, incidentally, confirms that there were no complaints from here about lack of flexibility in targeting and that concerns, if any, must have come from CINCPAC. Weyand also confirmed that despite weather he will be able to maintain a heavy and substantial level of pressure against a vast array of high value targets in North Vietnam for the foreseeable future. He is most enthusiastic about the LORAN system he has developed which enables him to utilize F-4's in low visibility situations. He is also confident that F-111's, A-6's and B-52's can provide an adequate level of effort throughout the rainy season.

General Weyand is very confident of the military outlook in South Vietnam for the foreseeable future. HES ratings are again on the rise and enemy units being encountered are weak, ill trained, and poorly motivated. They are, as a general rule, coming out second best in all encounters.

Weyand states that he can effect further drawdown in U.S. personnel without any losses in efficiency. I told him to forward a plan to Washington outlining specific proposals that he could confidently recommend. We can then assess both whether or not to continue drawdown and if so how to play it, i.e. for maximum effect on Hanoi, Thieu or U.S. domestic scene.

I covered strongly with Weyand and Vogt the essentiality of maintaining maximum discipline in the PR area, especially with respect to civilians, relocation of headquarters, and matters relating to peace settlement or ceasefire.

I am scheduled to see Thieu this morning between 11 and 11:30 prior to departure for Vientiane. What his position will be is anyone's guess. I suspect he will continue to try to preserve his flexibility by not endorsing the agreement but by not foreclosing it either. I intend to

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII. Top Secret; Sensitive; Exclusively Eyes Only.

² See footnote 2, Document 203.

stress with him the fact that a tremendous reaction is developing in the United States to the stalled peace efforts and the resumption of full scale bombing against the North. While this is initially targeted on the President and you, I will emphasize to Thieu that it will rapidly shift to Thieu himself as the obvious obstacle to peace with a resultant clamor for a cut off of U.S. support. I will stress that the only way to deflect this trend is through post trip PR theme which stresses renewed U.S./Saigon unity and which suggests above all that Saigon is prepared to accept settlement if Hanoi meets remaining minor requirements and returns to spirit of October discussions.

I will also stress heavily your role and the need to shift Saigon PR line with respect to it. I am not confident that Thieu will be amenable but I will be as tough as possible pointing out that for better or worse this is it. The President will no longer tolerate carping from Saigon and if Thieu forces him to do so, he will immediately shift from joint strategy to one which seeks to satisfy U.S. interests alone.

I note anticipated press reaction is beginning to develop but, of course, always from the sources you would anticipate. I hope you will recognize this for what it is and press ahead with policies which in the final analysis will again prove our critics to be completely wrong.

Warm regards.

205. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, December 20, 1972, 0410Z.

Haigto 8/305. I thought you might be interested in assessment of Tom Polgar with respect to Hanoi's current strategy. He believes that picture has modified sufficiently since October ceasefire proposal that Hanoi no longer feels that the situation on the ground in South Vietnam warrants the risks associated with the ceasefire. General flow of current intelligence now suggests that cadre are being instructed to effect that ceasefire may now occur in distant future.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII. Top Secret; Immediate; Sensitive; Exclusively Eyes Only.

Polgar believes that attrition of NVA and guerilla forces, especially in III and IV Corps, and their current state of weakness now makes prospect of ceasefire gloomy one from Hanoi's perspective. He tends to believe that entire October strategy was linked to dynamic circumstances which by the end of October would have optimized Communists' opportunity to lay claim to maximum territorial control which, combined with surprise, could have greatly enhanced their prospects for takeover. He now believes Hanoi's strategy is designed to continue pressures in direction of Washington-Saigon split, together with measures designed to increase chances of Congressional action in U.S. which would result in reduction or termination of U.S. support.

There is much to be said for Polgar's assessment which closely parallels that of Negroponte.² All of this confirms the desirability of maintaining maximum pressure against the North and determined posture at home. We will have to be very careful not to convey to our Congressional friends our real displeasure with Thieu nor should we permit them to learn of the manner in which we are dealing privately with Thieu. There is a great tendency to reflect our own exasperation with Thieu in daily contacts with members of the bureaucracy. This is rapidly conveyed to Congressional leaders who would seek to add public pressures on Thieu with the belief that this is helpful and constructive. I am confident that it only has the effect of increasing Hanoi's intransigence.

If Polgar's theory is correct, we can only modify Hanoi's strategy through a combination of pressure against the North and a public position which displays unity with Thieu and a determination to go the route if we are forced to do so. I recognize that this posture does not help us with our domestic critics but they have, after all, never been a consideration. The real problem in the critical days ahead is to cause Hanoi to reassess its own outlook and, hopefully, to convince them that the ceasefire route still is preferable to continued U.S. involvement in South Vietnam.

Warm regards.

² See Document 174.

206. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, December 20, 1972, 1020Z.

Haigto 9. After being told I could see Thieu between 11:00 am and 11:30 am today, we were constantly placed in a holding pattern which finally culminated in an audience at 3:30 pm.²

Ambassador Bunker and I met alone with Thieu and Nha. Thieu apologized, stating that since he had in effect received an ultimatum in the form of President Nixon's letter,³ he found it necessary to meet with his Cabinet, Chief Justices and other key governmental figures. These meetings took place yesterday afternoon and evening and again this morning. As a result of the meetings, he decided to send a personal letter to President Nixon which he gave me in a sealed envelope and which he asked I deliver in this form to the President. A copy of President Thieu's letter is attached.

As you will see from the letter, he has not directly rejected President Nixon's ultimatum but has attempted to waffle by urging that we insist on the total and verified withdrawal of all North Vietnamese troops from South Vietnam in the same time frame as U.S. and allied forces would be withdrawn. He also insists that there be no recognition of the PRG as a separate government in the South.

Thus, Thieu has again performed in identical fashion after suggesting to both Bunker and myself yesterday that he would, in effect, go along in the pragmatic recognition that this was the only way to obtain continued U.S. assistance.

Thieu's action now makes our options very clear. We can proceed with the course you outlined prior to my departure, i.e., inform Hanoi just before the first of the year and announce publicly at that time that we have attempted and failed, through a lack of cooperation by both parties, to obtain a comprehensive agreement. In the light of this failure and the largely successful completion of Vietnamization, we are now prepared to withdraw all remaining U.S. forces in return for the release of all U.S. prisoners held in North Vietnam, South Vietnam and Laos

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig/Haigto & Misc., December 17–22, 1972 [2 of 3]. Top Secret; Sensitive; Exclusively Eyes Only.

² A memorandum of conversation of the meeting, December 20, is *ibid.*, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII, Haig-Thieu mtgs.

³ Document 189.

and pending this release of prisoners, the U.S. Government will continue to bomb North Vietnam and enforce the sea blockade.

There is, of course, another option and this would consist of immediately applying economic and military pressures on Thieu. This, however, is risky business since its ultimate outcome could result in Thieu's overthrow or collapse as other South Vietnamese leaders begin to comprehend that his leadership is slowly strangling South Vietnam. I would not favor this course. However, we will bring with us a list of economic steps which could be undertaken.

On the military side, we could commence immediately, concentrating our air assets exclusively against the North and to support Cambodia and Laos. We have the option of doing this precipitously or gradually. In either event, we should certainly be able to function completely in Thailand before really applying the screws since Thieu could insist, with justification, that we remove our facilities from South Vietnamese territory. Other military measures might include the early withdrawal of additional American forces. In my view, any combination of these actions can only result in Thieu's finally succumbing or his downfall. As exasperating as Thieu's performance has been, I believe this course of action would be self-defeating in the extreme and could only place in doubt the whole record of our sacrifices in Southeast Asia.

In a purely objective sense, Thieu is on the side of the angels since he is merely insisting on the withdrawal of foreign forces from South Vietnamese territory as a precondition to a peace settlement. For this reason, I do not believe the U.S. can engage in a strangulation process. It can, with honor however, maintain that we have completed the process we set about four years ago. Thieu is more than capable of handling the North Vietnamese threat given the necessary will to do so. Thus, I believe we should now concentrate our efforts on disengaging from the conflict under the proviso that our prisoners are returned. The issue of further U.S. economic and military support to Thieu should be directly linked to support given by its allies to Hanoi, although I visualize we will be subjected to great criticism from that vocal minority which insists that North Vietnam has a right to intervene in the South, we will be on a principled course which any objective observer would consider fair and worthy of the sacrifices in American blood that this conflict has entailed.

The foregoing does not change my earlier judgment that Thieu would ultimately bow to U.S. pressure if his survival were at stake. I do not think, however, that we should test his mettle on this issue. It is neither worthy of nor consistent with our great power status although the temptation is great in view of his irrational and totally self-serving behavior.

I am delighted to join the same club that you were initiated into in October.⁴

Warm regards.

The text of Thieu's letter to the President is as follows:

Dear Mr. President,

General Haig has brought me your letter of December 17 and has explained to me your considered judgment of the state of the peace negotiations.

From your letter and his presentation it appears to me that we are placed in a situation where I am faced with the choice either to join you in accepting the agreement under its present form or you will proceed in a separate course which will serve the US interests alone.

Let me assure you first, Mr. President, that I have an abiding gratitude toward you for what you have done for the cause of freedom in Viet Nam in the past four years. I have complete faith in the Nixon Doctrine, and believe that the Government and people of South Viet Nam have fully done their share to implement that doctrine for the defense and preservation of freedom.

As a result, on the military field we have taken over the fighting and will replace all the US troops in a few months; on the political field we have joined the United States in all the peace initiatives that have been made, and we have constantly shown our generous and forthcoming attitude in actively cooperating throughout the negotiations conducted by the United States Government with the Communists in the past months.

The objections which we raised to the unreasonable demands of the Communist aggressors are due to the fact that our survival is at stake and that the unjust conditions posed by the Communist aggressors go counter to the basic positions which our two governments have jointly taken for a long time, in this common struggle.

As I have spelled out to you in my previous letters, through your emissaries and Ambassador Bunker, as well as through my personal emissary to you in Washington recently, we consider that for a settlement to be fair and honorable, and to be consistent with the purposes which we have set out together in this struggle, the agreement should embody these three major principles:

1—The NVA has no right to be in South Viet Nam, and should totally withdraw to North Viet Nam concurrently with other non-South

⁴ In a telephone conversation with Sullivan at 12:58 p.m. on December 20, Kissinger said: "Look, you might want to know that Haig has joined the October Club," adding: "He went through a day of euphoria" and then "he's had his teeth knocked in too." (National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 17, Chronological File)

Vietnamese forces, in accordance with our joint communiqué at Midway in July [June] 1969.

2—There could not be clauses or wordings in the agreement which could be interpreted as the recognition of the PRG as a government parallel to the GVN in South Viet Nam.

3—The composition and functions of the CNRC should not be those of a super-coalition government in disguise.

In this context, I must say in all candor that it would be unfair to force the Government and people of South Viet Nam, by an ultimatum, either to accept the draft agreement under the sudden complete termination of assistance from our principal ally in the face of a ruthless enemy who continues to be aided by the entire Communist camp, and who has not abandoned his aggressive and expansionist designs.

In all sincerity it seems to me that neither course of action will bring about the just and fair settlement of the war that we have been striving for, which could justify the enormous sacrifices that together our two countries have made for so long.

We are aware however of your great desire to end this war even though the settlement conditions are imperfect. Therefore, with maximum goodwill and as the very last initiative, we are ready to accept the agreement as of December 12 provided that the so-called PRG cannot be considered as a parallel government to the GVN in South Viet Nam and that the question of the North Vietnamese troops in the South be resolved satisfactorily, that is those troops should withdraw totally from South Viet Nam within the same delay as for the allied troops under effective supervision. The political questions can thus be settled by the two South Vietnamese parties as stipulated in the agreement as of December 12, even though we feel that the clauses under their present form are to our great disadvantage. The withdrawal of the NVA however is indispensable because there can be no self-determination unless all the Communist aggressors leave South Viet Nam in fact as well in principle.

We believe that the new great concessions which we take, as mentioned above, are important risks for peace which we assume. These concessions demonstrate beyond any shadow of a doubt the deep desire of the South Vietnamese people for a peaceful and honorable settlement.

I must say that the South Vietnamese Government and people absolutely cannot go beyond these new important concessions, because otherwise it would be tantamount to surrender.

I shall appreciate it deeply if the United States Government would side with us and present our new initiatives to the Communists with vigor and conviction. We believe that our new position deserves very serious consideration.

If the Communist aggressors continue to be stubborn and reject this offer, international public opinion as well as domestic opinions in our respective countries will realize better who is the obstacle to peace.

Sincerely, signed Thieu

207. Backchannel Message From Richard T. Kennedy of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Haig) in Saigon¹

Washington, December 20, 1972.

1. It appears that 4 (and possibly 5) B-52s were lost during some 100 B-52 sorties over North Vietnam today.² Three were lost in the first wave, although one plane crashed in friendly territory.³ The fourth (and possible fifth) plane was lost in the last strikes of the evening. The crew may be recovered in Laos. An A-6 also was lost. The number of B-52s over the Hanoi-Haiphong complex will be thirty daily from here on but maximum pressure will be continued using all assets. A broadened target list will be attacked and HAK approved going into buffer zone with extreme care to avoid PRC overflight. You will be happy to know that Hanoi radio is having almost as much difficulty communicating as your knee-cap aircraft.⁴

2. Your messages reporting on your meetings in Saigon, Vientiane, and Phnom Penh have been greatly appreciated. HAK is considering the options based upon your Haigto 09⁵ and I am sure has discussed them with the President. Though I do not think his views have fully

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig/Haigto & Misc., December 17–22, 1972 [3 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. Printed from a copy that was approved for transmission as WHS 29929.

² Surface-to-air missiles downed 6 B-52s and damaged a seventh that day as the Air Force continued bombing the Hanoi-Haiphong region. (Clodfelter, *The Limits of Air Power*, p. 187)

³ Nixon, Kissinger, and Haldeman met that day to discuss the bombing and the negotiations. According to Haldeman's diary, "The P kept coming back to the B-52 loss problem, saying we can't back off, but will we get three losses every time? If so, it's going to be very tough to take." (*Haldeman Diaries: Multimedia Edition*, December 20)

⁴ A reference to the Boeing EC-135J Stratolifter, a flying command post for the President in an emergency; called the National Emergency Airborne Command Post (NEACP, pronounced "knee-cap").

⁵ Document 206.

crystalized, my feeling is that at the moment he is tending toward an effort to an early reopening of the talks with a view to concluding an agreement if they will do so but if not, proceeding to a straight bilateral based on successful Vietnamization.

3. We have received protests from the Soviets and the Poles for damage to ships in Haiphong Harbor. The Soviet protest was relatively low key and received little publicity. The Polish protest was a little tougher emphasizing deaths alleged to have been caused by the bombing of the ship and was accompanied by a public statement calling upon the U.S. to sign the agreement with the DRV. DOD investigations thus far, not surprisingly, can not confirm that the damage was caused by our aircraft. Murphy indicates that the pilots were all interviewed and some indicated that the ship was on fire before they arrived in the objective area.

4. CBS news this evening carried pictures of your departure from Saigon and stated that you were carrying a letter from the President which amounted to an ultimatum. The source of the story apparently was in Saigon although this was not clearly stated.

5. Sullivan gave a backgrounder this afternoon on the way the talks went. This was done after consultation with HAK.⁶ It was helpful in that it put another participant in the talks out telling the same story, albeit in a bit more detail than HAK had conveyed, of North Vietnamese stalling and intransigence.

6. Percy made a supportive statement in Djakarta and separately advised HAK by wire that he had done so and noted Quote There is strong backing in this entire area for President's position on negotiations. Unquote. Lehman called to say that Senator Taft had expressed strong support for the President's position.

Warm regards.

⁶ Some of the information Sullivan provided in the backgrounder appeared in the Murrey Marder story, "Break-Up of the Peace Talks: Undocumented Accusations," in *The Washington Post*, December 23, 1972, p. A19. Sullivan's consultation with Kissinger took place over the telephone at 12:58 p.m. on December 20. (National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 17, Chronological File)

208. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, December 20, 1972.

SUBJECT

President Thieu Turns Down Draft Agreement

In a brief December 20 meeting, President Thieu gave General Haig a letter for you whose text is attached at Tab A.² In the letter President Thieu makes clear that he cannot accept the Draft Peace Agreement unless it includes a parallel withdrawal of North Vietnamese troops from the South under effective supervision and removes any references to the Provisional Revolutionary Government. Although his letter is couched in terms of making further concessions by accepting the political provisions of the Agreement, Thieu's demand for North Vietnamese withdrawal, of course, makes a comprehensive settlement with Hanoi impossible, as he well knows. He has thus rejected your final appeal in your letter and General Haig's forceful presentation yesterday, during which Ambassador Bunker and General Haig had been encouraged by Thieu's apparent pragmatism.

President Thieu claims that he and his Government are making important concessions and asks us to present his scaled-down position to the Communists. He emphasizes, however, that the withdrawal of the North Vietnamese forces is indispensable and that his Government and people "absolutely cannot go beyond these new important concessions, because otherwise it would be tantamount to surrender."

Elsewhere in his letter President Thieu thanks you for your four years of support, maintains that the South Vietnamese are successfully shouldering the military burden and have fully cooperated in the negotiations, and contrasts the unreasonable positions of the Communists with his own forthcoming attitude. He recalls the three major principles that should be embodied in the Agreement, i.e. North Vietnamese withdrawal, no recognition of the PRG, and no interpretation of the Council as a coalition government. In effect, President Thieu is sticking with the first two principles while saying that he can reluctantly live with the Agreement as it affects the third principle.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII. Top Secret; Sensitive; Exclusively Eyes Only. A stamped notation on the first page reads: "The President has seen."

² The letter, December 20, is attached but printed in Document 206.

He also states that it would be unfair to present an ultimatum to his Government and people either to accept the Draft Agreement or to face the sudden termination of our assistance in the face of a ruthless enemy aided by its allies.

Comment

President Thieu's reaction thus seems to leave us little alternative except to move toward a bilateral arrangement. The basic choice is how we go about this. We could stick with the present Agreement in the hopes that Hanoi will return to the conference table and meet our minimum requirements. There is a very remote chance that once presented with a fait accompli, President Thieu might grudgingly accept the Agreement. However, given Thieu's consistent position and the categorical stance in his letter, we can no longer harbor any illusions about the likelihood of this happening. Thus this course would almost certainly lead to Thieu's rejection of the completed accord, thus forcing us to proceed bilaterally either to implement what is possible in the Agreement or to strike a new deal with Hanoi.

The other choice is to decide within the next week or two to move immediately to the bilateral route and to drop our efforts to reach a comprehensive settlement involving all the Vietnamese parties. This course would involve the public redefinition of our terms. It would be based on the assumption that since we will inevitably end up with a prisoners-for-withdrawal/cessation-of-bombing arrangement, we might as well chart this course now for all our audiences.

209. Conversation Among President Nixon, the President's Assistant for National Security Affairs (Kissinger), and the Assistant to the President (Haldeman)¹

Washington, December 20, 1972.

Nixon: Well, Henry, are you ready to go?

Kissinger: Haig has joined the club.

Nixon: What's the matter? [unclear]—?

¹Source: National Archives, Nixon Presidential Materials, White House Tapes, Conversation 827–10. No classification marking. According to the President's Daily Diary, Nixon met with Haldeman beginning at 11:32 a.m. and Kissinger beginning at 11:33 until 12:16 p.m. in the Oval Office. (Ibid., White House Central Files) The editors transcribed the portions of the conversation printed here specifically for this volume.

Kissinger: He got kicked [coughs]—

Nixon: [unclear]—

Kissinger: He got kicked in the teeth—

Nixon: Yeah?

Kissinger: Kept waiting for five hours.²

Nixon: Has he see him, and then saw him?

Kissinger: Saw him. Got a letter to you turning it all down.³ Demands the withdrawal of North Vietnamese forces, totally.

Haldeman: Hmm.

Kissinger: He'll accept the political framework, now, reluctantly. He accepts the National Council. He'll no longer call it a coalition government in disguise. All he wants is total withdrawal of North—[coughs]—North Vietnamese forces and two other insane conditions. And—he has to be insane.

Nixon: Well, where does that leave us now?

Kissinger: That leaves us that we go balls out on January 3d for a separate deal. Under these conditions, Mr. President, it's two—there are only two choices we now have.

Nixon: Uh-huh.

Kissinger: Actually, I think the North Vietnamese are in a curious pattern. They came to the technical meeting today.

Nixon: They did?

Kissinger: They didn't cancel it. They condemned us for 20 minutes about the bombing and refused to talk about anything else, but then they proposed another technical meeting for Saturday.⁴ Now, that's not a sign of enormous vigor.

Nixon: [laughs]

Haldeman: [laughs]

Kissinger: Well, we lost three B-52s this morning, and we hit a Russian ship.

Nixon: We lost three more B-52s? That's six together—all together?

Kissinger: Yeah. Yesterday we didn't lose any.

Nixon: What?

Kissinger: Yesterday we didn't lose any.

Nixon: Oh, that's rough.

² Scheduled to meet Thieu at 11 a.m., Haig and Bunker finally saw him at 3:30 p.m. See Document 206.

³ Printed in Document 206.

⁴ December 23.

Kissinger: Well, we are scaling down—

Nixon: What do we have to do then?

Kissinger: Well, tomorrow, we had in any event planned to go down to 30 over Hanoi and scatter the rest over the rest of the country.

Nixon: Um-hmm.

Kissinger: And—

Nixon: I wonder what they did to—were these were lost over Hanoi—

Kissinger: Yeah.

Nixon: —these three '52s?

Kissinger: These SA-2s were designed against B-52s, Mr. President.

Nixon: How much of a flap is going to be developed out of those three B-52s?

Kissinger: Um, they're starting.

Nixon: Hmm?

Kissinger: They're starting. Kennedy made a speech last night.⁵

Nixon: What'd he say?

Kissinger: That Congress says that if you fail—

Nixon: Right.

Kissinger: —I fail. He took me on, too. He said it's got to be taken out of our hands, and Congress has to legislate us out of the war. Of course, what that son-of-a-bitch Thieu has done to us is criminal. We could have ended the war as an American initiative—

Nixon: How does the—how does Moorer feel about the three B-52s? Does he express concern? Or, Laird? Did you talk to him—?

Kissinger: Well, I talked to Laird, but, you know, they say they expected three for every 100. That's true.

Nixon: For every strike?

Kissinger: For every hundred.

Haldeman: Every hundred that you move in—

Kissinger: Yeah.

Haldeman: —expect to lose three.

Nixon: Well, that's what we've been losing.

Kissinger: But, of course, the trouble is our Air Force. With—to give you an example, every day, they have flown these missions at exactly the same hour.

⁵ For Kennedy's speech, see Haynes Johnson, "Kennedy Praises Nixon, To Extend Olive Branch," *The Washington Post*, December 13, 1972, p. A1.

Haldeman: Yeah.

Kissinger: Then, I told this to them yesterday. They said, “Well, we got so much other stuff coming in.” But these North Vietnamese aren’t stupid. They know at 7:10, the goddamn B-52s are coming. That’s what I think happened.

Nixon: Hmm.

Kissinger: That these guys—

Nixon: Well let’s come back to the losses again. If they expect three for every hundred, that’s what we’re losing, is that correct?

Kissinger: Yeah.

Nixon: We didn’t lose that many, though. You didn’t lose any the second day, did you?

Kissinger: No.

Nixon: Well, we mustn’t knock it off, though.

Kissinger: Absolutely not.

Nixon: Laird is not suggesting knocking it off, is he?

Kissinger: Well, he wouldn’t resist such an order, but I think now that we’ve crossed the Rubicon, Mr. President, the only thing that we can do is total brutality. But, we now have a strategic choice. I think there’s a better than 50–50 chance that the North Vietnamese will want to go ahead with the agreement, ‘cause I don’t see any sense in their continuing the technical talks if they didn’t want to, to settle. It is now also clear to me, or almost clear, that there’s almost no way we can get Thieu to go along without doing a Diem⁶ on him.

Nixon: [unclear]?

Kissinger: No, I know. But I’m just saying what our problem is. We had to scuttle him his economic aid; we had to scuttle his military aid. And we can do it. Then, he gets overthrown and—so, what I think we have to do, the only question in my mind, now, is whether we should get to the bilateral—

Nixon: Is Haig on his way back?

Kissinger: He’ll be in Key Biscayne, either tomorrow night or first thing Friday.

Nixon: He’s not going to see Thieu again?

Kissinger: No. There’s nothing to talk about. He’s now in Bangkok, and he’s going to Seoul, and he’ll be in Key Biscayne no later than 8 o’clock Friday morning. And the only—of course, Thieu kept him waiting for six hours; his schedule is screwed up. That’s another outa-

⁶ Former South Vietnamese President Ngo Dinh Diem was assassinated during a 1963 military coup. For the documentary history of this event, see *Foreign Relations, 1961–1963*, volume IV, Vietnam, August–December 1963, Documents 209–278.

geous behavior of Thieu. You know, he kept me waiting once for 15 hours. But let's—that's a different problem. We have two choices now. We can either scrap the peace plan altogether and go immediately to the bilateral, and we then—the North Vietnamese may force on us if they turn it down, too. Or, we can conclude it with the North Vietnamese, if they come along, and, then, if Thieu doesn't buy it, go, go bilateral. That son-of-a-bitch—you know, if we had known that no matter what we did, he wouldn't go along—

Nixon: Yeah.

Kissinger: —we could have settled the week of November 20th. I wouldn't have presented all of his goddamn demands.

Nixon: Um-hmm. Yeah, but what would we just—what would we have settled?

Kissinger: Well, we could have gotten—we could have gotten 8 or 10 changes.

Nixon: No, no, no, no, no. But how could have we had settled with them, and still retained—?

Kissinger: No, what we would have had to do, then, was use the fact of a settlement. I think, domestically, we'll be all right if we get a settlement with Hanoi that Thieu rejects, and then go bilaterally—

Nixon: I agree.

Kissinger: And then go bilaterally. What's killing us now is that we have neither a settlement with Hanoi, nor a settlement with Thieu. And if that bastard hadn't strung us along—I mean, your instructions to me—I mean, that's not your instructions, but I mean if you—because we had both decided this, my conception was, which I had recommended to you, to do as much as we can in presenting Thieu's position, so that then, get the maximum from the other side, we can take it back to Saigon. If we had known that no matter what we did, it wouldn't make any difference, that he was going to demand unconditional surrender, we could have had some sort of agreement on November 21st or 22nd. Because you and I recognize that most of these changes are bullshit. They are slight improvements, but what makes this agreement go is what you told Duc.⁷

Nixon: Coming back to the B-52 thing, now. The—we cannot back off of this, now—

Kissinger: No.

Nixon: —even if that's—if it's three, if they expect three on every one [hundred], that's about what you have to be, have to be prepared

⁷ See Documents 131 and 134.

for. But I wouldn't think that, that—that they would rush into that every time. It would seem to me that—

Kissinger: Well, the—there are many other targets in the North. They don't have to hit Hanoi every time.

Nixon: [unclear]

Kissinger: And, of course, if these sons-of-bitches had airplanes that could fly—

Nixon: I know. I know. But they don't have, so we've got to [unclear]—

Kissinger: No, but if they could put a lot of tacair up with the B-52s, it would confuse the SAMs.

Haldeman: If you've lost Thieu, why can't you move right now to settle?

Kissinger: Well, because now we—they owe us an answer.

Nixon: That's right.

Kissinger: And I think it's a sign of weakness to send them a note before we've got an answer. That—that note we sent them⁸ makes it very easy for them to settle.

Nixon: You say they did agree to the technical talks last—since they got your note [unclear]?

Kissinger: They continued. The technical talks were scheduled for today.

Nixon: Right.

Kissinger: They came in and just read a statement denouncing the bombings. That's all right, but then at the end of that statement, they proposed another meeting for Saturday. So far, the Chinese reaction has been very mild. The Soviet reaction has been very mild. We may get an agreement out of this. We may win the Hanoi game.

Nixon: What is the—

Kissinger: I completely misjudged Thieu. I thought at the end of October, we all thought at the end of October, the reason we held out was because we were all convinced that as soon as your election was over, and he realized it wasn't just an election ploy, he'd come along. And when we sent Haig out the day after your election, we thought then that this would do it.

Nixon: He, in effect, has said [unclear]?

Kissinger: We'll he's ignored your letters, his usual tactic—

Nixon: Um-hmm.

⁸ See Document 185.

Kissinger: —and stated his demands again. He's made another crap concession: he says he will now accept that National Council—it's a great concession of him—if we get the North Vietnamese troops out; if we get a commitment from the North Viet—if we don't recognize; if the PRG isn't mentioned anywhere in the document, including the preamble; and, one other condition, which is—

Nixon: Well, in effect, what he has said, and we must play this very, very close to the vest, is that he wants us to go alone.

Kissinger: That's right.

Nixon: Now, what we've got to figure out, and have to figure it out in the coolest possible terms: we've got to figure out how we can go it alone with Hanoi, without sinking South Vietnam.

Kissinger: That—that's right.

Nixon: Now, the question is: will the Congress provide aid to South Vietnam, in the event they don't go along with the settlement? Also, the question is: will Hanoi settle this bilaterally? What the hell can they do, without the condition that we stop aid to South Vietnam?

Kissinger: Well—

Nixon: I know the other reason is June 8th. We answered we would cut aid down, and accept, if the other side does, and so forth, and so on. Well, put yourself in their position. Here, they're sitting on that prisoner thing; they know Thieu won't go along; they know we can't give them a political settlement. What the hell?

Kissinger: Well, what they get is—

Nixon: What incentive have they got? Well, they get the bombing stopped, for one thing. And they got the mining stopped—

Kissinger: That's why you've got to keep bombing.

Nixon: I know—

Kissinger: That's the major reason, now, why you have to keep up the bombing. It gets the bombing stopped. It gets the mining stopped. It gets us out of there. We—they don't have to worry about the DMZ. They don't have to worry about a lot of other restrictions. And they can gamble that Congress will cut off the aid.

Nixon: That's right.

Kissinger: I mean, it's unlikely that we're going to be able to get \$800 million of aid a year for South Vietnam.

Nixon: We also hold the—you realize your aid promise to North Vietnam is in jeopardy, too. I can't see the Congress aiding the North and not aiding the South—

Kissinger: No, we can't give them aid under those conditions, while they're fighting in the South.

Haldeman: Wouldn't that be their incentive to let us go on aiding the South?

Kissinger: Well, they won't—we can't give them aid while they're fighting the South. I think that's the problem—

Nixon: Never. Not as long as there's a war. In other words, there's no cease-fire then.

Kissinger: No. No cease-fire. But we can make the argument that the North—South Vietnamese can stand on their own feet.

Nixon: That's right. That's right. No, I understand. It's not a very good way to do it, but it's the best we've got.

Kissinger: Well, it's probably—I think now, Mr. President, if Thieu were not a cheap, self-serving son-of-a-bitch, because that's really what's involved. That bastard can't figure out how he's going to stay in office in a free political contest. If he had embraced the agreements in late October, stood next to you somewhere, it would have been easy to make it work, and proclaim it a victory. But, now, he's made such an issue of it that I don't see—we may wind up getting an agreement, the guy collapses on us six months later, and I don't know why he wouldn't be—not because of the agreement, but because of what he's made out of the agreement.

Nixon: I understand.

Kissinger: Now, I still don't exclude that this devious son-of-a-bitch, that if we did get an agreement, that maybe—that you could argue that he's making this whole record so that he can say he was raped by us, *vis-à-vis* his domestic constituents—

Nixon: And that he'd do, if he won.

Kissinger: —and then, he'll cave at the very last second, reluctantly screaming, bitching. But—

Nixon: Maybe we don't want to play it.

Haldeman: But I—that's the question we have to ask ourselves. Supposing we—you make an agreement, which your ally says is imposed on him, and then the son-of-a-bitch collapses a year from now. Whether we aren't better off early in January—

Nixon: I'm not sure, Bob, that the Colson argument is the one we didn't worry too much about. You may not recall what it was. Well, I think it's better. The first thing is going to be damn near moot anyway. His point was that a bilateral agreement, the weakness in it being, well, what the hell, that's just exactly what McGovern offered.

Kissinger: No. That isn't—

Nixon: And Mansfield, and some of the rest.

Haldeman: It's—a) it's not; b) it's in a totally different period of time, and after a totally different set of circumstances—

Kissinger: Because what McGovern offered is a unilateral withdrawal, with a total cutoff of military and economic aid—

Nixon: Well, then Mansfield also cuts off—

Haldeman: It's the prisoners—

Nixon: —military and economic aid—

Kissinger: Well, no, and then we'll get our prisoners.

Nixon: No. No, he didn't get that—

[unclear exchange]

Kissinger: No, no. He would say after we get out, he was sure they would release our prisoners.

Haldeman: It wasn't in his deal.

Kissinger: But it wasn't part of the deal—

Nixon: We know. The point is, I listened, I argued, I answered it in a different way. In my view, the main thing is to now finish it the best way we can, as honorably as we can. We have made this last pop at 'em, which we had to do.

Kissinger: And we've got to keep it up, or we'll never get the prisoners.

Nixon: Oh, I understand that. I mean, you've got to keep that bombing of the North, Henry, until you get the prisoners.

Kissinger: Without that, we'll never get the prisoners. Incidentally, one thing is fascinating to me from my television performance, from Saturday.⁹ I have yet to receive one negative letter. I must have 200 letters by now, or telegrams, all saying, "We are proud of what you're doing. Don't let the Communists push you around."

Nixon: So, you see, that, of course, would militate against a separate deal, too.

Kissinger: We've got no place to go with a negotiated deal. That's the tragedy.

Nixon: Well, I'm just telling you that the—the point is that it's a—there's no negotiation—

Kissinger: If Thieu went along, Mr. President, we—by last night, I had come to the view that, on the assumption that Haig could get Thieu's agreement, that you'd be better off sticking with this agreement—

Nixon: I know. We talked about that.

Kissinger: —and not going the bilateral route. But I don't see how we can go the negotiated route, and then wind up with—unless we just

⁹ See Document 182.

blazed right through—get it, and then let Thieu turn it down. That’s another option—

Nixon: What’s that?

Kissinger: We could just stick with the agreement, bomb the bejeezus out of them until we get the agreement, and then let Thieu turn it down, and then go bilaterally.

Nixon: I don’t like that.

Haldeman: You don’t?

Kissinger: Because, well—

Haldeman: That’s easier to sell.

Kissinger: Well, if Thieu turns it down.

Nixon: No—

Kissinger: My nightmare is that Thieu will then accept it, saying, “I had to accept this, because the Americans betrayed us.”

Nixon: I think that, basically, we should say, and I think it’s better not to try to get the negotiated agreement, it’s better at this point simply to make a separate deal, and with the North saying, we—it’s obvious that they won’t go along on this sort of thing. We can’t feel that, well, we’ll stop the bombing, we’ll stop the mining, we’ll withdraw all of our forces in return for our prisoners of war, and you decide the situation in the South. We’ll continue to aid the South. Now, it doesn’t do anything for Laos; it doesn’t do anything for Cambodia. It’s tough on that issue.

Kissinger: But we can help them bilaterally. What Thieu has done to the structure of Southeast Asia—the one thing in which Harriman was right, unfortunately, is that Thieu is an unmitigated, selfish, psychopathic son-of-a-bitch. I mean, here he’s got a deal which we wouldn’t have dared to propose it in August, lest McGovern turn it against us.

Nixon: What was Kennedy’s—the occasion of his attack—?

Kissinger: B’nai Brith—

Nixon: The speech he gave—?

Kissinger: The B’nai Brith [unclear]—

Nixon: Oh, Christ.

Kissinger: It wasn’t an all out attack; it was a fairly moderate one. But Dole has been popping off. I saw him this morning on television.¹⁰

Nixon: Again?

Haldeman: Really?

Kissinger: Yeah.

¹⁰ For reference to Dole’s appearance on television, see John W. Finney, “Doves in Senate Hold Off Criticism of Snag at Paris,” *The New York Times*, December 18, 1972, p. 1.

Haldeman: What'd he say today?

Kissinger: He said it is not yet time to take it out of the President's hands, but if this continues, we may have to be concerned. I mean, it was a sort of a half-assed support of you.

[Omitted here is discussion of domestic politics.]

Kissinger: So Haig closed his cable, he said, "I'm proud to be joining the club now."

Nixon: There's nobody else—it's a good thing we didn't send Agnew, isn't it? What if Agnew had gone? What would have happened then?

Kissinger: Well, we would have had to go bilateral. You see, what Carver thinks—the CIA expert—Carver thinks that what Thieu expected me to do in October was to go on to Hanoi and sign the god-damn thing, and that what he's been waiting for, is for us to sign it, scream bloody murder, and then go along.¹¹ He doesn't want to be asked ahead of time.

Nixon: And you think maybe that—you think maybe we should—you really think that maybe we should consider the option of signing an agreement, and having Thieu turn it down? Well, if it could be one where we got an agreement, and, then Thieu said, "I won't go until they're all out." You see, Bob, the position that puts us in politically? That he—he—then there's a great debate in this country that we're signing an agreement that allows Communists to stay in the country.

Haldeman: Yeah, but you—you're signing an agreement that's better than any agreement you had hoped to get. [unclear]—

Kissinger: And not different, because that's what we'd always proposed to do—

Haldeman: It meant bigger objectives. And, then—

Nixon: And then of course—

Haldeman: —we'd go the last mile and—

Nixon: And that would be better—

Haldeman: —try to drag Thieu along.

Nixon: And then we say, "Well, under the circ—" But I'll tell you, we could do it as an alternative. What I mean is, I don't want to go down the road to try to get a political agreement, and then—and they all—then, you see, your agreement would have in the aid to North Vietnam, and all the rest. Then, let us suppose Thieu turns it down. Then what do you do?

Kissinger: Then you have to go bilateral.

¹¹ See Document 165.

Nixon: Then go bilateral.

Kissinger: Then you'd have to say to Hanoi you'd implement those provisions that he—

Nixon: That we can. Do you think it'd work then? Do you—do you like the idea of Thieu turning it down there?

Kissinger: Of course, we may have no choice, Mr. President.

Haldeman: That forces him to take the damaging action, rather than in this—if you go bilaterally, you're taking it. You're writing Thieu off—

Kissinger: The tragedy is, I must tell you, if—if I had known on November 20th what we know now, I could have emerged out of the November 20th session with an agreement.

Nixon: A bilateral agreement, you mean?

Kissinger: Oh, yeah. You know, since he won't accept it anyway, I could have made something, a few changes, come out, get it signed quickly. That son-of-a-bitch has really hazarded our whole domestic structure.

Nixon: Well, it isn't that. Our whole domestic structure has survived other things worse than this.

Kissinger: I know, but he's doing it for—

Nixon: I know.

Kissinger: In—all I'm saying is you've got—

Nixon: I know—

Kissinger: —you've shown us all your faith, I mean. When I say you, I mean the administration, because I'm in total agreement with what you—what we've decided here. In fact, I recommended most of it; all of it.

Nixon: That's right.

Kissinger: I said it only because the goddamn press is trying to play a split between us.

Nixon: Um-hmm. I can't figure those three '52s. When I talked to you yesterday, you didn't have this report on it. How could that have—

Kissinger: No, no. That's this morning's wave. That's the 7:30 milk run.

Nixon: That's the first wave? Well, we—in other words, we haven't even gotten the results of the whole day then, have we—?

Kissinger: No.

Nixon: They lost three in one run?

Kissinger: Mr. President, these North Vietnamese are not idiots. When you come at exactly the same hour, every day, they say, "Sure,

it's a lot of activity," but they can tell the difference between a B-52—and it is criminal.

Nixon: Well, is there anything I should do? Should we get Moorer in? Tell him? I mean, after all—

Kissinger: Well, I think we'll just rattle them. This is the last day which involves his extensive raids in the Hanoi area. We were, in any event, after today—

Nixon: For three days, yeah.

Kissinger: —going to shift to other targets, because we've used up the targets in the Hanoi area.

Nixon: Have you raised with him, with Moorer, the point of us changing the time?

Kissinger: I've got to call—I've—yes, I raised it with him yesterday. They say, "Well, they have so many other planes in the area, that they won't be able to know." That's total nonsense. They can tell a B-52 from another plane.

Nixon: Is it too late today to change this, the orders? [unclear] any runs? Well, we'll hope for the best. Maybe there won't be any more today. Maybe they will. But if they do, they do. This is war, Henry—

Kissinger: There's nothing we can do.

Nixon: That's right.

Kissinger: It's a brutal business.

Nixon: But we have to realize that Thieu has now cost, as you realize, that if we had, knowing these things, we should have made the deal.

Kissinger: Mr. President, but we couldn't know these things. If—for the United States to screw an ally, it's not an easy matter. It was the right decision. If we had been totally selfish, we would have, just after November 7th, said, "Don't come home on November 24th without a deal under whatever circumstances." Which—I didn't recommend it. We couldn't do it. We wanted to see Duc. In fact, that's why I came back.

Nixon: I know.

Kissinger: We thought we could get Duc lined up. These sons-of-bitches, and you spent 3½ hours with his emissary. We've had Haig out there three times. I've been out twice.

Nixon: He won't see Bunker.

Kissinger: Well, he'll see Bunker, but Bunker has lost his effectiveness, frankly.

Nixon: It's not his fault.

Kissinger: No. This guy is a maniac. There's one basic reality, Mr. President: there's only one protection for these guys, and that's the con-

fidence of the United States, and the pride the American people have in the settlement, Congress, and the President. They've blown both of these now, and they're haggling around. And all this bullshit about the North Vietnamese forces in the South, that's just putting up a condition, which they know can't be met. They won't push them out of there. They won't put—they had four divisions in Military Region 3, the South Vietnamese. The North Vietnamese have 10,000 men against 120,000. They won't push them out of Military Region 3. Then they have the nerve to come to us and say, "You negotiate them out." And if they had pushed them out, this issue wouldn't exist. Now, that's 30 miles from Saigon.

Nixon: I know.

Kissinger: Nor did you make one concession different from what you had stated publicly for two years, which they never objected to.

Nixon: Except for the cease-fire.

Kissinger: On October [7] '70, you proposed a cease-fire-in-place; on January [25th] '72 you proposed a cease-fire-in-place; and May 8th ['72], you proposed a cease-fire-in-place. And that's exactly what you got.

Nixon: I know.

Kissinger: I mean, no right-winger here can say you made a concession.

Nixon: We're not going to worry about the right-wingers or anybody else says. The main thing, now, is to really—to end this war and [unclear]—

Kissinger: Then the goddamn bastard sends you a letter saying—

Nixon: Yeah.

Kissinger: —he wants to fight the war alone. That not only keeps all the troops in there, it opens up the DMZ, it keeps Laos and Cambodian supply corridors open. So it isn't the troops that bother him.

Nixon: When will the word get out that Haig has been rebuffed?

Kissinger: Oh, that can't get out, because only Haig and Thieu know. And neither has an interest in getting that word out.

Nixon: No.

Kissinger: Nor do we have an interest, I think, in getting the word out.

Nixon: No, no. I'll say.

Kissinger: Because we don't have an agreement.

Nixon: That's right. That'd just make the North tougher.

Kissinger: Yeah. Well, I don't know about that; it might make the North settle. If they think they have really got us hung out there.

Nixon: Well, we'll see. You should—we've got to continue the bombing of the North. It does not have to be on the, you know, on the massive basis that we've had. You know, the three-day, or whatever it is. We've just got to continue to crack it up there, so that they know we can still come back. That's what they really need.

Kissinger: Well, Mr. President, it's got to be massive enough so it really hurts them.

Nixon: I meant massive in terms of the Hanoi area, which is—

Kissinger: Oh. Oh, yeah. No, no. There—there we should scale it down. You're right.

Nixon: [unclear] not going to go in with excessive losses, Henry. It isn't worth it.

Kissinger: That's right.

Nixon: We're doing this for political purposes and the military effect there is not all that great, as you well know.

Kissinger: That's right.

Nixon: And the military up there is not all that great, as you well know.

Kissinger: They've also hit a Russian and a Polish ship. It wasn't one their—

Nixon: In Haiphong—?

Kissinger: In Haiphong, yeah. It wasn't one of their better days.

Haldeman: They sink 'em?

Kissinger: We've already gotten the Russian protest.

Nixon: Well, we've had that before.

Kissinger: It isn't a bad protest. It's low key.

Nixon: As long as ships are there, it's a battle zone. Now, god-damnit, they know to expect it.

Kissinger: Well, actually, I think the Hanoi part of it is working out. That's going almost like May 8th, because—

[Omitted here is discussion of domestic opposition to the bombing.]

Kissinger: But if the North Vietnamese came back to talk to me, I think it would go like May 8th. It'd be a great victory.

Nixon: I agree.

Kissinger: And then we should settle. And then, Thieu refuses, and then we'll just finish it.

Nixon: How do we finish it?

Kissinger: Go bilateral.

Nixon: Oh, yeah! Yeah. That.

Kissinger: I have given Haig all sorts of instructions how to work out a common strategy, but the bastard never got around to it. I mean, never permitted it. I don't mean Haig is a bastard. I mean Thieu.

Nixon: Well, Thieu taking that letter and reacting this way, that's it. As far as I'm concerned, there's no other track.

Kissinger: No.

Nixon: Henry, that's why I'm almost to the view, Bob, and I must say that rather than—rather than making a deal, and then having him publicly turn it down, is to simply say, frankly, publish our letter and his response.¹²

Kissinger: But then he's finished.

Nixon: Huh?

Kissinger: Then we'll never get money for him.

Nixon: That's right, too. That's right. You're right. We can't do that.

Haldeman: He's worse off with that than he is turning down the peace offer, because he can make a case for turning down the negotiations. His only weakness [unclear].

Nixon: Yeah, because my letter dictates our going alone, doesn't it?

Kissinger: Oh, yeah. No question.

Nixon: And, therefore, we cannot publish that. No, what we would have to do rather than publishing it, we'd simply say that he prefers not to do it. Just state it, and then go bilateral. I'm trying to think about the game to play.

Kissinger: We can say—

Nixon: My own view is that, in view of his response to my letter, that there—that trying publicly to drag him along is not a good strategy. I just think that it's not.

Kissinger: Well, except Hanoi may force it on us.

Nixon: Oh.

Kissinger: Supposing Hanoi—

Nixon: Says, "We won't make a deal unless"—

Kissinger: No. But supposing Hanoi replies—if Hanoi turns down our suggestion of Monday,¹³ we're in good shape.

Nixon: Um-hmm.

Kissinger: Or, but supposing Hanoi accepts it and says, "Let's meet

¹² See Document 189; for Thieu's response, see Document 206.

¹³ See Document 185. Nixon discusses the message in his autobiography. See *RN*, p. 736.

on January 3d." Then, my view would be that we should meet, because that would take the heat off. Settle and then just put it to Thieu.

Nixon: That's right. That's what I would do. Put it to Thieu. And, then, what happens? Thieu says, "No, I won't go along"—

Kissinger: No, Thieu will probably say, "I'm forced; raped; under duress. I'll sign it." That's what he'll do.

Nixon: That's what most people really think, don't they? Even still, with Moorer and all these guys.

Kissinger: Yeah, but they've all been wrong. I've been wrong. Everybody has been wrong.

Nixon: I don't know [unclear]—

Kissinger: I mean—I thought, and so did everybody who knew something about this, that he would welcome the terms at the end of October, and that we'd get an agreement with his acquiescence, and enthusiasm, and support. Then, when he kicked us in the teeth at the end of October, we thought, well, maybe that's the recollection of '68, and as soon as your election is in the bag, and he knows—

Nixon: Yeah.

Kissinger: —you still mean it, then he'll yield. So, we sent Haig out. He played his usual game with Haig. Then we thought, all right, we go through the charade of presenting his demands and getting those turned down, and he'll come along. But he has—just hasn't. He's gotten meaner and meaner.

Nixon: The thing now is to treat him with total silence.

Kissinger: I agree.

Nixon: Total silence.

Kissinger: Some of my people think you should give him one more chance. I think that's a mistake. You've given him every—

Nixon: That's the one danger. What—how, how would do you give him one more—?

Kissinger: Well, we you could say, "On January 5th, I'm going to make the following proposal," but that's a sign of weakness, because if he reacts as he did—he's never replied to your proposal to meet him.

Nixon: Right.

Kissinger: He's never replied to you, before or after. He's replied to every overture of yours by just repeating his old proposition. And, of course, he's created an objective situation now where maybe the South—North Vietnamese can no longer settle, because they've been so weakened in the South. The end of October, the thing was nicely balanced, in which they had enough assets left. The CIA Station Chief in

Saigon thinks they're so weak in the South, now, that they couldn't survive a cease-fire.¹⁴ Then—

Nixon: Well, gloomy as it looks, something may happen.

Kissinger: Well it isn't—your action on Monday, Mr. President, restored the initiative to you. We can now—this thing has got—

Nixon: We've got something to stop.

Kissinger: This thing is going to end.

Nixon: Yeah.

Kissinger: They wouldn't have come to the technical talks if they weren't weak.

Nixon: Well, they only came to the first—well, that—

Kissinger: No, no, but they don't need the technical talks—

Nixon: I know. They only came for the purpose of making a protest.

Kissinger: Yeah, but they have a chance tomorrow at the public sessions. This is a—this is secret. No one knows they made a protest.

Nixon: Oh, they agreed, then, to more technical talks?

Kissinger: And then they—they proposed, at the end of that meeting, to meet again on Saturday.

Nixon: But, I suppose that tomorrow they're going to break off the talks, right?

Kissinger: I doubt it. Tomorrow would be vituperative. No, I had already thought that in Saigon, if Thieu had caved, we could have sent them a message that said—proposed a fixed date, and say we've now got Saigon's agreement.

Nixon: I know.

Kissinger: It isn't that gloomy. I think we're going to pull it out in January.

Nixon: Well, we're not going to act on it, at any rate. What's—I am—I want to keep on top of this military situation, however. I don't want the military to do stupid things, you know what I mean? Of all the—the plane losses, though, I think, are predictable. If you send 100 planes over there, with the SAMs down below, you're going to get some planes.

[Omitted here is additional discussion about the loss of planes, targets in North Vietnam, and the use of B-52s.]

¹⁴ See Document 205.

210. Backchannel Message From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

December 20, 1972, 1653Z.

Haigto 11. I spent about one hour with Souvanna and his Vice Premier this afternoon giving him a rundown on the negotiation situation in general and as it affects Laos in particular.

Souvanna was in good form. The only specific question he pressed on was ensuring that the Laos ceasefire occurs as soon as possible after the Vietnam agreement. He believes that every day that passes between a Vietnam ceasefire and Laos ceasefire gives the NVA more opportunity to create trouble for Laos.

Souvanna expressed some concern at the prospects for continued U.S. Congressional support if the Vietnam talks continue deadlocked. I confirmed that this was indeed the crux of the problem and that in many respects the agreement would be our best guarantee of continued U.S. support to the countries of Southeast Asia. I explained in detail the various factors which might be influencing Hanoi's adoption of stalling tactics, with considerable emphasis on their awareness of Thieu's intransigence. Souvanna stated that there was no excuse for Thieu's attitude given the fact that he had one of the most powerful armies in the world, while Laos was struggling with merely a fraction of South Vietnam's assets. I then went over each of the specific points which the U.S. Government hoped that Souvanna would keep in mind in negotiating with the Pathet Lao and their mentors. Souvanna emphasized that he would never accept a settlement with the Pathet Lao and North Vietnamese which permitted Hanoi's use of the Ho Chi Minh Trail. Such usage, he insisted, would constitute the violation of any agreement. He agreed that Laos would insure that local provisions would permit U.S. reconnaissance, would insist on retaining the provisions of the 1962 Accords, would not go beyond the external provisions of the Accords, would insure the provisions of Article 6 of the Accords, would abide by the concept of constitutionality and would insist on arrangements for a ceasefire before completion of the political solution. The problem of keeping the proper sequence between ceasefire, withdrawal and political arrangements was discussed in detail with Souvanna. He is fully in accord with the U.S. position.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig/Haigto & Misc., December 17–22, 1972 [2 of 3]. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only.

Souvanna expressed great interest in international control arrangements. He was highly skeptical of North Vietnamese intentions and noted that he was going to speak with Madame Gandhi in January and hoped to get her acquiescence in the stationing of Indian troops along the Ho Chi Minh Trail.

Souvanna had a number of amusing remarks to make about the North Vietnamese, some of which he says he made to you at your recent dinner together with Harriman. He said we must start from the assumption that we cannot count on their sincerity and added that his experience with them convinced him that they were inveterate liars.

Souvanna said that he had spent nine years in North Vietnam as a young man and he could say with complete honesty that despite all his time there he did not have a single Vietnamese friend. Quote They always have ulterior motives, they appear to be frank but they always know what they want. Unquote.

On balance, the discussion with Souvanna was constructive and realistic. He is clearly aware of the pitfalls of the settlement with North Vietnam. At the same time, he clearly recognizes that the war has been largely won and is, therefore, extremely enthusiastic about the air action against the North, providing of course that some minor assets remain available for Laos. Souvanna noted that he is under considerable pressure from the Government of South Vietnam to insist that Laos be included in the international conference. He stated, however, that this is unimportant to him since if worse came to worst he could always send an observer. I, of course, supported this view. It is very evident that the South Vietnamese have been working on the Lao to garner support for their opposition to the settlement but it is equally evident that Souvanna is skeptical of Thieu's motives and correctly feels that as far as Laos and Cambodia are concerned the settlement more than provides for their interests. In the case of South Vietnam, he evidently believes that Thieu has more than enough power to cope with the risks that the settlement imposes on him.

Warm regards.

211. Message From the Chairman of the Joint Chiefs of Staff (Moorer) to the Commander in Chief, Pacific (Gayler) and the Pacific Command Senior Commanders¹

Washington, December 20, 1972, 2106Z.

8786. For Commanders from Admiral Moorer. Deliver upon receipt. Subj: Linebacker II/Surge (U). Ref: JCS 7807/1923227 Dec 72.²

1. (TS) I note that favorable weather is forecast over Red River Delta during daylight hours 21 December, and possibly 22 December.

2. (TS) It is essential that we continue heaviest possible pressure on authorized targets north of 20 degrees north and to do this we must take full advantage of every weather window that opens. These all too infrequent occurrences afford us the opportunity to let the enemy feel the full weight of our air capability and to attack those critical targets requiring visual delivery.

3. (TS) I anticipate that you will surge the force to the maximum for strikes north of 20 degrees north on the 21st, recognizing we may have to reduce the weight of effort in other areas and other missions, including Destructor seedings. Priorities in the ref apply.

Warm regards.

¹ Source: National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 71, Linebacker II Messages, December 1972. Top Secret; Immediate; Specat; Exclusive.

² The message, December 19, 2322Z, to Meyer, Weyand, and Gayler reminded them of the guidelines for prioritizing sortie allocation in the bombing campaign and for delivering specific orders to each commander. (Ibid.)

212. Transcript of a Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Chairman of the Joint Chiefs of Staff (Moorer)¹

Washington, December 21, 1972, 11:23 a.m.

1123—Telecon/Incoming—Dr Kissinger (WH)

HAK—What's the situation?

JCS—Things went real well last night (daytime out there) and it looks like we might have about 48 hours more.²

HAK—How many sorties did you have up there?

JCS—They had over 200 strike plus support package and we only lost one aircraft which we'll rescue the crew and that was a Navy one—no Air Force losses. They got down to the two key targets that we have been watching and took care of those.

HAK—Did they take care of the power station?

JCS—Yes, so we are going to kind of mop up on them tonight. So it went I thought exceedingly well during the night time (daytime out there) and I am really pleased with it and we are going right ahead and it looks like we might have another couple of good days, at least one more, and maybe two.

HAK—Did you have any big ones³ up there?

JCS—At night time there and they'll be going again pretty soon (I won't say when) but we are continuing that.

HAK—I know you cut that down.

JCS—That's right for a sustained basis and I am just reviewing what has been done. We got some good BDA now.

HAK—Like what?

JCS—Several photographs which show that we have been very effective. I'll hold these pictures for you but these are only for Monday⁴ as I don't have photographs for the last ones.

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Top Secret.

² Moorer was referring to the daytime air strikes against North Vietnam on December 20, and not nighttime strikes in which B-52s had the leading role. Although the daytime strikes hit many of the same targets bombed at night, the aircraft taking part also focused on protecting other airplanes carrying out the daytime bombing mission and suppressing the missile sites in the Hanoi-Haiphong region to make the nighttime runs safer for the B-52s. On average, almost 50 daytime missions took place daily during the 11-day campaign. (Boyne, "Linebacker II," p. 54)

³ A reference to B-52s.

⁴ December 18.

HAK—When I get back Saturday⁵ morning maybe I can have those for me. The President is pretty disturbed about these military people “popping off” about no military targets and it’s all psychological. That’s the George Wilson story.⁶ You see it?

JCS—That’s right but we aren’t saying any such thing because, as a matter of fact, that is not the case and you will see what we are doing is all in the military category. I don’t know how you are going to control George Wilson about who he is talking about but these guys always are going to say things like that, Henry, and there isn’t any way you control those kind of reports. But last night was (Washington time) and day-time out there a most successful and good operation.

HAK—You are going to put another package of the big ones in there during our daytime?

JCS—Their nighttime, right, we’ll do that every day, of course.

HAK—Spread those across the country from now on?

JCS—That’s right and now we are going to start working on some of these prime LOC’s.

HAK—Exactly.

JCS—But I was very pleased with what happened last night.

HAK—Terrific, okay, I’ll report that, thank you, Tom.

JCS—I’ll be here all the time if you want to know anything.

HAK—Good, thank you.

⁵ December 23.

⁶ Wilson’s article, “Officials Split on Bombing: Key Issue Is What U.S. Can Attain,” appeared on page A1 in *The Washington Post* that morning.

213. Transcript of a Telephone Conversation Between Richard T. Kennedy of the National Security Council Staff and the Chairman of the Joint Chiefs of Staff (Moorer)¹

Washington, December 21, 1972, 1:33 p.m.

1333—Telecon Secure/Incoming—Col Kennedy

COL—Anything on the B52 strikes today, sir?

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Top Secret.

CJCS—They haven't gone yet and are going in two waves—one in rapid succession. I think a little after 1500 so they haven't taken place but I'll let you know.

COL—One other question the President asked when he saw the total list was, "How come only 60 total [B-52s] for the whole area?"

CJCS—Because 60 we dropped to 30 in the Northern area and then we told Weyand that he could take the others and send them either in the lower area or even fill urgent requirements that Codley has been laying on us as well as MACVs requirements in MR-1² and it wasn't intended that we keep the maximum number/effort of a 100 or so in the northern Vietnam proper and I didn't understand that that was what the President wanted if it was.

COL—That is not the point, the total number of B52 sorties so far as we can tell is 60.

CJCS—They'll pick that up that's a certain reporting period when they break their cadence and go into a different . . . just like before, they started this they only had 60 or 70 and when they picked up another sequence it is temporarily dropped for a few hours and pick back up to 100 tomorrow. They can't when they go in a large wave they have to stand down some to get ready and stand down some to get back into a "bus schedule."

COL—Other kind of formation.

CJCS—Any time you break their routine you will lose sorties even though it is not intended to be that way.

COL—Reassure them back up tomorrow that will do it, good all right, sir.

CJCS—HAK called me and I didn't get to tell him all the details of this but last night was pretty good night.³ Finally got into the Hanoi Power Plant and Hanoi RR and the Power Plant had 6 bombs reporting right in the Power Plant and 2 just a little short and the RR Station all 8 in and then they eliminated Hanoi Radio and then they knocked out (Navy) 5 SAM sites and Air Force 4. We are trying to suppress those SAM sites so the Air Force can get in there easier and then I have gotten BDA I told HAK about and I was going to get a little book ready for him when he gets back Saturday which shows some of the targets north of the River have been pretty well beaten up. We are going to hopefully have a good night and another maybe tomorrow night. I have told

² The "Northern area" refers to the Hanoi-Haiphong area; "lower area" to southern North Vietnam; Godley's requirements to possible missions in Laos; and MACV's to missions in northern South Vietnam.

³ See Document 212. When Moorer says "last night" he is talking about Washington time, but only as a reference point to indicate the time in North Vietnam, which was day-time, December 20. B-52s did not take part in strikes during the day.

them in essence to drop everything and put as much effort as possible up there. We don't have these days very often. I thought last night we did pretty well and only lost (Washington time) daytime out there—lost one airplane. I know that sometime HAK makes remarks about the airfields but I think it is significant that during these 3 days we had the large number of B52s up there they actually only launched 10 total with 7 on the first day; zero on the second and 3 on the last one. If those fighters would get right behind a cell and lock on it would be disastrous.

COL—Probably lose more than 3 airplanes.

CJCS—It paid off well, as a matter of fact, we don't have a single tacair shot down either as a matter of fact, the big problem has been those SAMs. Any way, we are doing everything we can to divert and use as much as possible to suppress this in order for this strike that is to go in a couple of hours to go off.

COL—This'll keep him pooped up and I'll call him.

CJCS—I hope we are going to have another good night tonight. I am just going around right now to review the situation so that we can pretty well polish off any remaining power facilities because they have all been hit now and we just want to know rather than 35% we want to knock them 100% like with that downtown Hanoi thing, that is going to force them to go pretty much to something like either motor generators or I don't know what-all.

COL—It'll foul up the radio problem too further.

CJCS—I talked to HAK, I don't know whether he was actually in with the President or not but he seems satisfied I told him we had a pretty good night. I will let you know as soon as we get a feed-back on the B52s. They are going to be using a little different tactic in that tonight they are putting it in towards the end of the darkness period on account of the moon I think they should do the best they can.

COL—Thank you very much.

214. Message From Richard T. Kennedy of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Haig)¹

Washington, December 21, 1972.

1. It appears that we may have lost three B-52s in today's 30 sorties. One is definitely down in North Vietnam and another is probably lost in the same area. A third is heading for Thailand, having sustained battle damage. It is not clear whether they will make it back to base or not. This could mean losses thus far amount to 12 B-52s which is on the high end of the 2–3% losses predicted statistically. The problem is that in the last two days the percentage of losses per sortie has been much greater.

2. The North Vietnamese today claimed that some POWs at the Hanoi Hilton had been injured by the U.S. bombing.² This is undoubtedly a propaganda ploy although it is claimed that Joan Baez and others examined damaged areas of the compound. From the descriptions it seems likely that any damage may have resulted from B-52 shock waves. Defense claims the nearest target was a marshalling yard, some 700 yards away, and this was hit by visual means. After resolving some differences of opinion on press handling, DOD is making statement that we hit only military targets and that it is the responsibility of the North Vietnamese under the Geneva Convention to insure that prisoners are kept away from areas of danger.

3. Conditions were good for visual bombing today and will probably be good again tomorrow. Direct hits were scored on the Hanoi thermal power plant and the downtown railroad station. We have an intercept from the Indian Embassy indicating it sustained some damage and that it has no power or water. In addition, it is believed 9 SAM sites were destroyed by TAC air today.

4. PR campaign is underway on the Hill and elsewhere involving the usual players, who are now under control after the usual painful effort with which you are so familiar. Sullivan will do a few one on one interviews with friendly supporters who are available in the area and

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig/Haigto & Misc., December 17–22, 1972 [3 of 3]. Top Secret; Sensitive; Eyes Only. Printed from a copy that was approved for transmission as Tohaig 51.

² Radio Hanoi claimed that the U.S. bombing on December 21 and 22 had damaged the Hilton-Hanoi, which had been turned into a prison holding captured American airmen, and injured "a number of residents." (Michael Getler, "Hanoi Claims Bombing Hit POW Camp," *The Washington Post*, December 22, 1972, p. A1)

we have a fact sheet talking paper for calls and drop-offs based on HAK and Sullivan backgrounder.

5. The situation on continuation of the experts meeting is somewhat confused. Hanoi Radio quotes a statement from Paris indicating they have been suspended but the Paris delegation knows nothing of this. It likely is another confused utterance compounded by press misinterpretation. We had proposed the next plenary for January 4 but the North Vietnamese have now recommended December 28. We are sticking with January 4.

6. HAK has a message ready for Guay to deliver at 8:00 p.m. Friday evening Paris time.

7. Carver has prepared two papers for HAK. One analyzing Hanoi's strategy and another shorter one discussing Thieu's strategy.³ The Hanoi paper concludes as follows:⁴

Quote: "Conclusion. Hanoi's political and propaganda force play keyed to the 20 October draft has now been countered by our resumption of the bombing. At a minimum, this new situation will make the Politburo reconsider its game plan. The major strategy decision of whether to stick to that plan or revise it—with concomitant revisions in Hanoi's negotiating posture—has probably not yet been made. It will probably not be made until Hanoi gauges our political ability to sustain the resumed and intensified bombing program, its physical and psychological impact on the situation on the ground in both North and South Vietnam, and the extent of support or backing for its adamant negotiating stance that Hanoi can anticipate from China and the Soviet Union. Unless the Politburo has made some prior decision to modify its negotiating position promptly if we reinstitute full scale bombing (an unlikely hypothesis with no supporting evidence of which I am aware), Hanoi's outward behavior is not likely to change until the Politburo has debated and framed these collective estimates. Given the fact that the Politburo is a committee, this process is likely to take time, particularly

³ Kennedy transmitted Carver's shorter paper—which concluded that Thieu would eventually be cooperative on the settlement but would not compromise on South Vietnam's legal right to exist—to Kissinger, who was at Key Biscayne with the President, via a memorandum dated December 21. Kennedy also sent with the memorandum the Saigon Station Chief's report of a conversation he had had with South Vietnamese Prime Minister Tran Thien Khiem also on the December 21 that supported Carver's conclusion. (National Archives, Nixon Presidential Materials, NSC Files, Box 162, Vietnam Country Files, Vietnam, Dec 1972) Kennedy also sent Carver's report on Thieu and the Station Chief's report to Haig. (Message Tohaig 52/WH 29946, December 22, 0250Z; *ibid.*, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII)

⁴ The 21-page memorandum from Carver to Kissinger entitled "Hanoi's Game and Current Game Plan," December 21, is in the Central Intelligence Agency, Files of the Deputy Director for Intelligence, Job 80–R01720R, Box 1, Folder 9, GAC [George A. Carver] Chronology, Memoranda for Kissinger, August–December 1972.

since the relative positions and powers of the Politburo's members may themselves be affected by the course of recent events or the outcome of these debates. The time in question will probably be measured at least in weeks. Given the nature of the issues involved plus their complexity, the number of weeks required could easily stretch into two or three months. Until this process of debate and assessment is completed, however, the Politburo's own members would probably find it difficult to predict with confidence just what Hanoi's new game plan will be." *Unquote.*

The Thieu paper follows.

Warm regards.

215. Message From Richard T. Kennedy of the National Security Council Staff to the Air Attaché at the Embassy in France (Guay)¹

Washington, December 22, 1972, 0144Z.

Per our conversation you should deliver the following message to the customer at your meeting on Friday, December 22, 1972.

Begin text: The U.S. side wants to take the occasion of Vice Minister Thach's remarks at the December 20 experts meeting² to state the following:

The DRV side's references to the past record concerning U.S. military actions contain distortions based on quotations taken out of context, a practice that the DRV side has resorted to with increasing frequency at recent meetings. As the DRV side well knows, the U.S. side unilaterally accepted some restrictions on its military actions so long as an agreement seemed imminent and the DRV side was negotiating in good faith. The U.S. side has repeatedly emphasized that these restrictions would be impossible to maintain if the negotiations no longer re-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [1 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. Written on December 21.

² Thach protested the B-52 bombings, demanded that they be stopped, and insisted that the United States engage in serious negotiations. After presenting the message, Thach refused to continue the meeting on the protocols but committed to another one on December 23. A copy of the North Vietnamese message is in a message from Isham to Kissinger, December 20, 1807Z. (Ibid.)

flected a serious attitude by the DRV side. As its message of December 18, 1972 made clear, the U.S. side came to the conclusion that the DRV side was deliberately and frivolously delaying the talks during the session of December 4–13.

Both governments now confront a very grave decision. The choice is whether to slide into a continuation of the conflict or to make a serious final effort to reach a settlement at a time when agreement is so near. The U.S. side, preferring the latter course, proposes a meeting between Special Adviser Le Duc Tho and Dr. Kissinger January 3, 1973 in Paris on the basis of the U.S. message of December 18, 1972. Dr. Kissinger could set aside three days for the purpose of concluding the settlement.

If the DRV agrees to this meeting, the U.S., as a sign of its good will, will again suspend its bombing north of the 20th parallel starting as of midnight December 31 and lasting for the duration of the negotiating sessions. If an agreement is reached, this restriction will continue. The U.S. side reaffirms that it will stop all bombing and shelling against the territory of Democratic Republic of Vietnam within 48 hours of an agreement in Paris.

In the meantime the technical experts should at last start serious negotiations on the protocols associated with the agreement with a view to reaching agreement on these documents in time for a settlement during the meeting between Dr. Kissinger and Special Adviser Le Duc Tho.³ *End text.*

³ In response to this message, the North Vietnamese sent an undated, circa December 22, note to the White House via Guay which protested the bombing and stated that after the bombing had stopped—i.e., after the situation returned to what it was before December 18—technical meetings on the protocols could resume and the private meetings between Le Duc Tho and Kissinger, which the North Vietnamese also proposed beginning on January 8, 1973, could take place. (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 43, Geopolitical File, Vietnam, Bombing, 1972–73)

216. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, December 22, 1972, 1000Z.

307. Subject: Views of Prime Minister Khiem on recent developments concerning negotiations and on President Thieu's attitudes following General Haig's visit.

1. I sent Tom Polgar to see Prime Minister Khiem yesterday to obtain the latter's reaction to the most recent developments concerning the cease-fire negotiations, especially to see whether his views had changed since those previously reported and to get his reactions to Thieu's present posture.

2. The Prime Minister restated his previously expressed position that he views the continuation of the American-South Viet-Nam alliance as the most vital consideration, compared to which all other matters including the cease-fire agreement, its specific provisions, and even the continuing presence of North Vietnamese forces in South Viet-Nam were decidedly of minor importance. He said he had no illusions whatever regarding South Viet-Nam's ability to continue the war on its own. On the cold grounds of logistics alone he would have to subordinate all other problems to the necessity of maintaining continued American support. He said he had discussed this in detail with President Thieu. He also said that he recognized and accepted as a fact of life the domestic and Congressional pressures which will confront President Nixon in the near future and that these would have to be taken into account by South Viet-Nam. The problem was how to bring along President Thieu to our way of thinking.

3. Thieu has reacted negatively to General Haig's most recent presentation and resented what he regarded as an ultimatum to him. Khiem remarked that only a "soft sell" should be used with Thieu. The latter simply will not decide to move on an issue unless he reached a conclusion as to the desirability of the action on his own. One can influence his decision but this is best done softly and obliquely. Often it took from two to eight months to obtain Thieu's consent on measures of significance in connection with the pacification program and the current problems are, of course, of far greater importance. Pressure tactics

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 413, Backchannel Messages, From Amb. Bunker, Saigon, Sept. thru Dec. 1972. Top Secret; Operational Immediate; Sensitive. The message was forwarded to Kissinger and Haig at Key Biscayne.

simply will not work. Whenever pressures are applied, Thieu feels challenged and reacts accordingly.

4. Nevertheless, and despite Thieu's response to President Nixon, the Prime Minister felt that Thieu had softened and was beginning to move in the right direction. Khiem said that he had read the letter to President Nixon² and that he could assure us that there was only one point in that letter on which President Thieu now stood firm, namely the juridical presence of North Vietnamese troops in South Viet-Nam. All of the other differences with the U.S. position reflected in the letter have been included as points on which Thieu was prepared to yield to show his good faith. On the North Vietnamese troops, he still was firm, however.

5. There was no doubt in Khiem's mind that President Thieu has not yet faced up to the seriousness of the situation and perhaps doesn't fully understand the problems which are looming between the U.S. Congress and President Nixon on one hand and between the U.S. Government and the GVN on the other. While Thieu says he understands these matters, Khiem doubts that this is, in fact, so. He said that we must remember that Thieu comes from a very narrow background; that he has been a soldier all his life, that he has never lived abroad except for a short time in the U.S. in a purely military milieu, and that he tends to think in terms that if he, as president of a small country, has a great deal of power and authority, then President Nixon, as the president of a very large country, must have that much more power.

6. With respect to the future, Khiem repeated that there must be continuing steady but gentle pressure on President Thieu. He said that Ambassador Bunker was the logical person to carry the argument to Thieu and that he should emphasize both the ineffectiveness of the North Vietnamese Army elements in South Viet-Nam and the need to come to President Nixon's aid, to help him fend off his opponents in Congress who are also opponents of South Viet-Nam. Khiem also recommended that similar approaches be made to Vice President Huong, JCS Chairman General Vien and to the President's brother, Ambassador Nguyen Van Kieu, in Taiwan. Khiem said that there was no need to waste time on other generals, because he felt that he and Vien would have no trouble lining up the military to support any concessions which Thieu could be persuaded to make. Khiem emphasized that General Vien had considerable influence with the younger generals.

7. Khiem said that he would pursue identical lines in discussions with President Thieu. He said that about a week ago, the President had a long meeting with him alone where the cease-fire problem was dis-

² See Document 206.

cussed in detail. On the basis of that discussion, Khiem felt that the President's position was by no means frozen and that he has already moved quite a way in the right direction. The problem was whether he can be persuaded to move fast enough to meet the pressure of events over which he had no control and which he did not fully appreciate.

8. Polgar emphasized to Khiem the necessity of regaining psychological and political initiative in the negotiations and that our continuing cooperation was far more important than the specific terms of the cease-fire agreement. From the point of view of the American domestic situation, an agreement was essential and short of that it was imperative to maneuver the Communists into a position of intransigence against a united and identical U.S. and GVN position. Khiem said that he understood all of that and suggested that we keep in close touch in developing tactics.

9. *Comment:* I think the above probably in fact represents Khiem's views, although how much of it he has said to Thieu is difficult to estimate. It may be true also that Thieu does not really understand the American system of government, although I have done my best over a long period to educate him and, as Khiem said, he professes to understand it. Thieu's deliberateness in reaching decisions is inherent in his character in which caution and suspicion are prominent traits, but there is an obvious limit to this if a satisfactory agreement is obtainable. Certainly the President has been extremely patient and forbearing with Thieu as well as frank and the soft sell cannot be pursued indefinitely. In the meantime, however, I shall continue to work on him. As I said in Saigon 0300,³ Thieu will probably continue to put off making a decision as long as he can, but in the end he will opt for survival.

10. Warm regards.

³ Document 191.

217. Transcript of a Telephone Conversation Between the Chairman of the Joint Chiefs of Staff (Moorer) and the Deputy Commander, Military Assistance Command, Vietnam (Vogt)¹

December 22, 1972, 8:26 a.m.

0826—Secure Telecon/Outgoing—Gen Vogt, USAF

CJCS—How did things go last night—or during the last period?

Vogt—We had a mission today at 1500. The weather was overcast and we had went in on LORAN and we used 60 strike sorties all done on LORAN on the Bac Yen and Viet Tri rail yards we had no losses and we shot down one MIG.²

CJCS—Good, excellent.

Vogt—I have had the photography in from the TACAIR recce and we looked at the Hanoi Prison area. *There has been no bomb damage in the prison yard.*³ I think all you can see are big craters in the RR yard there was a large secondary explosion, however, which scattered quite a bit of shrapnel and debris probably through several blocks, including the Egyptian Embassy which is only 115 meters from the rail yard. There is no bomb damage that we can find on the Egyptian Embassy and we cannot find any bomb damage in the Cuban Embassy. However, there was quite a bit of glass and shrapnel from the exploding of a large secondary in the rail yard and we are going to have to get a better photograph (maybe from our drone photography today) to see the full extent of any secondary explosions and damage. *I am certain there is no damage in the Hanoi Prison as the enemy is claiming.*

CJCS—That's wonderful, okay, John.

Vogt—When we realign the photograph which we'll get in and we'll let you know anything that'll cause you problems.

CJCS—How about the Power Plant, have you gotten any photograph of the TPP . . .

Vogt—What have you done to this phone, Admiral?

CJCS—It's your fault. You say you were going to let me know if you had any problems. I was asking you did you get any pictures of the TPP?

Vogt—Yes, we had a recce airplane over the TPP but there were heavy clouds cover so we were not able to get any pictures of it.

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Top Secret. Moorer was in Washington; Vogt was in Saigon.

² Vogt was referring here to daylight, non-B-52 strikes over North Vietnam.

³ See footnote 2, Document 214.

CJCS—You didn't get a chance to go for all the other power plants last night?

Vogt—They are scheduled today (middle of the day) with lasers on them. When they got in there they found the weather solid overcast so they were not able to bomb the power plant and the LORAN strikes off of those 3 marshalling yards, Kep Bac Yen and Viet Tri.

CJCS—I got that. What I want to do (I'll call you I know you are about ready to go to bed) if you'll think about this a little bit because what you think we ought to do next week. They are going to have a Standdown for 30 hours.

Vogt—Christmas?

CJCS—Yes, and New Year's. I just talked to Laird about that and I don't think too much of the idea. Nevertheless they decided to do it but we are not going to announce it. We are going to wait until it is over and the operations have resumed after the standdown for the holidays and they propose to handle the public affairs that way. Tell Freddie⁴ that it will begin 1800 the evening of Christmas Eve.

Vogt—1800.

CJCS—And it'll end about midnight Christmas night and it would probably have to adjust that one hour because Saigon and Hanoi got different times and we don't want to hit Hanoi on Christmas Day. That is the idea, but anyway, I am writing up a message right now and we are not announcing it so we want to hold it close. We are not going to announce it here until after it is over and we have resumed operations after the standdown for the holidays.

Vogt—We'll just not schedule that day and wait until the time is over.

CJCS—That's right. What I want you to think about, what we do next week. Of course, the President has called me last night and he wants that when we do go back in there after the Ceasefire to go back in with "a roar" and as heavy an attack as possible if the weather permits.⁵ I feel that, as follows: The B52s have just about hit every worthwhile target in the immediate vicinity of Hanoi and so we ought to begin to spread them out a bit away from that area not because so much of the defense, I don't think there are many lucrative targets in there and going to Haiphong today with the big rail complex inside the Buffer Zone

⁴ General Weyand.

⁵ On December 17 the President called Moorer to tell him that Linebacker II was "the last chance for the Air Force and Navy to put forth a maximum effort against NVN." See Document 190. However, no record of a telephone conversation between the two on the night of December 21 has been found. The President's Daily Diary shows that Nixon was in Key Biscayne on that date. (National Archives, Nixon Presidential Materials, White House Central Files)

tomorrow Lang Dang when you get those 2 bridges associated with that bypass bridge and regular bridge real juicy target on the Chinese Border I am still working on that would be so far as tacair is concerned I think we should be using LGBs when we can make certain we have eliminated all the power on the way down you were . . . if the weather permitted last night and then go to work on the transportation, namely primarily the NE Rail Line. I am just stating my ideas. What would be your ideas as to what we ought to do next week after the standdown?

Vogt—I agree with you we should finish up on the power which I think we can do. Then I'll go to work on the NE Rail Line and we'll be on it today and two of those rail yards we have had some impact already and go to work on the Cul Nung Bridge. *Incidentally, we aren't authorized to hit the Bypass.*

CJCS—Hit both of them. It's all right.

Vogt—Take that out and cut a rut on that point and work on down to the Rapel Canel and, also, *I'd like to get the By Pass bridge built over the Red River they have a bridge partially completed.*

CJCS—Good idea go ahead and do that.

Vogt—I think this thing has no "BE" number.

CJCS—I'll get one. I'll handle that one. I'll give you authority for that. I know exactly the one you are talking about.

Vogt—It lets all the trains in Hanoi.

CJCS—If they finish it, right.

Vogt—They got the center connection which has barges with rails that hook together and go all the way into Hanoi.

CJCS—See what we can do about that. Even the DuMier Bridge (which is kind of a status symbol) and not being used too much we should damage it further.

Vogt—We are watching it and still have 3 spans right in the water and they haven't been able to fix it.

CJCS—Watch it and knock it out anyway just to discourage them give that a little thought and I'll call you after you wake up. The best plan for next week after Christmas.

Vogt—How are we doing back there with the White House over all these B52 losses, are they getting nervous?

CJCS—As you know they make these decisions to do these things and then when something goes wrong they get nervous, but not as nervous as you think.

Vogt—That's fine, I do think we ought to keep out of the Hanoi area for awhile because we still don't have the answer for that problem yet.

CJCS—I agree with you.

Vogt—Lang Dang on that line I think we can handle that.

CJCS—Maybe if we get a feel today but the weather is overcast and real hazy effect?

Vogt—Roger, we are going to be watching this one.

CJCS—I just hope they don't bag a couple of those Russian ships because they've done just about everything else. The Navy has knocked off a Russian, Chinaman, Frenchman and a Polish and now hitting that thing with the picture of Gia Lam [air field].

Vogt—What was their reaction?

CJCS—They don't know about that one. We don't have a picture.

Vogt—Does Laird know?

CJCS—He doesn't know either, I didn't tell him what you said because I wanted the pictures available when I talked to him.

Vogt—I'll get them into you because we had some Canadians come in to town and they say the Airport is in shambles.

CJCS—The funny part about it is the Russians aren't saying one word.

Vogt—We didn't have the guts to do it legally but we did it accidentally but we'll have a tough time explaining it; although they'll think we're really tough guys now.

CJCS—Good thing it happened. It's uncanny that I've lived through this; this A-7 pilot dropped one bomb down there at Hon La Island and hit the Captain of the ship on the head with his bomb (and he couldn't do that again if he'd practice for 10 years); then the Navy throws a bomb and bags the French Consul and they couldn't do that if they tried probably and then we have this thing on Gia Lam which if we had scheduled the strike we couldn't have been anywhere near the target.

Vogt—I had Chick Clarey in the office this afternoon and Cooper and we were all sitting around looking at the pictures and just shaking our heads.

CJCS—I am going to have a hard time, you guys did that on purpose!

Vogt—You can do it, Boss.

CJCS—Did you have a chance to talk to Haig?

Vogt—Freddie and I had breakfast meeting with him over at the Embassy⁶ and he told us that he was to lay it on the line with Thieu and he did lay it on the line apparently a real grim meeting. He was waiting to get the "yes or no" out of Thieu before he left and he got a response it

⁶ See Document 204.

was in a sealed envelope and *Thieu said take this back to the President and don't open it*. So when Haig got back to the Embassy he and the Ambassador did open it and read it. I haven't seen it myself but they say it was that Thieu was going on for 4 or 5 pages saying neither "yes or no" and this was in response to *President Nixon's question, "Are you with me on a settlement, yes or no."* Apparently that is what the President asked instead of a yes or no he got 4 or 5 pages of baloney.

CJCS—They better watch it or we'll run off and leave them.

Vogt—I'm pissed off at these guys, they think they have got us by the balls and think we can't walk away from this thing because we've got too much invested. They are getting a little smart.

CJCS—I'll tell you they'd better wake up and realize that we are going to have a helluva time in the form of aid and any other kind of support for them from the Congress if they drag their feet.

Vogt—we don't have any problem with the field soldiers. All the Corps Commanders think it is time for some kind of settlement and are all for it, although Gen Vien the Chairman of the JGS and Thieu and that crowd, Christ! They are impossible! I don't know how we are ever going to get them in line.

CJCS—Okay, fine.

Vogt—They won't even talk to you. As a matter of fact Thieu has got the word out that nobody is to even be talking about the thing and you have got to go out to the field corps commanders area before the people will talk to you and they all say we have bled white and for a pretty long while and we are getting weak and 6 months ceasefire here by the guy in the field wants to do it he supports what Nixon's trying to do but in Saigon around Thieu he is a little concerned about his power base and doesn't want to go along with it.

CJCS—I'll keep in touch. You are doing a great job but don't wear yourself out.

Vogt—These 24 hour schedules are really invigorating!

CJCS—I've got to go to a briefing but I'll probably call Freddie again and talk to him, but I just gave you the plans for the Ceasefire we're not going to say anything—no public announcement.

Vogt—I'll pass that on to him but he's over at Gen Vien's right now and it'll be a rather late party.

CJCS—When he comes home or, in the morning. You'd better go to bed—Goodnight!

218. Telegram From the Department of State to the Embassy in South Vietnam and the Commander in Chief, Pacific (Gayler)¹

Washington, December 23, 1972, 0042Z.

231566. CINCUSARPAC please pass to 7th PSYOP Grp. State/Defense/CIA/USIA message. Subj: Intensification of Psychological Pressure Operations (PPOG Message).² Ref: Saigon 17715.³

1. Decisions have been made at high level that further vigorous measures must be taken in psychological field to stimulate motivation for DRV leaders to return to conference table to conclude a peace agreement.

2. Listed below are measures contemplated and current status of each.

A. Resume leaflet and mini-radio air drops north of 20 degrees north: operational authority to be issued by SecDef. Thematic guidance was provided in State 230726.⁴

B. Initiate high altitude balloon program for air dropping mini-radios in Red River Delta area: views of Vientiane and Bangkok Missions being sought by septel. Preliminary funding and procurement actions to be undertaken by Washington agencies.

C. Increase dissemination of mini-radios to NVN population as well as NVA throughout Indochina: delivery capability and procurement requirements to be developed by PPOG.

D. Print and drop additional substantial quantities of inflation leaflets with revised text to correspond to new situation. Pending development of new text by Mission, however, further order for these leaflets in old text should be placed in order to maintain pace of dissemination. Mission and CINCPAC should jointly work out order and air drop arrangements. USIA will arrange appropriate priorities for printing by RSC Manila. Highest priority drop area is Red River Delta.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 162, Vietnam Country Files, Vietnam, Dec 1972. Secret; Exdis. Drafted by J. Bengle (EA) and Colonel L. Doyle (JCS); cleared in EA, EA/VN, EA/LC, CIA, USIA, DOD/ISA, and S/S-O; and approved by Sullivan. Repeated to the U.S. Delegation in Paris, Phnom Penh, Vientiane, COMUSMACV, and CINCUSARPAC.

² The Psychological Pressure Operations Group was an interagency committee established in May 1972 to coordinate psychological operations mainly in North Vietnam but also in South Vietnam, Cambodia, and Laos.

³ Not found.

⁴ Not found.

E. Review and update existing leaflet inventory: continuing mission of Saigon PSYOP task force.

F. Develop new leaflets and radio scripts to exploit new themes; action requirement for Saigon PSYOP task force.

G. Increase drone capability for more precise leaflet targeting in high risk areas such as Red River Delta. PPOG to investigate availability of additional resources.

3. PPOG has also been directed to seek to devise further means to render psychological effort more effective.

4. Comments and recommendations of addressees regarding plans to further intensify psychological pressures would be welcomed.

Johnson

219. Backchannel Message From the Ambassador to Laos (Godley) to the President's Assistant for National Security Affairs (Kissinger)¹

Vientiane, December 23, 1972, 0608Z.

630. Since General Haig's departure from Vientiane, there has been one interesting development related to his tour of Southeast Asia. As you may have noted from Haig's conversation with Prime Minister Souvanna Phouma and as we reported in Vientiane 9765,² Lao are concerned that under present scenario where Laos ceasefire would follow Vietnam ceasefire, a settlement in Laos is being postponed because of the impasse in the US-North Vietnamese negotiations. As foreshadowed in the penultimate paragraph of my telegram 9765, Souvanna was approached by two of his close associates about exploring the possibility of concluding a ceasefire in Laos without awaiting a settlement in Vietnam. Minister Sisouk, probably the brightest Lao in the government, who is in charge of the Ministry of Defense and Finance, and Khamphan Panya, former delegate for foreign affairs and presently Lao Ambassador in Paris, approached Souvanna Phouma either late December 20 or early December 21 to discuss with him what, if any-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 411, Backchannel Messages, 1972 Southeast Asia. Secret; Priority; Eyes Only.

² Haig met with Souvanna Phouma on December 20. For a report of the meeting, see Document 210. Telegram 9765 has not been found.

thing, Lao should do to move forward prospect for settlement in Laos. The reason for this precipitated meeting was the departure on December 21 of Khamphan Panya for Paris after a three-week visit to Laos where he consulted with Prime Minister and King.

Sisouk and Khamphan Panya suggested to Souvanna that Khamphan Panya be instructed to explore very informally and unofficially whether the North Vietnamese in Paris might be receptive to settling the Lao problem first. Souvanna approved. The Lao fear that a prolonged stalemate in the US-North Vietnamese negotiations and no settlement in Laos would strain Laos defense posture. The Lao reasoning as we have received it from Sisouk is as follows:

As long as the fighting continues in Cambodia and Vietnam the North Vietnamese need the Ho Chi Minh Trail. The American bombing of the trail makes it more difficult for the North Vietnamese to get their supplies and manpower to their destinations in the South. If the American bombing of the trail could be replaced by a strong international supervision of the trail area, it would be just as much, if not more, of a hindrance to the North Vietnamese bringing down their supplies through Laos.

Furthermore, now that the North Vietnamese are relying to a large extent on using the DMZ area for infiltrating supplies and manpower through South Vietnam proper, the Ho Chi Minh Trail is not quite as important as it was before the North Vietnamese invasion of South Vietnam last spring. In short the Lao believe an international supervision of the Ho Chi Minh Trail area would serve a similar purpose as the American bombing of that area. This is really the primary problem standing in the way of a settlement in Laos. Sisouk believes that all the other issues in the negotiations between RLG and the LPF are of secondary importance and could be rapidly resolved if Hanoi gives the Pathet Lao the green light.

Sisouk added that the three Lao also agreed that perhaps the idea of putting Laos first and Vietnam second in search for a ceasefire might be a good tactical move since it would save Hanoi face if DRV wants to move ahead with a political solution in Indochina but not wishing to give the impression that they are bending to American military pressure. The Lao also speculated that if the US-North Vietnamese negotiations remained deadlocked, then perhaps the US Government might look with a favorable eye on efforts to resolve at least one of the three Indochina problems. The Laos problem is by far the least complicated of the problems of this peninsula. Souvanna thus gave his Ambassador in Paris the green light to explore directly with the North Vietnamese their receptivity to moving forward on a ceasefire in Laos. Sisouk continued that the three Lao involved in this effort are convinced that a solution in Laos can only be obtained by initiating discussions with the

North Vietnamese authorities who are the real masters of the Pathet Lao. The LPF delegation here in Vientiane does not really have full powers and that a major strategic change in the negotiations such as trying to obtain a ceasefire in Laos before Vietnam would in any case require Hanoi's blessing. Hence the Paris sounding. Sisouk stressed that the three Lao mentioned plus DCM Dean and myself, are the only ones who know about this initiative and it should be very closely held.

I would appreciate receiving guidance on how to handle this most recent Lao initiative. As you know, both General Haig and I have stressed with the Prime Minister our preference for having a Laos ceasefire follow a settlement in Vietnam. Hence Prime Minister and immediate associates are fully aware of our position and they took this initiative on their own, perhaps out of frustration of seeing the war in Laos drag on, a prospect they fear. My own hunch is that we should wait and see what comes out of this Lao effort which we will not know for at least a week to ten days.

I would suggest you ask Bill Sullivan to brief you re Khamphan whom he knows very well.

Merry Christmas.

220. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, December 23, 1972, 0935Z.

308. Subject: President Thieu's Meetings with Top Government Leaders, December 19, 20, and 21.

1. We have had reports on three meetings which Thieu held on December 19, 20, and 21 to consider the contents of the letter from the President delivered to him by General Haig.² I am transmitting a summary of these reports thinking it may be useful as background information.

2. Present at the meetings were: Vice President Tran Van Huong, Prime Minister Khiem, Foreign Minister Lam, Ambassador Tran Kim

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 45, Geopolitical File, Vietnam, Cables, Dec. 1972–Apr. 1975. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only.

² Document 189.

Phuong, Nguyen Phu Duc, Chief Justice Linh, Chief of JGS General Vien, Chairman of the Senate Nguyen Van Huyen, Speaker of the Lower House Nguyen Ba Can, and Hoang Duc Nha. The first meeting convened December 19 at 1600 and lasted until 2100. Nha gave a detailed briefing of the cease-fire agreement and the points of contention which caused a suspension of the talks. Nha reported that of the various counterproposals sent by Thieu to the President in the letter transmitted by Duc,³ only two had resulted in changes, both essentially meaningless:

—in Article 1 a change in the wording to "... U.S. and other countries ..."

—with respect to the NCRC, North Viet-Nam consented to eliminate the expression "administrative structure".

3. Nha explained the proposal for the signing of the agreement, i.e., that the U.S. and North Viet-Nam will jointly sign the agreement while South Viet-Nam and the PRG each will sign identical but separate copies of the agreement. This was unacceptable to Thieu on the ground that he will not sign an agreement containing the present provisions.

4. Nha concluded the briefing by saying, with Thieu's concurrence, that there is no significant change in the terminology of the cease-fire agreement to meet their objections. The two main SVN requests concerning withdrawal of NVA troops from South Viet-Nam and the NCRC were not met.

5. Thieu then reported the President had sent him by General Haig a "secret and personal" message, the contents of which he could not reveal to the meeting, but which he characterized as an ultimatum requiring a "yes or no" regarding his willingness to sign the cease-fire agreement—the Haig trip was not for the purpose of further negotiations, it was only to transmit the President's message and to obtain a response.

6. After lengthy discussion, the meeting agreed that South Viet-Nam could no longer delay action and must respond to the President. Their position was that:

—South Viet-Nam cannot sign the text as it stands.

—South Viet-Nam cannot reject the entire agreement.

—South Viet-Nam will make one final counter-proposal, accepting the Council but rejecting the continued presence of NVA troops in the South.

7. All agreed that South Viet-Nam must accept the political confrontation with the Communists implicit in acceptance of the NCRC,

³ See Document 131.

but that this plus the presence of NVA troops would eventually tip the game to North Viet-Nam.

8. Thieu adjourned the meeting at 2100 with instructions that all should think about the problems and reconvene the next day.

9. (*Source comment:* The mood of the meeting was sad, somber, and serious. There was full cognizance of the responsibility and implications of their decisions. There was no element of buoyancy because the Kissinger-Tho talks had been suspended and heavy bombing of the North resumed.)

10. Thieu reconvened the meeting at 1000 hours on December 20. In addition to the participants of the previous day, there were present Minister of Economy Ngoc, Minister of Finance Trung, Director-General of the Budget Luu Van Tinh. The Ministers briefed the meeting on the situation with respect to U.S. aid. In summary the presentation concluded that U.S. aid to South Viet-Nam for 1972 will fall short of requirements foreseen for 1973 by \$100 million, and that because current U.S. aid policy tends to cut foreign aid to all countries, U.S. aid to South Viet-Nam in 1973 will probably not exceed the 1972 level of \$340 million even if South Viet-Nam were to sign the cease-fire agreement. They thus concluded that if South Viet-Nam does not sign, U.S. aid will be at best greatly reduced and at worst suspended entirely.

11. Thieu opened the discussion by calling for new ideas or new approaches to the problem. All present rested with their conclusions of the previous day. They considered President Nixon's message to Thieu "his final word". The "final word" from South Viet-Nam is that they will accept the NCRC, but must continue to insist on the withdrawal of the NVA from the South. (*Source comment:* All present realized the implications of their decision for South Viet-Nam, the many problems in the areas of economy and finance, but could find no other choice.)

12. At the conclusion of this meeting, Thieu met with Huyen and Can at 1200 to discuss the changed situation brought about by the President's ultimatum. Thieu said that South Viet-Nam must continue to avoid public confrontation with the U.S. Therefore, no comment about his December 12 address to the National Assembly will be made nor will the National Assembly send a message to the U.S. Congress as previously intended. There will be no further joint National Assembly sessions to report on the new situation. However, the National Assembly may send a message to the new Congress when it convenes on January 3, reminding it of the reasons why the U.S. and South Viet-Nam have fought together for the past ten years, explaining why South Viet-Nam feels impelled to continue its war against aggression, for a just peace, and for the ideals of freedom, concluding with a request for continued support.

13. It was considered inappropriate at this time to send the planned official delegation from the National Assembly to the U.S. However, the National Assembly might send a small number of Senators and Deputies who have personal relations with members of the Congress in a private capacity for individual talks.

14. Thieu said that the President now had the initiative and that he must await the President's reaction; that if the President will continue his friendly secret talks with South Viet-Nam in trying to find a solution, Thieu will do the same. If, however, President Nixon should create a public rupture with South Viet-Nam, then he (Thieu) would have to react according to the facts of the matter and make a full explanation to the people of South Viet-Nam. Thieu emphasized that he would say nothing until he hears from the President. He said that he wished to sign a cease-fire agreement and "if only we can reach a formula which is acceptable to us, we will sign immediately". Thieu said that the formula on the NVA troops was the only urgent one—all other problems can wait, but if he were to accept the cease-fire agreement as it now stands he would be betraying the ARVN, the people, and the nation. (Source report said that those attending the meeting concurred fully with him.)

15. Warm regards.

221. Transcript of a Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

December 23, 1972, 12:50 p.m.

HK: Mr. President.

RN: How are you getting along with your children?

HK: I'm back in Washington now, Mr. President.

RN: I see, you just went there for the day.

HK: That's right, for the evening.

RN: I see, how were they?

HK: They were fine, they couldn't be nicer.

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 17, Chronological File. No classification marking. The President was in Key Biscayne; Kissinger was in Washington. All blank underscores are omissions in the original.

RN: Good, okay. Anything new today?

HK: They flew 30 B–52's this morning and they all got back, so, you know, we'll still lose here and there but—it's two days in a row now that we haven't lost any.

RN: Right. They throw an important mission.

HK: They went a little bit—outside the Hanoi area this time—they went up into the buffer zone with China, where they had found 100 railway cars piled up—and that's good. I've seen some pictures now, some of the damage we're doing—

RN: You still feel that way, Henry?

HK: Oh yeh, Moorer brought over some of the pictures—

RN: You got his attention huh?

HK: Ohhh, we got his attention Mr. President—we have his attention.

RN: Isn't a crime we have to do this though—we did it at Cambodia, we did it at _____, how many times do you have to do it?

HK: Well, I gave him hell and he said during the summer, he sent in at least 50 requests for new authorities which were disapproved—

RN: The point is, did we ever know it?

HK: No, and I think we ought to—

RN: That's the thing Henry—I just can't understand why _____ to send them to me—you remember that I told him that he was to do that—or he was just afraid of Laird was that it?

HK: That's right. I think we ought to institute a system for Richardson when he comes in that every request of the Chairman automatically comes over here too.

RN: Absolutely—it's—you bet it will be instituted when he comes in. I think we should institute it now.

HK: Well we're having trouble with Laird as it is and we don't want him to blow before he leaves.

RN: Okay.

HK: But we had a report, for example, from the Cuban ambassador in Hanoi who is certainly not friendly to us and he says they are in bad shape, there was a meeting of technical experts this morning again.²

² In a message to Kissinger, December 23, 1442Z, Isham summarized the experts' meeting held that day in Paris. In the meeting he told the North Vietnamese that it was vitally important to maintain communications and that if they opted for indefinite suspension of the technical meetings, which they said they might, it would be that much more difficult to reach a settlement. Isham proposed another meeting for December 27 at 3:30 p.m. (National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [1 of 3])

RN: Our technical experts?

HK: No—in Paris—

RN: Oh, I see yeh, yeh, yeh.

HK: And they bled all over us again. But and—but again they didn't break off, they said we should set the next day, so we proposed the date to them.

RN: Yeh.

HK: And they said—

RN: They may come back and accept your, our message.

HK: I think—you know, they say, these acts of war escalation are seriously undermining—they don't say destroying, the prospects of a settlement.

RN: Your message _____ we worked on yesterday, will have been deliver by now—

HK: Oh it has been delivered—last night.³

RN: That's good, that'll give them a problem, also an opportunity.

HK: Exactly. And it also shows them how to turn it off.

RN: That's right—that's my point an opportunity to turn it off.

HK: And, here it says if the US had a proposal for another meeting, they would consider it—this is an oral statement—and he said whether negotiations continue to remain in deadlock the US would bear responsibility—it was up to the US side to set a date for the next meeting.

RN: That's the meeting for the technical experts?

HK: Well, no that's a little ambiguous in this context—

RN: Yeh, but that of course will have been said before they received our message huh?

HK: They received our message after this—

RN: But not in time to react.

HK: But they hadn't had time to react, yet. Here is what—the November and December meetings, it was the US side which had blocked an agreement whether negotiations continued or remained in deadlock, US would bear the responsibility—it was up to the US side to suggest date for the next meeting. That seems to be talking about the big meeting.

RN: Yeh, right.

HK: So the response of these guys is very weak. They—their teeth are really rattling right now.

RN: What's that—I didn't hear you?

³ See Document 215.

HK: I think their teeth are really rattling right now.

RN: They ought to be from the—

HK: This is something—

RN: When do we break off—it's the 24th already over there, isn't it.

HK: We are breaking off at noon tomorrow our time. And then we have to break off for 36 hours because they are 12 hours later.

RN: I know I was saying at least 36 because it's—

HK: I think we break off at 11:00 tomorrow morning.

RN: Tomorrow is the 24th—Oh I see that's midnight their time.

HK: That's midnight their time and then we have to go til about 36 hours—

RN: Moorer is preparing a big strike the day afterwards.

HK: All out.

RN: You see I think that's the strategy, you can't let them think we are diddling around with a few messages. But if on the other hand we return we can take another look.

HK: I think Mr. President, we ought to go all out no matter what they reply until December 31.

RN: That's what I meant. Until the 31st we have to—the problem is we have to do what we can to disrupt their capabilities right now—that's what May 8th⁴ did to them.

HK: Right. I think if we can get some of these bridges if the weather clears, we will set them back two or three months again on the transportation and their industrial capability and their electrical system is being leveled right now—formerly we just went out after one of the buildings—the generator building, but now they are levelling all supporting facilities too.

RN: Good. We'll just continue on this course and you've got Colson working hu [omission in the original].

HK: Absolutely.

RN: Keep it at the present level.

HK: I don't notice any lead yet Mr. President.

RN: One of the _____ to find things is the way some of these POW wives have handled themselves. They've been wonderful.

HK: That's right, and I get letters from people saying my son is over there but don't you weaken and I have—lots of people are sending me Christmas cards I've never heard of—it must familiar to you. The interesting thing is that not one critical letter and now I am getting lots

⁴ That is, the bombing of Hanoi and the mining of Haiphong Harbor.

of letters saying stick to your guns—we heard your account of the television thing—you are right, thank God the President is holding firm.

RN: Now by what we have done we have laid the groundwork for going either way and they say we did our best. It's terrible that Thieu, Henry, as I reflected on our meeting with Haig, that Thieu—he has made a comprehensive settlement almost impossible, to be ever interpreted as a peace with honor. On the other hand if we can get a comprehensive settlement, we now—(end tape . . .)

(begin tape) . . . and perhaps we can bring them around, but we should have had it October 8th.

HK: That's right.

RN: That deal was good enough. Language doesn't mean anything—not a damn thing.

HK: We would have had a great success and it isn't that much different anyway.

RN: You know the language doesn't mean much—you know it and I know it. Now we are stuck with getting a little better language.

HK: Exactly.

RN: And we'll—be sure to plan your trip to Palm Springs—I got Ziegler off yesterday—he's going to be there for five days and you should just plan it, because, Haig ought to get his time too—you be sure he gets away.

HK: Absolutely.

RN: See some of your other people—stagger them, but don't—we all need a little time off.

HK: The Chinese made a protest about the ship we hit and did about the absolute minimum that they could do—they protested orally in Paris not even in our channel—and then when our man there asked them whether they had a written note, they said oh no, no we said all we are going to say and they said that our air operations threaten China security—this time they are just saying they are closely watching it. We just got a report that they are totally evacuating Hanoi.

RN: They think we are going to come at them with more stuff all over the city?

HK: That's right.

RN: That can't [but] be affect[ing] their morale of their people to evacuate that city.

HK: Oh God yeh.

RN: Everyone talks about the ineffectiveness of bombing—it was not ineffective at all, I mean—it was damn effective—what the hell finished Germany?

HK: That's right.

RN: Let's face it—the German armies were still fighting damn well but it was just tearing hell out of their cities—the strategic bombing—we just haven't done it well enough Henry, that's our problem.

HK: These guys—it's the tenth year of a war for them and just when they think they have it done—it starts again with increased ferocity—this must be a shocking thing to them.

RN: Right. Well you'll be there over the weekend. Truman is probably going to die today—I don't think anything is planned in the way of a public thing in Missouri—so don't let it bother you.

HK: I'll be here till Tuesday afternoon.⁵

RN: If I were you I'd get the hell out of there sooner—nothing is going to happen over the weekend.

HK: I think I better stick here and then on Tuesday I'll go to Palm Springs.

RN: And stay over New Year's?

HK: Or come back just before, depending on developments.

RN: In other words, we hope you're coming back?

HK: That's right. If you are staying in Key Biscayne, then if it were a Jan 3 meeting I think I ought to fly there on the first over to—

RN: I'll be here or at Camp David either one—it'll all work out.

HK: I'll go wherever you are.

RN: In the meantime be sure to remember—it seems everytime I try to take off a few days—there's a goddamn crisis and everytime anyone else does, but I probably will come back Wednesday or something like that. I am really the only one who has to be around—the others can be off. There's not a damn thing any of us can do. Except to keep the heat on—I guess the heat is on Moorer enough though.

HK: Oh the heat is on Moorer enough now Mr. President—I think frankly we ought to leave him alone for the next week or so—

RN: Fine, I'm all for it—he knows what he has to do and I think he's telling the truth—I think Laird is just—

HK: He's got a good plan now I'll send it down to you.

RN: No, I don't want to see it—if the plan is—you know what I mean—I will not get into tactics—I just want something stiffer—Do you think it is an adequate—

HK: It's a good plan—I spent an hour with him this morning.

RN: This is for what Henry?

HK: For next week's operation and their major emphasis now is going to cut off Hanoi from the rest of the country.

⁵ December 26.

RN: I see.

HK: They are going after the transportation system again and so it looks—they understand that the major weight of this can be kept north of the 20th.

RN: Sure. Well—

HK: For the time being it's best to keep the heat on him than do too many other changes.

RN: Right. Okay We'll—you can give me a ring here if anything else develops Wait a minute—this is already the 23rd—

HK: Right. There will be one more B52 strike before.

RN: Bye Henry.

222. Message From the Chairman of the Joint Chiefs of Staff (Moorer) to the Commander in Chief, Pacific (Gayler) and the Commander in Chief, Strategic Air Command (Meyer)¹

Washington, December 23, 1972, 2247.

3580. Delivery during waking hours. Subj: Linebacker 22 [II]/Post-Christmas Operations (S). Refs: A. JCS 5384/170010Z Dec 72. B. JCS 7807/192322Z Dec 72. C. JCS 3491/231842Z Dec 72.

1. References (A) and (B) were execute/continuation authority for current Linebacker II operations. Reference (C) directed Christmas stand-down.

2. With the first week of Linebacker II nearly complete, the renewed campaign has been markedly successful to date.

3. In order to provide you with maximum leadtime, set forth below is the planning concept for the continuation of the air campaign in NVN. Confirmation will follow ASAP.

Immediately following the stand-down over Christmas, resume the air campaign with maximum effort north of 20 degrees in North Vietnam. Following are major objectives: First, complete an achievable level of damage against present approved targets in the Hanoi/

¹ Source: National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 71, Linebacker II Messages, December 1972. Top Secret; Immediate; Specat; Exclusive. Repeated to Commander in Chief, Pacific Fleet; Commander, Military Assistance Command, Vietnam; Commander, 7th Air Force; Commander, Seventh Fleet; and Commander, Carrier Task Force 77.

Haiphong complex, as well as the approved targets in the buffer zone. Of particular importance are (A) continuous bombing of authorized targets in the Hanoi area, and (B) the destruction of power plants. Second and closely related to this, but involving some additional targeting, isolate Hanoi from the rest of North Vietnam. Those targets that geographically, electrically and logistically join Hanoi to the remainder of North Vietnam will be attacked. Third, resume destroying the north-east line of communications as a first priority with destruction of north-west line of communications as second priority. LOC attacks include bombing of RR bridges, RR yards, RR shops and highway bridges, and seeding of waterways.

4. Arc Light strikes.

A. Schedule B-52 sorties as follows (all sortie numbers approximate):

	NVN North of Twenty North	Elsewhere in NVN, RVN, Laos, Cambodia
Zulu day		
26 Dec (After 0459Z)	90–115	as avail
27 Dec	60	30
28 Dec and subsequent	30	60

B. As the results of the strikes north of 20 degrees north become known, retarget either with B-52s or tacair, as required, to achieve desired damage levels. Since much of the B-52 effort has been in the immediate Hanoi area, as the damage levels on these targets are confirmed, expand the effort to include the Haiphong, Bac Giang, and Thai Nguyen sectors. The high priority requirement to maintain heavy pressure on Hanoi/Haiphong continues.

5. Tacair strikes. Tacair will also surge on the day after the Christmas stand-down, and then be used to maintain round-the-clock pressure through the application of both visual and all-weather bombing systems. It is particularly important that tacair all-weather and/or visual strikes be scheduled to maintain pressure during periods when B-52s are not targeted in the immediate vicinity of Hanoi/Haiphong. The continued suppression of airfields and SAMs, is a necessary adjunct to the total operation and an appropriate fraction of tacair must be used for this task as tactical situation dictates. Meanwhile, some allocation of tacair, including gunships, will be necessary to interdict the flow of supplies down the NVN panhandle through the DMZ and Laos. Portions of remaining tacair will be used to reseed the coastal minefields that have become sterile and additional fields for which authorization is pending. In general, this will be done when weather is unsuitable or marginal for visual ground attacks.

6. The general guidance and priority for sortie allocation in ref B are reaffirmed.

Warm regards.

223. Diary Entry by the Chairman of the Joint Chiefs of Staff (Moorer)¹

Washington, December 26, 1972.

1146 Telecon/Out—to *General Meyer* (Secure)

It looks like the plan worked out beautifully on the strikes.² I don't think anybody in the world could coordinate an operation as well as we did. Only two birds were damaged on this strike. This is the one that came from all directions at once and it worked out beautifully. One down and two damaged. One with the fuel problem trying to get into DaNang may have to ditch or bail out over the gulf. Another with two engines out going to Nam Phong [Air Base]. Hanoi reported a shoot-down over the city. We are not sure of it yet. The one that is damaged heading for DaNang is trying to nurse it back to base. Country is mighty lucky that we have got the crews that will press on to the target in the face of heavy opposition, Meyer said. In view of the general attitude of the Country it is miraculous to have this courage and determination.

We only had a four hour window in this whole time to use LGB's on the Hanoi power plant and they made it in there. I told him he had authority to keep striking Lang Dang railroad yards. We want to put it completely out of business. Told him we were looking at some of those Army training areas as targets for the B52's.

General Meyer thinks we are really running them out of SAMs and I agree. SAC wants to go against the Buffer Zone target rather than the Haiphong area for tonight's operation.

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Top Secret. This diary entry summarizes a telephone conversation between Moorer and Meyer at 11.46 a.m., Washington time. Moorer in Washington called Meyer at Strategic Air Command headquarters in Nebraska.

² The plan entailed 78 B-52s in 4 flights simultaneously attacking Hanoi from 4 different directions as 42 aircraft in 3 other flights struck Haiphong. (Boyne, "Linebacker II," p. 56)

Meyer said that the one that was heading for Nam Phong is on the ground. The other one we don't know yet. The best we can hope for is three with battle damage.

224. Message From the Air Attaché at the Embassy in France (Guay) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Paris, December 26, 1972.

The following message was obtained from customer at 3:15 pm this date.

Quote:

Message of the Democratic Republic of Viet Nam in reply to the U.S. messages of December 18 and 22, 1972.²

1. On December 18, 1972 the United States handed to the D.R.V.N. side a message proposing a private meeting of Special Adviser Le Duc Tho and Minister Xuan Thuy with Dr. Kissinger, at the same time, U.S. planes including B-52's carried out extermination bombing against many densely populated areas in Hanoi capital city, Hai Phong port city and several provinces in North Viet Nam. This is a most serious escalation of the war, an act of intimidation and pressure by the United States with a view to negotiating from a position of strength. The U.S. side has violated the undertaking of President Nixon himself to cease all bombing, shelling and mining of the Democratic Republic of Viet Nam north of the 20th parallel and reducing bombing and shelling south of the 20th parallel during the negotiations and until the negotiations are concluded. The D.R.V.N. side vigorously condemns the U.S. war escalation and resolutely rejects the ultimatum language used in the U.S. message. The U.S. side must bear full responsibility for the consequences of its acts.

2. On October 8, 1972, the D.R.V.N. side presented a very important peace proposal which broke the deadlock of the negotiations and led to an agreement on the text of the "Agreement on Ending the War and Restoring Peace in Viet Nam". But the U.S. side has sought dilatory

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [1 of 3]. Top Secret; Sensitive; Eyes Only.

² See Documents 185 and 215.

means to refuse the signing of the agreement on October 31, 1972 as had been agreed between the two sides, and proposed another meeting to discuss the wording and a number of details. Meanwhile, the United States on the one hand intensified the war in South Viet Nam and massively introduced into South Viet Nam tens of thousands of tons of armaments and war material, tens of thousands of disguised military advisers; on the other it arranged for Nguyen Van Thieu to completely reject the agreement and, at the same time, to intensify the campaign of terrorism against and massacre of patriots and peace-loving people in South Viet Nam.

3. At the private meetings from November 20 to December 13, 1972, the U.S. side insisted upon many changes in the principles and substance of the agreement that had been reached. Because of the goodwill and efforts of the D.R.V.N. side, on December 13 in the text of the agreement there remained only two unsettled major questions: the way of signing the agreement and the modalities for movement across the provisional Military Demarcation Line; besides, there were a number of very important understandings not yet agreed upon. The two parties agreed that the above-mentioned outstanding questions should be settled through exchange of messages or, if necessary, in further meetings; in the meantime, the representatives and experts of the two parties should immediately begin the discussion of the protocols. The U.S. side also proposed that the two parties should not divulge the substance of the questions discussed during the private meetings. The D.R.V.N. side agreed and kept its promise. Yet, the U.S. side has acted contrarily to this agreement. On December 16, 1972, the U.S. side unilaterally made public part of the content of the private meetings, distorted the facts, and shifted the responsibility onto the D.R.V.N. side for creating obstacles to the negotiations.³ What is particularly serious, the U.S. side escalated the war, launched unprecedentedly ferocious air attacks against Hanoi, Haiphong and many other places. On December 22, 1972, while further intensifying attacks against many places in North Viet Nam, the U.S. side sent a message saying that it would stop the bombing north of the 20th parallel as of midnight December 31, 1972 if a private meeting took place between Special Adviser Le Duc Tho, Minister Xuan Thuy, and Dr. Kissinger on January 3, 1972.

4. The D.R.V.N. side resolutely demands that the U.S. side put an immediate end to its acts of war escalation against the Democratic Republic of Viet Nam, give up threatening manoeuvres in an attempt to negotiate from a position of strength. After the situation has returned to

³ See Document 182 and Bernard Gwertzman, "Kissinger Says Talks Have Not Reached 'Just And Fair' Agreement; Blames Hanoi," *The New York Times*, December 17, 1972, p. 1.

what it was before December 18, 1972, the meetings between the representatives and experts of the two sides will pursue the discussions of the protocols, and the private meeting proposed by the U.S. side between Special Adviser Le Duc Tho, Minister Xuan Thuy, and Dr. Kissinger will take place. However, in view of the present health conditions of Special Adviser Le Duc Tho, the D.R.V.N. side proposes that this private meeting take place on January 8, 1973.

The D.R.V.N. side reaffirms once again its constantly serious negotiating attitude, and it will endeavour to settle the remaining questions with the U.S. side. The U.S. side should also have an attitude of good will; only then can the coming negotiations get results and the Agreement on Ending the War and Restoring Peace in Viet-Nam be rapidly concluded.

Whether the negotiations will be continued or not, whether peace will be promptly restored in Viet Nam or the war will be prolonged, this completely depends on the U.S. side.

End quote.

Comment: Customer called at 9:30 am (Paris time) and asked for a 5:00 pm appointment, I agreed. He called again at 2:00 pm asking if I could make it a 3:00 pm. He explained that he had been summoned by Schumann⁴ and would not be able to make the 5:00 pm meeting. I accepted the new time and met him at the usual place at 3:10 pm, he was late. When he arrived he again excused himself for the change and also for being late. He felt compelled to again explain that the reason for the change was because he had been summoned to the Quai. He seemed very excited and in a great hurry. After I read the message, he jumped up saying that if he understood correctly, there would be an answer to the above. I told him that I would contact him if the need arose and left. Contrary to his usual custom he did not wait for me to precede him by a few minutes but left the house right behind my heels and almost beat me back to Paris.

End message. Warm regards.

⁴ Maurice Schumann, French Foreign Minister.

225. Transcript of a Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

December 26, 1972, 12:55 p.m.

K: Mr. President.

P: Henry, are you all set for your trip to California?

K: Right, Mr. President.

P: You're leaving about four o'clock.

K: I think they moved it up a bit.

P: Good, good.

K: I don't know when you are coming back.

P: It don't make any—don't—I have to go out to the Truman Library in any event, so don't plan anything, you get the hell out of there and go to California, and get some sun while you can.

K: Right, Mr. President.

P: Fine, fine.

K: Now we've had an answer from the North Vietnamese, and they propose the meeting for the 8th.² But that's a terrific cave.

P: Yeah, but what can they announce it.

K: They want us to stop the bombing immediately so what we are going to do is exchange a few more messages with them to run it up to the 31st. But I wanted to ask you—

P: You see [in my] judgment, the problem we have is that we've got to stay one jump ahead. One jump ahead of the Congressional people. When they come back I'll have to meet with Mansfield and all those jackasses on the 2nd or 3rd, you know, bipartisan, I always have to open that way.

K: Well we can certainly announce it before the 3rd.

P: I would like it announced, if possible, before the 1st, I think it's very important.

K: All right.

P: But the point is that when you say exchange a few more messages and we get delayed past the first, and this—

K: You don't get delayed passed the first.

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 17, Chronological File. No classification marking. The President was in Key Biscayne; Kissinger was in Washington.

² See Document 224.

P: Let me explain something. In this instance, the reason that, I generally don't give one damn when these things go out, but in this instance we do have a problem which we have to take in mind of staying just one jump ahead of them and not allow something to build. Then of course have to argue and debate it, see my point. We've got to keep the debate on our grounds. Not ever let it move to their grounds. See?

K: Right.

P: That's the only reason that I want the announcement as early as possible. Now, if it isn't clear and advantageous to have it before Congress comes back, we'll just tough it through.

K: No, no, we can certainly have it before Congress gets back. The question is do we want it on the 31st or on the 2nd.

P: 31st.

K: All right. And, today is Tuesday—

P: I understand.

K: If you don't exchange messages, we'll have to stop it before Sunday,³ and that I think would be a sign of great weakness.

P: You mean, well what was your idea?

K: My idea is to tell them, to give them a few conditions which they'll need such as the technical people have to resume on the 2nd, the, and one or two other minor things, and as soon as they confirm it we'll stop bombing and announce on the 31st that we'll meet on the 8th.

P: We will stop the bombing when?

K: The 31st.

P: And meet on the 8th! Well, we give some on the bombing thing.

K: That's right.

P: Well I think it's all right.

K: We won't announce it before we stop the bombing.

P: I understand that and I see your problem about the 2nd thing, you prefer the 2nd because it allows you to bomb longer.

K: No, it doesn't build up the euphoria quite so much. We have to stop bombing on the 31st anyway—

P: Because of the holiday.

K: Because of the holiday.

P: Yeah, well not as the euphoria is concerned. There's not much we can do about it one way or the other now, it's just, the events are going to shape this thing and as you and I both know, and we just have to do what is right. I'm would prefer if we can without too much loss to have an announcement by the 31st. That would—that I think is very

³ December 31.

important from the standpoint of the Congress. It allows me to do a few little things. I can make a number of telephone calls to Democratic members of the House and Senate, we need to make, but I will not make until we have something positive to say, see what I mean.

K: Right.

P: I mean, I'm trying to—there are other games in Vietnam that I'm having to play right now, and I've got, I would like to start getting these guys softened up before they get back. Now I can wait, but, if we can do that on the 31st then you see I come up on a better basis, I would make the calls on the 1st that way. I was hoping to make them before, but the 1st is fine.

K: Well, we'll aim for the 31st. What we have to make sure about, Mr. President, is that we don't lock ourselves into a certain deal, peace again, because will just drive the others into stone walling.

P: Oh. Christ yes.

K: I think we have now a good chance of winding it up at that meeting, because we've gotten credibility with these guys again.

P: Well. Let me put it this way. We either wind it up at that meeting, or we go on option 2, right Henry. And I think you ought to do it at that meeting.

K: I agree. Well I think we should break up the meeting and then you should—

P: Let me put it this way. I want before I go on, I want them to have an offer and a turn down on that thing, you see my point, that is one thing that is still not clear in the file, I know that it's clear in your mind and my mind that they were never willing to separate military from political issues, but you often ask the question, have they ever flatly said no, see.

K: I think the way to do that, Mr. President, is to get it made publicly there. If I as much breathe that we are separating these—

P: I'm talking about after it's all, after they have turned everything else flatly down. That's what I'm suggesting.

K: Right.

P: You've got to negotiate down to the end of the crack, but then at some point that must be in the record. At some point before I go on it's got to be in the record that we offered it and they turned it down because we have to have basically a rationale for bombing in order to get the prisoners. You see my point.

K: Yes, but the way you could go on Mr. President in a more positive way is for you to make the offer and then get it turned down rather than to say it's already been turned down.

P: Make the offer, but continue to bomb.

K: No, I think what one would do—assuming the negotiations failed, then I come back, then you could go on television and say, we can no longer pursue the October framework. I now make one last offer. Which is withdrawal for prisoners. Then if they turn it down, I'd resume bombing. If they turn it down very fast.

P: And we will say that we will not—then we—

K: Then we don't go on television with a bombing speech, you go on television with a peace offer.

P: In the meantime the bombing pause would still be in effect.

K: Uh, well—

P: Well, I'm just putting it out as to what you're looking at, see. It's got to be in effect. You see—what have they accepted, to meet on the 8th? No bombing above the 20th parallel.

K: That's right.

P: All right, then when you come back, after the negotiations break down, you start bombing right away?

K: Well, you wouldn't probably want to do it the week before the inauguration anyway.

P: What, the bombing?

K: Yes.

P: That's the point, but I think we'd give them a week.

K: So therefore, supposing I come back on the 11th or 12th, and it's failed. Then you could go on and, on say the 14th or 15th, offer the quick POWs for withdrawal, and then right after the inauguration, whack them.

P: Yeah.

K: But I don't think it will come to that.

P: Well, it would seem to me that in view of their reaction here the chances are they are ready to talk, I mean they are ready to settle.

K: That's my impression.

P: But we have felt that before.

K: But considering what we have done to them, this is a very soft reply.

P: Yeah. Now the question is what do we do about the bombing between now and the 31st.

K: I think we'd keep it up.

P: That's my view too.

K: That's why I want to exchange a few more messages with them. Then we don't get into the issue of when do we stop.

P: Talking about a few more messages, we are now sitting here on the 26th and the date that we want to have some sort of deal is the 31st.

K: That's right, we can manage that because—that's right, Mr. President, but they can answer these things very quickly.

P: What's your first message going to be.

K: I have to say something, Mr. President, about (a) that we accept the 8th, then I have the problem if we don't stone wall—

P: Why don't you say you accept the 6th?

K: Well—

P: All right, accept the 8th, okay.

K: We accept the 8th. Secondly, I'd say the technical talks have to resume on the 2nd, thirdly, I can only come for three days. Fourthly, we'll make an announcement on December 31st that these talks will resume. As soon as they confirm all these things we will notify them of the time we will stop the bombing but it will be no later than the 31st. We will certainly get back by Friday.⁴

P: Well, get that message off right away so that we can, if possible, get it back by Friday. I'm not normally concerned about the timing on these things, but this time it would be extremely helpful for us to realize that the negotiating process and so forth, unless it is almost mortally damaging to us, it is very important to maintain our position here, for us to be on top of this by the 31st.

K: Right.

P: That's what I'm talking about. So this is one instance where the negotiating process—you may have to give a little on that side if it is not mortal in order to hold on another side.

K: I don't think that they are too mortal—

P: You don't understand what I'm talking about. The dates are totally mortal in terms of the domestic thing because if it comes on the 2nd or 3rd it's too late.

K: No, no, I understand that. I mean it isn't mortal if we do it on the 31st. The negotiations. So we can afford it.

P: I know, but we've got to be able to announce it, that's my point.

K: I agree.

P: And that's why the exchange of messages—that's fine if you want to do it, but if you feel you've got to have an exchange of messages I would do it, but I would not want to risk too much not being able to make the announcement on the 31st.

K: We would risk everything if we cave after this business right away.

P: I agree, I agree, what I'm getting at is that when you talk about exchange of several messages (end of tape)

⁴ December 29.

226. Message From the Air Attaché at the Embassy in France (Guay) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Paris, December 27, 1972, 1347Z.

Customer called at 9:30 am Paris time and requested an appointment at 12:00 pm. I agreed and met him at the usual place. He handed me the following message:

Quote:

The view of the D.R.V.N. side regarding the resumption of the meetings of representatives and experts of the two sides has been clearly stated in the message of December 26, 1972 and presented during the meetings of representatives and experts on December 20 and 23, 1972.²

However, up to the present time, the United States has continued to carry out most barbarous air attacks against the capital city of Hanoi, the port city of Haiphong and several other populated areas all over North Viet Nam. Once more, the D.R.V.N. side vigorously protests against the very serious and criminal U.S. escalation of the war against the Democratic Republic of Viet Nam. In these circumstances, the D.R.V.N. side cannot participate in the meeting of representatives and experts that the U.S. side has proposed for December 27, 1972, and is obliged to postpone the meeting until another date.

As has been pointed out in the D.R.V.N. message of December 26, 1972, when the situation existing before December 18, 1972 has been restored, the meetings of representatives and experts will be resumed to discuss the protocols, and private meeting of Special Adviser Le Duc Tho and Minister Xuan Thuy with Dr. Kissinger will take place on January 8, 1973.

It depends entirely on the United States whether the negotiations will be resumed or not.

End quote.

Comments: Since I knew that they were on the hook for a meeting this pm and had not made their intentions known I advised Ambassador Porter of the above. Should we not add today's date to the opening sentence of the message transmitted by your 270440Z?³ At

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [1 of 3]. Top Secret; Sensitive; Exclusively Eyes Only.

² See footnote 2, Document 215; footnote 2, Document 221; and Document 224.

³ Not printed. (National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [1 of 3])

conclusion of my reading customer's message I informed him of the fact that I would have something for him at 10:00 pm this evening. He agreed to meet at the time, but requested that I reconfirm later on today. Have just heard over French radio announcement that the North Vietnamese delegation in Paris will not participate in the technical discussions scheduled for today. They (NVA del) have stated they will not resume the technical discussions until the U.S. terminated its bombardment of North Vietnam. End message.

Warm regards.

227. Conversation Between President Nixon and Richard T. Kennedy of the National Security Council Staff¹

Washington, December 27, 1972.

Nixon: And I think we've got to give them [North Vietnamese] two or three more days then.

Kennedy: Run it up. Run it up until they agree to the timetable, now, that we have suggested, again.

Nixon: Well, we, as I understand, have offered to go back. We will—we will announce the [December] 31st and stop bombing them until the [January] 8th. That makes sense, doesn't it?

Kennedy: Right. Yes, sir. I think it does.

Nixon: We should have a one-day off, anyway, there.

Kennedy: Well, when you—once it's agreed between the two sides that, in fact, they're gonna go back—

Nixon: That's right.

Kennedy: —it would be—it would be awfully difficult to—

Nixon: Um-hmm.

Kennedy: —to announce that fact. And if you didn't, they would.

Nixon: That's right.

Kennedy: And then still continue the bombing. I think it'd be a

¹Source: National Archives, Nixon Presidential Materials, White House Tapes, Oval Office, Conversation 828–5. No classification marking. According to the President's Daily Diary, Nixon and Kennedy met from 9:20 to 10:12 a.m. (Ibid., White House Central Files) The editors transcribed the portions of the conversation printed here specifically for this volume.

very difficult thing to do. I—personally, I would like to do it. I'd like to let it run until—

Nixon: Right up to the 8th—

Kennedy: —until they sit down at the table.

Nixon: That's why I said to Henry, I said, "Why not make them [unclear]? We could always try for the 31st. They know what the hell we're going to do."

Kennedy: But, I think it's—on balance, I think you—

Nixon: It's not too bad.

Kennedy: —it's—

Nixon: We'd like to get it better, something announced before the 1st of year, anyway, before the Congress starts back, and we can keep them guessing a while.

Kennedy: We—the plan would be to have the experts—

Nixon: Meet on the 2d?

Kennedy: —go back to work on the 2d—

Nixon: That's fine.

Kennedy: —which would, again, show that movement. And if they're—if they're serious it should be a matter of concluding the thing in pretty short order. If they're serious.

Nixon: Well, they indicated, according to Henry, they said that there are just two issues left.

Kennedy: Right.

Nixon: For Christ's sake, they have been up and down the hill on those issues so often. What's it, the DMZ?

Kennedy: And the signing problem.

Nixon: Well, what the hell is the signing problem? I mean, what—which—which signing problem?

Kennedy: The question of whether all four sign, and whether, in fact, the PRG, in signing then, therefore, is recognized as a government.

Nixon: Oh, yeah. I see what you mean.

Kennedy: Which is the big problem, or one of the big problems for Thieu.

Nixon: Well—

Kennedy: But, that's always been a problem.

Nixon: We cannot allow that to be a deterrent to us.

Kennedy: No. Thieu can, it seems to me, in his signing, can make a statement that makes it clear that he doesn't accept their juridical right as a government to be signing, to make the final—

Nixon: It isn't just that for us there. There are other things that Thieu's been bitching about. I mean, when you finally come down to it,

they've gone up and down the hill so much, you know, on those things—those twelve changes, and so forth—that I don't think any of them mean a goddamn thing. Nothing—nothing, because all that really matters, in terms of this war, at the present time, is whether the enemy has the capacity, one; and, two, the determination to resume. Now, that's what really matters, and whether they have the capacity is now—has now been given another wallop. That's one of the purposes of this bombing. It certainly has set them back a few months, wouldn't you agree?

Kennedy: Yes, sir. I think there's no doubt of that. They—it's doesn't take them long, as—

Nixon: They have some great resiliency—

Kennedy: —as we've known.

Nixon: —as we've found out. May 8th,² that set them back. I mean, you know, all we've stopped to think of is the tempo of the war, and it goes back, and back, and back, every time they—they're able to mount. Now, they aren't going to be able to mount a significant spring offensive?

Kennedy: No, sir. I would think—

Nixon: Not this year?

Kennedy: —it'd be couple of years.

Nixon: Yeah.

Kennedy: Uh—

Nixon: Now, there you are. There's that, then. Then, then—and then you have, of course, their intent, their desire. Even if they have the capacity, and I can't believe that, that desire will not be affected enormously by what they think we might do. And that's, again, why this action, perhaps, scares them a bit. Or, at least—and also, their desire might be affected by what the Russians and the Chinese tell them what they want them to do. So, there's one—there're just an awful lot factors there, great factors, that are going to control them. The difficulty in Thieu's case is that he's dotting "i's" and crossing "t's," and saying, "every man's gotta be out of here," and so forth and so on. None of that really matters a hell of a lot. It doesn't really matter.

Kennedy: No. The thing that matters is that the war gets over in a way in which Thieu and his government can survive, a genuine elections can occur, and if they do, the present structure in Saigon will survive.

Nixon: That's right. Well, at the present time, first, the likelihood of any elections is very, shall we say—shall we say, at least in doubt.

² See footnote 4, Document 221.

Kennedy: Exactly.

Nixon: If Thieu feels this won't work out, he'll certainly screw it up. But second, if they haven't, they'll win it.

Kennedy: Exactly.

Nixon: They'll win it. They're not going to vote for any Communists—

Kennedy: It would seem to me in the circumstances that he might want to move quickly—

Nixon: Have it quick.

Kennedy: —for precisely that purpose.

Nixon: Quick, quick, quick, before people begin to think. You know, people can get soured on the thing.

Kennedy: Move—move the election [unclear]—

Nixon: But his—his whole attitude here has been almost [unclear].

Kennedy: Well, he'd had a—

Nixon: [unclear]

Kennedy: —had a good many years. Of course, they recall what has been a—an all unbroken record of perfidy: the 1954 and 1962—

Nixon: On the part of the North?

Kennedy: —Agreements.

Nixon: Yeah.

Kennedy: On the part of the North. They recall all that.

Nixon: Yeah.

Kennedy: And, they know that the efforts at subversion are not going to stop.

Nixon: That's right—

Kennedy: And have to face all that.

Nixon: That's right.

Kennedy: But, as to winning the war in some—in a traditional sense of an enemy coming to its knees, and—

Nixon: It's not going to happen.

Kennedy: —begging to surrender, it's never going to happen.

Nixon: Never!

Kennedy: It just won't happen.

Nixon: Never, because—particularly after all these years, with American air and sea power, and for a long time American ground power, but with American air and sea power, and they with the most—with the biggest, the most modern army in Southeast Asia, for Christ's sakes, if they cannot now—

Kennedy: Well—

Nixon: —win, they are never going to win.

Kennedy: They—

Nixon: They're stronger than the North, are they not?

Kennedy: Exactly. The one thing—the one thing that they're beginning to build, hopefully, is the kind of will and guts—

Nixon: The will, that's right—

Kennedy: —that the North has shown. You know, to be—

Nixon: Yeah?

Kennedy: —to give the devil his due, the North has come down there, time after time, under the most incredibly difficult circumstances and done well. Now, that's all a matter of just plain will—

Nixon: Sure.

Kennedy: —and the South—

Nixon: [coughs] They've got a greater will to win.

Kennedy: The South has begun to develop, I think, in the last couple of years. And during the summer, against that big offensive—

Nixon: Yeah.

Kennedy: —they did very well, indeed.

Nixon: That's right.

Kennedy: Now, I wanted—

Nixon: That's why the May 8th decision—

Kennedy: Yes, sir.

Nixon: —had such an enormous effect. If that hadn't happened, they'd have lost right then.

Kennedy: I think they would have—

Nixon: They were ready to lose, because their will was gone. Not because they should have lost, but the [unclear] then the May 8th decision, then they began to hold, and they held in III Corps, and they held in Quang Tri, and, then, all of sudden, they had everything [unclear] you know, all the major [unclear]. Then—so why has all this happened? Because they began to think, well, maybe they weren't going to be abandoned, and so forth. But, we have—we have tended to erode their will by making them too dependent upon us.

Kennedy: Making too many of the decisions—

Nixon: Now, the thing about this was the Russians and Chinese. They have never eroded the will. They have built up the will of the North Vietnamese. They have helped them, but helped them with moral support and just enough material support, but they haven't sent in the men and the advisers. They've made the North do it themselves. That's why the North Vietnamese—I think, I think that one of great lessons out of this war, looking to the future, is that Americans are basi-

cally paternalistic in our attitude toward all countries we've helped, and we weaken them. We weaken them, because we want to do it ourselves. And it's only—and the Communists, strangely enough, when they talk about people's liberation movement, it isn't just talk. It's a way of getting people to stand on their own feet, and fight their own battles.

Kennedy: Exactly.

Nixon: That's why Communist insurrections, et cetera, are usually better than the others. Not because they're fighting for a better idea, but because, somewhere, the will to fight only develops. I mean, you have to have it.

Kennedy: And pride in their own contributions—

Nixon: That's right.

Kennedy: —the things they can do for themselves—

Nixon: Ironically, I think it's a terrible lesson, and hearing it, you know, we did the same in Korea. You remember?

Kennedy: Yes, sir.

Nixon: It—it didn't last as long, thank God, but in Korea, in the early times, everybody said—what did they call them, the "kooks"?

Kennedy: Yes. The "gooks."

Nixon: What?

Kennedy: "Gooks."

Nixon: "The gooks," they said, "they can't fight." I remember talking, and I was a Senator—a Congressman—a Congressman, I guess then, in the early years, it doesn't matter. "These gooks, they won't fight. They don't fight. They're never going to learn to fight." And then, old man Van Fleet went out there—that wonderful, lovable, big bear of a man—he said, "By God, they can learn to fight." And they did, and that's when [unclear]—

Kennedy: Hell, they're about the toughest—

Nixon: —let's tough it out.

Kennedy: Now, they're about the toughest people in Asia.

Nixon: Tough, mean, on their own. Sure, they still want us to stick around, but they'll handle it themselves. Now, that's what we've got to do. We've got to get out of South Vietnam, and—and now, after this, go home. Unless the North comes back with ridiculously unacceptable demands, we settle. And the South's going to have to go it alone. They can make it alone, if we don't—if the Congress doesn't cut off their aid.

Kennedy: If they go along, I don't think the Congress will.

Nixon: If they go along with the settlement? Thank God, that's a hell of an end, isn't it?

Kennedy: Yes, sir. But I think that's something he [Thieu] understands.

Nixon: Based on Haig's last experience of [unclear] my letter to him—

Kennedy: I keep being optimistic—

Nixon: Well, if Thieu—what's that?

Kennedy: I keep being optimistic, I guess.

Nixon: Yeah. You keep thinking that. I know everybody does, that if—that Thieu just can't commit suicide. Is that it?

Kennedy: Both for himself and for his country. In the last—

Nixon: He will—

Kennedy: —[unclear]

Nixon: He will if Congress will not go along. But this time, we've got to put it to him in a different way. We're not going to go begging. For Henry to go through those tortuous sessions of all-day long debating for the North Vietnamese, and telling the South Vietnamese, denying it and having them telling him we've got to go back and get this and that. That was, I mean, incredibly bad—

Kennedy: The—

Nixon: I'll never do that again.

Kennedy: —the South Vietnamese simply weren't helpful.

Nixon: Well, hell, they were just leaking it all, and raising hell and this and that. Now we go in and make the deal with the North and tell the South to either stick it or stuff it.

Kennedy: Thieu has no—

Nixon: [unclear]

Kennedy: —should have no complaint here. We've gone down the whole road with him. We know exactly all the things he's asked for.

Nixon: That's right.

Kennedy: We've done our best to achieve those, at considerable cost in the process. He surely understands that—

Nixon: At considerable cost. God, yes. God, yes. At great cost.

[Omitted here is discussion of damage suffered by B-52s in strikes against North Vietnam, effects of the airstrikes on North Vietnam's negotiating position at the Paris talks, additional bombing of the North, and media bias in reporting on the airstrikes.]

Kennedy: We've also, as I indicated to you a couple of weeks ago, now we've turned up the volume up again on the psychological warfare bit—

Nixon: That's good.

Kennedy: —with the radios, and—

Nixon: [unclear]

Kennedy: [unclear], the regular radios. And we've cranked up the leafleting campaign, again. [chuckles] We'll be charged with damaging the ecology and covering the place with leaflets. [chuckles] There'll be so much trash to pick up.

Nixon: What do the leaflets say?

Kennedy: Well, they play up a variety—

Nixon: Are they subtle—?

Kennedy: —of themes.

Nixon: Yeah?

Kennedy: Unfortunate that you had to break of the talks, the boys can't get home. Why don't you go see your cadre and find out when the talks are going to resume, so the war can end, and your friends, who are down South, can come back—

Nixon: Um-hmm.

Kennedy: —to be with you.

Nixon: Right.

Kennedy: The government has misled you.

Nixon: Good.

Kennedy: Peace was coming. They don't want peace.

Nixon: Good.

Kennedy: They look only for victory, which is impossible. This is the sort of theme. Pretty simple—pretty simple, straightforward messages aimed at getting the people to begin to ask questions—

Nixon: Um-hmm.

Kennedy: —of the cadre—

Nixon: Um-hmm.

Kennedy: —which begins to unnerve the cadre, and, up the line, it causes problems. This will be—

Nixon: Um-hmm.

Kennedy: This meshes together, then, with the radio campaign, which is doing the same thing, pointing out that everybody wants peace; all you have to do is move forward to get it; no problem about peace—everybody wants it, except you—why don't you want it? This is the sort of theme.

[Omitted here is discussion of humanitarian relief for Central America and media bias in reporting on the air war against North Vietnam.]

228. Message From Richard T. Kennedy of the National Security Council Staff to the Air Attaché at the Embassy in France (Guay)¹

Washington, December 27, 1972.

The following is the revised message you should deliver during your meeting at 2200 on Wednesday, December 27, 1972.

Begin text: The following message is in reply to the DRV messages of December 26 and December 27.²

1. The U.S. side vigorously rejects the allegations in the DRV note. As the DRV side well knows the U.S. side has not introduced any additional military advisors into South Vietnam. On the contrary it has given repeated assurances that no functions exercised by military personnel would be transferred to civilians after a ceasefire agreement, and that the total number of civilians would be progressively reduced. Nor can anyone take seriously that the U.S. caused the Saigon government to reject the draft agreement. The DRV side knows the true state of affairs very well. The U.S. side is prepared to proceed once a satisfactory agreement is reached.

2. A repetition of charges and countercharges will not advance the prospect of peace. The U.S. side agrees that the following matters remain to be settled:

A. Two issues in the agreement, specifically the DMZ and the method of signing.

B. A number of understandings.

C. The protocols dealing with supervisory machinery.

3. The U.S. side is prepared to make one final effort to seek a settlement based on the principles of the October draft embodying the textual changes agreed upon during the meetings in November and December, along the lines of the U.S. messages of December 18 and 22.³ In order to speed a solution the U.S. side proposes the following:

A. The U.S. side agrees to meet on January 8 at a place to be selected by the DRV. Afterwards meetings should alternate between the DRV and the U.S. site. At these meetings the agreements and the understandings would be concluded. The U.S. side must point out that

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [1 of 3]. Top Secret; Sensitive; Exclusively Eyes Only.

² Documents 224 and 226.

³ Documents 185 and 215.

Dr. Kissinger can not spend such extended periods away from Washington as in November and December.

B. Technical experts will resume meetings on January 2 with a view to completing preliminary drafts by January 8. The U.S. side will send Ambassador Sullivan and Mr. Aldrich back to Paris for this purpose. The U.S. side wishes to stress that the protocols should be confined to technical issues and should not raise matters adequately covered by the basic agreement.

C. Upon completion of these discussions Special Adviser Le Duc Tho and Dr. Kissinger will agree on a schedule for completing the agreement which will then be followed without fail.

D. Within thirty-six hours of receipt of confirmation in Washington of these procedures by the DRV side all bombing north of the 20th parallel will cease as outlined in the U.S. message of December 22. The resumption of negotiations will then be announced.

4. The U.S. side wishes to reaffirm its readiness to reach a rapid settlement. But this requires an end by the DRV of the methods which prevented the conclusion of a settlement in December. If both sides now return to the attitude of good will shown in October, the remaining problems can be rapidly solved. This will be the spirit with which the U.S. side will approach this final effort to conclude the October negotiations. *End text.*

Warm regards.

229. Memorandum for the Record¹

CJCS M-74-72

Washington, December 27, 1972.

SUBJ

Sequence of Events, 22–25 December 1972, concerning Strikes on North Vietnam (U)

1. On Friday, 22 December, I received a call from HAK in Key Biscayne stating that “the President was outraged” over the small number of B52 sorties flown on that particular date and, even more outraged

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Top Secret; Sensitive. A typed notation indicates that this is the “Original and Only Copy.”

over the fact that there were only going to be 60 the following day.² Consequently, the President has ordered that, within forty-eight hours, a new Command Organization be established and that he wanted a paper setting forth the new arrangement on his desk by 0830, Sunday, 24 December.

2. HAK also said that Haig was on his way to Washington and would come over to see me. I attempted to explain the problems the B52s were having with the compression associated with the heavy attacks. But, in this I was not too successful, since HAK obviously did not particularly want to understand the problem. In any event, I told him I would provide the paper together with my concept of operations for the period following Christmas.

3. Upon completion of my telephone call I reported the substance to Laird and told him that it would be a great mistake to rearrange the command set-up at this particular time. Laird attributed the problem to the concern in Key Biscayne over the heat resulting from the bombing and said we “simply would have to ride this one out.”

4. Haig arrived Friday afternoon and stated that HAK was coming back Saturday morning and would like to see me in the White House to discuss the command and control system as well as the concept of operations for the forthcoming week. Haig said that he had never seen the President so exercised and agreed with me that it was a manifestation of his overall worry about the situation in general. At the same time, Haig said we would have to take some action in response to the President’s concern. I told him I would be in HAKs office at 0830 the next morning. I also advised Haig to drop by and talk to Murphy so that SecDef would be cut in on the problem.

5. At 0830, Saturday, 23 December, I went to the White House to see HAK. He was late coming in and attributed his lateness to the fact that he had been on a 45-minute “screaming” telephone conversation with “your boss”—meaning Laird.³ I made no comment.

6. I then very carefully explained to HAK the command set-up, emphasizing to him that no change in the command and control system would generate sorties and that, furthermore, sorties in themselves did

² According to Moorer’s diary, he and Kissinger spoke three times that day: at 9:18 a.m., 11:35 a.m., and 12:07 p.m. At the time Kissinger and Haig were in Key Biscayne with the President. Although all three conversations discussed the sortie and theater command reorganization questions, it was the one at 11:35 in which the questions were discussed in greatest detail and in which Kissinger said: “I just came from the President and I have not seen him so outraged since I got in this job.” (Entry for December 22; *ibid.*)

³ No record of the telephone conversation has been found.

not mean anything.⁴ The important thing was the effect of the strikes. I then explained, in general terms, what we had in mind for the coming week. This seemed to meet his approval and he asked then that I send over a concept as well as the available BDA which, in turn, could be sent to the President in Key Biscayne.

7. I returned to the Pentagon which was, at this point, very vacant with the exception of the busy people in the Joint Staff. I wrote a planning directive to the field in order to give them at least a minimum time to prepare for the operation on the following Tuesday⁵ *which I was informed by HAK that the President wanted to constitute a major effort*. After writing up the general directive for all commands and which was based to a large degree on many telephone conversations, I released the message which stated that “confirmation would follow.”⁶ I did this without clearing this with SecDef because, at that time, time was of the essence and I was having considerable difficulty going through the process of locating Murphy who, in turn, had to locate SecDef—neither of whom have a secure phone.

8. On Sunday, 24 December, I arrived in the Pentagon early in order to assemble all information prior to Laird’s arrival at 1030, for a 30-minute period prior to his departure for the Redskins-Packers Football Game. I had given my message to Murphy *in advance* with the request that he show it to SecDef at the first opportunity. When I arrived in SecDef’s office I found him in a very upset state and, to this day, I do not know whether it was over the message I had released in advance or because of some other discussion with HAK. In any event, he did say he thought it was a good message and that he was going to approve the execution. But, before he did so, he wanted to have an affirmation from the Joint Chiefs that they approved execution of the message. This being Christmas Eve, rather than calling a JCS Meeting, I had the message *hand-carried* to all the Chiefs who indicated their concurrence by initial. I then forwarded the JCS recommendation to the SecDef who, in turn, authorized the release of the execute and then sent a copy of my message and the execute message to the White House.⁷

⁴ At 1:05 p.m., December 23, Kissinger called Moorer and said: “I just had a long talk with the President and I *strongly* recommended to him that we’ll just let you run this thing and not make too many organizational changes. I think we can get him to go along with it.” (Entry for December 23; National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974)

⁵ December 26.

⁶ Document 222.

⁷ Laird sent the two messages under a transmittal memorandum to Kissinger, December 24, which stated: “As directed by the President I have approved the implementation of the bombing of North Vietnam as described in the attached cables.” (National Archives, Nixon Presidential Materials, NSC Files, Box 1134, Jon Howe Vietnam Subject Files, Air Strike Package)

9. During the course of our discussion the SecDef said that he was sure there would be Congressional Hearings over the use of the B52s and that he would probably be called back to testify. He said that about March of this year things were really going to be jumping in this town. He went on to say that *people are suggesting that the Joint Chiefs of Staff are playing the President off against the SecDef*. I told him that this was absolutely sheer nonsense and that, as a matter of fact, I wouldn't know how to do it even if I thought it was a good idea. I asked him who in the world was saying such a thing. He said it was a previous Service Secretary who was very close to the President.

10. Since Haig had told me it was Connally who was always suggesting to the President that he change the command and control system I naturally followed that if Laird's information was correct that Connally was involved in this allegation likewise. Consequently I said, "You must be referring to John Connally." And Laird replied, "Yes, I am." I repeated that such a suggestion was unworthy of anyone who made it. At this point Laird departed for the game.

11. Late Saturday afternoon I received a telephone call from HAK telling me he was sending a message to Laird directing him to execute the concept which I had presented in the form of a rough, unsigned copy, and which was more or less a "think piece" subsequently refined when I prepared the message to the field. I told HAK that Laird was sending him a copy of my planning message and execute message and that it would be improper for him to order Laird to execute my plan. A much better course of action would be simply to approve the two messages that Laird was sending over to him which he finally did on the basis of "silence means consent." HAK also told me that my paper on command and control was a good one—that he would hold it for future reference—which he hoped would not be needed. *He said the President decided to let me run the operation.*

12. Things cooled off a bit after the operation got started on Tuesday but the difficulty is still it's very difficult to clear authorities in a timely manner through the SecDef; who, on Wednesday, 27 December, will leave for Hawaii. It is first necessary to locate—and chase down—RAdm Murphy—brief him—then wait for SecDef's pleasure as to when he is going to reply to my request.

13. This is a helluva way to run a war.

T. H. Moorer⁸
Chairman
Joint Chiefs of Staff

⁸ Moorer initialed "TM" above his typed name.

230. Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

December 27, 1972.

[Omitted here is discussion of Kissinger's vacation.]

Kissinger: We had another message from the North Vietnamese today.²

Nixon: Yeah?

Kissinger: You may have heard from Kennedy—

Nixon: No. No, I haven't talked to him.

Kissinger: Well, the message said—

Nixon: Because I've been at the Truman funeral today.

Kissinger: Oh, I see. Well, they canceled the technical meeting today—

Nixon: Right. Right.

Kissinger: But they reaffirmed their offer of meeting on the 8th.

Nixon: Right.

Kissinger: And—

Nixon: This is all private, nothing public.

Kissinger: The message?

Nixon: Everything is pub—private on this, nothing public. Because if they go public, we go public.

Kissinger: Nothing public.

Nixon: Okay.

Kissinger: And they also reaffirmed that the technical meetings will resume as soon as we stop bombing. Now, I sent them a message yesterday after our talk in which I just said if they confirm all these things with specific dates, then we'll stop the bombing within 36 hours.³

Nixon: Right.

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Oval Office, Conversation 35–19. No classification marking. According to the President's Daily Diary, Nixon and Kissinger spoke from 8:39 to 8:45 p.m. (Ibid., White House Central Files) Nixon was in Washington; Kissinger was on vacation in Palm Springs, California. The editors transcribed the portions of the conversation printed here specifically for this volume.

² Document 226.

³ The message was revised and resent on December 27 (Document 228).

Kissinger: And that may give us an announcement as early as Saturday.⁴

Nixon: Yeah. That's good. Because I told you if we could—it's not imperative, but if we could get it before the 1st, it would be good.

Kissinger: Well, I think it's certain by Sunday, and there's a 50–50 chance of Saturday.

Nixon: Well, we hope so. And if it doesn't—?

Kissinger: I thought Saturday had the advantage of making the news magazines.

Nixon: [laughs] Yeah. Oh, the hell with them. But, in any event, if it doesn't come for them, that's fine. The main thing is if we could get it by Sunday, even, so that it hits New Year's Day, and all that sort of thing, that would be good. Because if we—I'd rather not have the New Year's bombing halt just as just a bombing halt, you see my point?

Kissinger: Well, there's almost no chance that we won't hear by Saturday. I mean, all they'd have to do is—if we get the message by Saturday morning, then we'll—

Nixon: Right?

Kissinger: —we'll announce it on Sunday morning.

Nixon: Right.

Kissinger: And—but I think we'll get the message on Friday, in which case, if you wanted to, we could announce it on Saturday.

Nixon: That's all right, too.

Kissinger: And make the Sunday—

Nixon: Because we—we gave them a hell of a good bang, you know? And I'm glad we only lost two—two B-52s. That wasn't too bad.

Kissinger: That's right. Yeah. Yesterday?⁵

Nixon: Yeah.

Kissinger: Right. I think we lost another two today.

Nixon: Well, I know. That's what we expect, don't we?

Kissinger: That's right.

Nixon: We're hitting about the average.

Kissinger: That's about right. That's right.

Nixon: Two out of sixty today.

Kissinger: Two out of sixty, yes.

Nixon: Well, that's—

Kissinger: That's less than five percent.

⁴ December 30.

⁵ December 26.

Nixon: Right. But, but, but, they're—

Kissinger: It's a little more than—a little more than three percent. That's about—

Nixon: But we're—but, on the other hand, we're punishing the hell out of them, aren't we?

Kissinger: Oh, there's no question about it, absolutely no question. We had—the French Foreign Minister today showed us a report from his Consul General in Hanoi saying, "I've just lived through the most terrifying hour of my life. An unbelievable raid has just taken place." And—oh, no, there's no question about that.

Nixon: Well, we'll shake them all up, and if we can hold those losses down to two or three a day, that's about all we can hope.

Kissinger: And I think that we'll—by this weekend, we'll be over the worst of it.

Nixon: Well, we hope so. But we should hear from them by Sunday, I think, huh?

Kissinger: No question about it. I think we can, unless something new happens. The message is so—it's written to give them the greatest possible incentive to answer fast, because they can control when the bombing stops. We no longer say we stop on Sunday. We say we stop within 36 hours of getting their reply.

Nixon: Good.

Kissinger: So we could stop Saturday already.

Nixon: Right.

Kissinger: And, frankly, one day's bombing doesn't make any difference.

Nixon: Oh, no. If we do it, we get—all—look, if we stop on Saturday, that gets the advantage. It's just another advantage of having it out of the news, and we've done our damage to them. We—we've got our message across, Henry, that's the important thing—

Kissinger: We've got our message across, Mr. President, and we've gotten it across before all hell broke loose here, and we've faced down the people again, and you have shown that you are not to be trifled with.

Nixon: [laughs] Hmm. I wouldn't worry about the people here, I mean, their bitching around, and the news magazines. Don't worry about it Henry, it's not all that important. The public isn't that much concerned about all this.

Kissinger: Oh, Mr. President—

Nixon: Do you think so?

Kissinger: I am certain you will go down in history as having—

Nixon: Well, forget the history. But, I mean, you haven't run into a hell of a lot of flak out there, have you? People are worrying about your bombing, are they?

Kissinger: Well, I don't see many people out there.

Nixon: [laughs] I know.

Kissinger: I'm going to stay out of the social columns on this trip.

Nixon: Well, the point is that don't let them needle you. That's the point.

Kissinger: Oh, I don't—

Nixon: Right now, the thing is that we're doing the right thing, we just stick right to our guns, and if we get this—if we can get a response from them, why, that's good. If we don't, well then, we go option two. We're all ready.

Kissinger: Exactly. Actually, it doesn't really make any difference, because the news magazines close on Friday. I just forgot about that.

Nixon: Well, we don't give a goddamn about them, anyway.

Kissinger: Exactly.

Nixon: Because if—if something happens before they close, then they're terribly embarrassed.

Kissinger: Exactly. Exactly.

Nixon: [laughs] Okay?

Kissinger: [laughs] Right.

Nixon: Well, enjoy yourself. Bye.

Kissinger: Thank you. Bye.

231. Message From the Air Attaché at the Embassy in France (Guay) to the President's Deputy Assistant for National Security Affairs (Haig)¹

Paris, December 28, 1972, 1017Z.

Customer called at 9:35 am Paris time and asked if I could make 10:30 appointment which I did arriving at 10:35. He greeted me with a

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [1 of 3]. Top Secret; Sensitive; Exclusively Eyes Only.

statement that he had an answer to our last message and handed me the message which follows:

Quote

Message of the Democratic Republic of Viet Nam in reply to the U.S. message of December 27, 1972.²

The D.R.V.N. side has received the December 27, 1972 message of the U.S. side. The D.R.V.N. side reaffirms its view as presented in its message of December 26, 1972. In the private meeting on January 8, 1973, the D.R.V.N. side will fully express its views.

The D.R.V.N. side vigorously condemns the continued extermination bombing by U.S. planes, including B-52's, of many heavily populated areas in Hanoi capital city, Haiphong city and several other places in North Viet Nam. The D.R.V.N. side resolutely demands that the United States immediately cease these acts of escalation of the war against the Democratic Republic of Viet Nam and put an end to the intimidation manoeuvres in an attempt to negotiate from a position of strength.

After the situation existing before December 18, 1972, has been restored, that is, if the United States immediately stops all the bombardments and mining of the Democratic Republic of Viet Nam north of the 20th parallel and reduces the bombardments south of the 20th parallel, the meetings between the representatives and experts of the two sides will be resumed to discuss the protocols, and the private meeting of Special Adviser Le Duc Tho and Minister Xuan Thuy with Dr. Kissinger will take place as proposed by the U.S. side.

On that basis, the D.R.V.N. side confirms that:

1. The private meeting of Special Adviser Le Duc Tho and Minister Xuan Thuy with Dr. Kissinger will take place on January 8, 1973 in Paris.
2. Experts of the two sides will resume their meeting on January 2, 1973.
3. When these discussions have been concluded, Special Adviser Le Duc Tho and Minister Xuan Thuy and Dr. Kissinger will agree on the schedule for the signing of the agreement.

The D.R.V.N. side reaffirms once again its constantly serious negotiating attitude and, together with the U.S. side, will endeavour to settle the remaining questions. The D.R.V.N. side demands that the U.S. side also show an attitude of goodwill, only then can the coming negotiations bring results and the Agreement on Ending the War and Restoring Peace in Viet-Nam be rapidly concluded.

End quote.

² See Document 228.

Comment: Visit lasted only about 10 minutes and exchange was limited to courteous but reserved handshakes. I posed one question concerning text which pertains to last sentence and which reads "... the D.R.V.N. side demands that the U.S. side also show ..." He checked his Vietnamese version and said that it was the French equivalent of "demander" not "exiger" i.e. "requests" not demands. Also received telecon from Situation Room this am transmitting message that I should not discuss with anyone contents of your last message. Please rest assured that I have not and will not. End message.

Warm regards.

End message.

**232. Telephone Conversation Between President Nixon and
Richard T. Kennedy of the National Security Council Staff¹**

Washington, December 28, 1972.

Kennedy: Hello, sir.

Nixon: Yeah?

Kennedy: We did get that message.²

Nixon: Yeah?

Kennedy: And they accept.

Nixon: They did?

Kennedy: Yes sir.

Nixon: Good.

Kennedy: So, it's the 2d, and then the 8th.

Nixon: Right.

Kennedy: And I called Henry—

Nixon: Yeah?

Kennedy: —and he's going to be calling you.

Nixon: [unclear] the conditions?

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Oval Office, Conversation 35–34. No classification marking. According to the President's Daily Diary, Nixon and Kennedy spoke from 3:43 to 3:45 p.m. (Ibid., White House Central Files) The editors transcribed the portions of the conversation printed here specifically for this volume.

² Document 231.

Kennedy: None that we hadn't already spoken of.

Nixon: Yeah.

Kennedy: So they—

Nixon: What about the bomb halt then? When—? That's the—that's the problem, isn't it?

Kennedy: Yes sir. Well, we'll have to go through with that.

Nixon: I mean—[laughs]—starting when?

Kennedy: Well, it'll probably—well, it'll have to be tomorrow night.

Nixon: Because we'd announce tomorrow, huh?

Kennedy: Right.

Nixon: That's all right. I don't—do you think one extra day makes—

Kennedy: Oh, it isn't going to make any difference, sir.

Nixon: Today is—what is today? The 28th or 29th—?

Kennedy: The 28th.

Nixon: Because we were—no—

Kennedy: It'll be tomorrow night, our time.

Nixon: Tomorrow night—and, basically, we would have had to have had stopped the following?

Kennedy: The night—well, let's see. The night of the 31st, our time.

Nixon: Was when we would have stopped?

Kennedy: Right.

Nixon: Well, we'll miss two days, then, don't we? Well, what the hell.

Kennedy: Not really.

Nixon: Because—

Kennedy: Just—just, actually, a full day.

Nixon: Right. Well, that's good—

Kennedy: Well, we'll have to—we weren't—we wouldn't get much—we wouldn't get much—

Nixon: Well, actually, this is—

Kennedy: [unclear]—

Nixon: This is really, from our standpoint, I think, a rather significant development. What do you think?

Kennedy: Yes, sir. I think so. As I—as I mentioned this morning, I—you know, if they were going to accept I must say I couldn't figure out why.

Nixon: Would you tell Henry to call me soon because—

Kennedy: Yes, sir.

Nixon: —I'm leaving for Camp David at 4:30, so—

Kennedy: Right.

Nixon: —if he's going to call, he'd better call then, 'cause other—
now or I'll be leaving this [unclear]—

Kennedy: Right, he—

Nixon: —in about ten or fifteen minutes—

Kennedy: —he said he was going to call very shortly.

Nixon: All right, fine.

Kennedy: All right, sir.

233. Telegram From the Department of State to the Embassy in South Vietnam¹

Washington, December 28, 1972, 2043Z.

233067. CINCUSARPAC please pass to 7th PSYOP Gp. Subj: Additional Thematic Guidance to Exploit Air Operations Against NVN (PPOG Message).

1. Ref State 230726/220158Z Dec 72.²

2. Reftel provided guidance on psychological treatment of impasse in Indochina negotiations and resumption of US military measures north of 20 degrees north latitude.

3. Continuing analysis of the effects of air operations against NVN indicates that radio and leaflet propaganda encouraging specific individual actions may disrupt Hanoi's control of the populace and thus increase the pressure on the Lao Dong Party Politburo to return to serious negotiations. The themes listed below should be used to capitalize on some specific target locations, to increase credibility and interest, to discredit the NVN leadership, to encourage target audience to take individual actions for their personal safety, and to emphasize NVN's inability to stop air strikes.

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 27 VIET S. Secret; Exdis. Drafted by Colonel Doyle (JCS); cleared in draft in CIA and cleared in NSC, USIA, S/S–O, DOD/ISA, and EA/VN; and approved by Sullivan. Repeated to Vientiane, Phnom Penh, the U.S. Delegation in Paris, CINCPAC, CINCUSARPAC, and COMUSMACV.

² Not printed. (Ibid., Nixon Presidential Materials, NSC Files, Box 162, Vietnam Country Files, Vietnam, Dec 1972)

A. By its unreasonable, war-mongering behavior, the Lao Dong Party Politburo brings death and destruction to Vietnamese workers in both the North and the South. As long as the blind Politburo shows no care for the safety of the people of the DRV, the people must provide for their own protection and welfare by doing the following:

(1) Accelerate their evacuation from important military target areas such as the military command and control facility of Bac Mai airfield. This has been struck, and will probably be struck again.

(2) Move away from the port facilities and railroad yards in Hanoi and Haiphong. As long as these are used to supply the Politburo's hopeless war adventure in the South, they must be bombed again and again. The people know that the Politburo cannot stop bombing except by stopping the reckless war against the Vietnamese people in the South.

(3) Move away from radar and SAM sites which must be struck.

(4) Do not allow areas nearby to be used for military traffic, truck parks, or supply points. Officials who permit these near the villages are inviting destruction from the skies. Government officials and cadre must be held accountable for whatever happens.

(5) Those who live in safe areas should immediately offer to share their homes and unfortunately scarce food with relatives or friends whose homes have been made into military target areas by the war policies of the Party Politburo.

(6) The US will continue to exercise restraint by planning attacks on military targets only, even though NVA/VC in RVN wantonly and maliciously continue to attack population centers and homeless refugees.

Johnson

234. Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

December 28, 1972.

[Omitted here is discussion of Kissinger's vacation.]

Kissinger: Well Kennedy told me—²

Nixon: Yeah, he said—he just gave me a brief, then said you'd be calling me.

Kissinger: Right, [unclear] it's gone just as programmed. I mean, just as was proposed.

Nixon: No conditions?

Kissinger: No. No, no. They—it's all of ours—

Nixon: Right.

Kissinger: —are accepted. So—

Nixon: Now the question is—how about the time now? How does it—? How do we—? What—how does that work?

Kissinger: We'll go Saturday.³

Nixon: Today is Thursday?

Kissinger: Yeah.

Nixon: Is that their understanding, too?

Kissinger: We'll just tell them.

Nixon: Yeah.

Kissinger: I don't think we should horse around.

Nixon: Yeah, I just want—I want to know what the understanding is.

Kissinger: Well, their understanding is that we'll notify them whenever we'll do it.

Nixon: Right.

Kissinger: And we'll do that tomorrow morning.

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Oval Office, Conversation 35–35. No classification marking. According to the President's Daily Diary, Nixon and Kissinger spoke from 4 to 4:15 p.m. (*Ibid.*, White House Central Files) Nixon was in Washington; Kissinger was on vacation in Palm Springs, California. The editors transcribed the portions of the conversation printed here specifically for this volume.

² That the North Vietnamese had sent a message accepting the American conditions for returning to the negotiations in Paris. See Documents 231 and 232.

³ December 30.

Nixon: Tomorrow morning, then, you'll have notified them that—what, in effect? What I meant is, I'm trying to think in terms of what—when it becomes public, et cetera.

Kissinger: [unclear] public—24 hours later. Tomorrow morning, we'll notify them about the halt.

Nixon: Tomorrow morning is Friday, right?

Kissinger: And we've worked that out with Moorer, and we'll stop it at seven.

Nixon: At seven, when?

Kissinger: P.M., tomorrow night.

Nixon: Oh, 7 p.m. tomorrow night we stop. Oh, I see, okay. I'd—I—

Kissinger: Then, we announce it at 10 a.m. Saturday.

Nixon: [unclear] the public announcement is at 10 a.m. Saturday.

Kissinger: But that, frankly, Mr. President, we won't even ask them. We'll just tell them.

Nixon: Oh, sure. I just want to—

Kissinger: [unclear] them two hours ahead of time that that's what we're going to do.

Nixon: Yeah, I understand.

Kissinger: Don't you think? Well, at any rate, I think it's—

Nixon: It's what—I see no reason, no reason to do it otherwise. I mean, what are the arguments here—

Kissinger: What they can do about it.

Nixon: Huh?

Kissinger: What they're going to do about it?

Nixon: Well, I don't know. I—I know—

Kissinger: Can we exchange another set of messages?

Nixon: No, no. I wouldn't exchange any messages. No.

Kissinger: I think we'll just tell them.

Nixon: Well, because, basically, they have accepted our proposal, right?

Kissinger: Exactly.

Nixon: Our proposal was that the—that we would halt on the 31st?

Kissinger: No. Our proposal was that we'd halt within 36 hours of an answer.

Nixon: I see. And—so we will be keeping our word? That's all I want to be sure of, up to a point.

Kissinger: No, no, we'll keep our word by two—we'll be within two hours. We're stopping within 34 hours.

Nixon: Um-hmm. Right.

Kissinger: But, you know, we got an answer within 12 hours.

Nixon: Right.

Kissinger: Which shows how anxious, how anxious they are.

Nixon: Hmm. What do you—what significance do you attach to all this?

Kissinger: Well, I think they are in—practically on their knees.

Nixon: Um-hmm.

Kissinger: Because, also in their answer, they said, “We will fix a schedule for the final signing at that next meeting.”

Nixon: [laughs] They always want to talk about schedules, don’t they?

Kissinger: Yeah, but this one—in considering what we’ve done to them—

Nixon: Yep.

Kissinger: —that they are willing—

Nixon: I must say this: this should have some effect on our brethren in the press, shouldn’t it?

Kissinger: As you know, if they had strung us out—if they could have taken it another week or two, we would have had unshirted hell in this country.

Kissinger: So—

Nixon: Right.

Kissinger: —for them to accept this within 12 hours is a sign of enormous weakness.

Nixon: Um-hmm. Um-hmm. Um-hmm.

Kissinger: And it’s a very conciliatory reply. They said they’ll come with a very serious attitude, and they hope we will, too, and that it can be rapidly settled.

Nixon: Um-hmm.

Kissinger: Technical meetings are starting Tuesday.⁴

Nixon: Um-hmm. Okay. Well, that’s good. 10 o’clock, then. Public announcement, 10 o’clock Saturday morning.

Kissinger: Right, and I think all we should do is just a very brief one—

Nixon: Right.

Kissinger: —just saying, “Private meetings will be resumed.”

Nixon: Um-hmm.

⁴ January 2, 1973.

Kissinger: We'll give them the date. "Technical meetings will be resumed." Give the day.

Nixon: Right.

Kissinger: And then, in answer to a question, which is sure to come, we should say, "Yes, while these talks are going on, we are not bombing north of the 20th."

Nixon: Um-hmm. Well, you—but you're going to tell them—they already know that, though.

Kissinger: They will have known that tomorrow morning.

Nixon: Yeah.

Kissinger: They'll have known it for 36 hours when we announce—

Nixon: So, basically, you would have Ziegler make the announcement, right?

Kissinger: Well, Warren will have to do it.⁵

Nixon: All right, it doesn't make any difference. He can do it. We'll announce it at—

Kissinger: At the resumption of the meetings.

Nixon: And then?

Kissinger: You make a formal announcement of—

Nixon: Then they'll say, "What about the bombing?" That until the—well, you prepare the answer.

Kissinger: Exactly.

Nixon: That there—there will no—be no bombing until the meetings are concluded, or something?

Kissinger: That's it. While the—while serious negotiations are going on.

Nixon: Yeah. Um-hmm. Okay. Fine.

Kissinger: So this has been another spectacular for you, Mr. President—

Nixon: Yeah. Well, hell, we don't know whether it's that—

Kissinger: Well, it took terrific courage to do it.

Nixon: Yeah. Well, at least, it pricked the boil, didn't it?

Kissinger: Mr. President, anything else would have been ruined in the long run.

Nixon: Um-hmm.

Kissinger: And all the guys who are now saying, "Well, why do we sit with B-52s?"

⁵ Gerald L. Warren, Deputy White House Press Secretary.

Nixon: [laughs]

Kissinger: These are the people who oppose this thing—

Nixon: What with?

Kissinger: If you did it with DC-3s, they'd be upset.

Nixon: The point is that, as we know, we couldn't do it with anything but B-52s because, goddamnit, there's nothing else that can fly at this time of year.

Kissinger: Mr. President, within 10 days, you got these guys back to the table, which no other method could have done.

Nixon: Well, that's a—just keep right on and—

Kissinger: And I think it—this way, it makes the weekend papers, and the excitement is going to die—

Nixon: Boy, it'll make the news magazines, too.

Kissinger: Yeah.

Nixon: They'll open up for this, don't worry.

Kissinger: Mac Bundy called me last night.⁶ He said he's going to write a letter—write a public letter to you and—

Nixon: I've seen it. Protesting?

Kissinger: [unclear]—

Nixon: Yeah. Well, of course.

Kissinger: I said, "Why?" And he said, "Because, what am I going to tell my son?" I said, "I'll tell you what you can tell your son: Tell him: 'I got us into this war and now I'm keeping—I'm preventing us from getting out,'" and hung up on him.

Nixon: Good.

Kissinger: But that New York establishment hasn't—

Nixon: They're done. They're done.

Kissinger: —hasn't ever come—

Nixon: Well, the main thing now, Henry, is that we have to pull this off, and it's going to be tough titty.

Kissinger: I think now we're going to turn—we've already got a list of economic pressures—

Nixon: Right.

Kissinger: —and we're going to start implementing those next week.

Nixon: On?

Kissinger: Saigon.

⁶ McGeorge Bundy was President Johnson's Special Assistant for National Security Affairs until February 28, 1966.

Nixon: Well, yes. Right. On Saigon, though, as I see—and I'm talking to Kennedy a little, which he'll fill you in, a little this morning, about, you know, some of the concerns as to the options that we had to be considering, here. That's assuming we go forward with our plan by just talking to the North. My view is, we talk and we settle. Right? With that—?

Kissinger: Exactly.

Nixon: Now then—then, what do we—at what point do we inform Saigon that we are going to proceed in that way, or that we have proceeded in that way?

Kissinger: Well, I think this thing is going to happen just before your inauguration. Basically, I'd—I would still send Agnew and Haig out there to give them a face-saving way off. [unclear]

Nixon: Yeah, but, [laughs] suppose he doesn't. That's, I suppose, our problem—

Kissinger: Then we just proceed and sign the documents.

Nixon: Proceed and sign the documents? But they won't sign if Hanoi doesn't—if Saigon doesn't sign. I'm just trying to raise the questions, you understand?

Kissinger: [unclear] Well, I think it will wind up with Saigon, at least, implementing it, whether they sign it or not.

Nixon: Um-hmm. Well, you've got to have that understood with Hanoi then—that they aren't going to say, "Well"—you see, I—I think you wouldn't want to have that happening just before the inauguration, have Saigon—

Kissinger: That's what I think should happen, Mr. President. If we send Agnew to Saigon before the inauguration, that would get him back by the 16th.

Nixon: Yes.

Kissinger: Then, that I go on the final leg of this exercise, right after the inauguration.

Nixon: Right.

Kissinger: It stretches it out a little more, and then you could go on around the 29th or 30th.

Nixon: In other words, we would have no announcement before the inauguration.

Kissinger: No announcement, but obvious activity.

Nixon: Um-hmm. Well, I don't think, then, I'd send, send—I don't think I would send Agnew out with the possibility of getting a rebuff before the inauguration. I'm inclined to think I would—I'd have the activity if—you see, the problem we have here, which we've got to think about—the problem we have here is that—I—if—we may as well play

the inauguration as best we can, and I think you'd better—you may have to string your talk out to shove him past that point. I mean, if we can't, if we aren't going to get it—if we can't get it settled before the inauguration, I don't want him going out there and getting rebuffed before the inauguration. I don't think the risk is worth it.

Kissinger: I think we can be extra—extraordinarily—I don't think he will be rebuffed.

Nixon: I know, but the point is, if he isn't rebuffed, then we would settle it, right then. I mean, there's no—there's nothing to be gained by having him go out there and just show a lot of activity before the inauguration.

Kissinger: No, but we—

Nixon: The activity—it's enough for you to go over to Paris, frankly. I'm inclined to think that much up and down is—the only activity that would be worth anything more than your going to Paris is basically something that I said, you see?

Kissinger: Right. Well—

Nixon: You see, because I won't be able to address the matter of—it's really—see, a lot of this depends—a lot of this affects the flavor of the inaugural address, you understand? That's the problem.

Kissinger: Right.

Nixon: And I'm—

Kissinger: Well I'd hate to have this whole thing—if we—

Nixon: That's why I don't want [laughs]—that's why I don't want Agnew to blow it before the inauguration. I don't want to—I don't want—I don't plan to—under these circumstances, I can't say much about it, but I'm going to have to play it very close to the vest.

Kissinger: Well, if we have an agreement—well, I said it's dangerous to tie ourselves to a schedule that culminates just before the inauguration, because if anything goes wrong with that, we'll be in the same position as we were at the end of October.

Nixon: Well then, let's push Agnew past the inauguration, too, then.

Kissinger: All right, we can do that.

Nixon: I think that's the best thing. Just—you mean, you'd take, then—you'd take a whack on the 8th, and then another on the 15th? Something like that?

Kissinger: Well, I think we should conclude it by the 11th, this time. I just think it's too dangerous.

Nixon: All right, but you conclude it, it's going to start getting out, and then Saigon I suppose—you see, my problem—I—I think once it's concluded—well, we can talk about this later, but you can be thinking

about this so that we get a plan—once this thing is concluded, and we agree, the damn thing is going to get out, and then Saigon might blow. On the other hand, I don't want Agnew going out there and basically provoking it. If so—I realize there's a risk if he doesn't go, but I think there's even a—at least, we do not have the confrontation before the inauguration. If Agnew goes before the inauguration, Henry, you could well have a confrontation and have the whole damn thing seem to be shattered. So, what we have to do is to work out some sort of a plan, whereby you do your deal, and then we sort of—

Kissinger: Well, we could put it into cold storage for ten days and just start it on inaugural day.

Nixon: I'm afraid that's what we'd better do.

Kissinger: Although it's a high risk if one leaves these things lying around. But, of course, we may not finish it by the 11th.

Nixon: Well, yeah. I understand that. Well, the main thing, you'll have some activity, and we won't be bombing.

Kissinger: We can ask Bunker's judgment.

Nixon: Yeah. Well, I don't know. Kennedy seemed to have some views that Thieu would—was going to be more—might begin to be reasonable, more reasonable, but I think that's sort of silly, Henry.

Kissinger: No, I think that's right.

Nixon: Well, we've felt that before, haven't we?

Kissinger: Yes, but we haven't really. The last time, when Haig was out there, we didn't have a specific proposition to put before him.

Nixon: [laughs] Well, this is going to be goddamn specific, and he isn't going to like it, right?

Kissinger: But what are his options?

Nixon: Yeah. I know. Well, I'd rather have him blow, Henry, right after the inauguration, than before. You see my problem?

Kissinger: Of course.

Nixon: The problem being that I don't want to have the—and we'll just tell the North: "Look, with the inauguration coming on, we got—we can't do it, then, but you're going to send Agnew right immediately after the inauguration."

Kissinger: That's right and—

Nixon: That's—I think you could—I think they'd well understand that, if they're not being bombed. Get my point?

Kissinger: That's right. Getting through with these bastards always is when you let—

Nixon: They might let off—they might get off the hook.

Kissinger: When you let up the pressure on them, they are again—

Nixon: Um-hmm.

Kissinger: —feel confident.

Nixon: On the other hand, we ought to get—hmm—

Kissinger: But it can easily be done that way, and then we could, perhaps, compress it by having Agnew go to Saigon and have me go to the other places, simultaneously—

Nixon: Yeah. Yeah. Yeah. Yeah.

Kissinger: I thought there was some advantage in having Agnew come back and then start again.

Nixon: Yeah, but Agnew coming back, I mean, with problems with Thieu and all that, is just not the right story before the inauguration. I mean, I know it's—

Kissinger: Well, we—

Nixon: —that's too high of risk from the standpoint of our domestic situation.

Kissinger: Right.

Nixon: I know the risk on the other side, but I think we'd better take the risk on the other side and delay Agnew for five days.

Kissinger: We can do that.

Nixon: Well—

Kissinger: It can be done.

Nixon: —I do think we'd better do it.

Kissinger: That can be done.

Nixon: Yeah.

Kissinger: And it may stretch beyond the 11th, anyway.

Nixon: Yeah. Well, we hope not, but if it does, it does. We just take a little more time.

Kissinger: Right.

Nixon: And, at least, we'll get the statements about progress out. Okay. Well fine, Henry.

[Omitted here are closing remarks.]

235. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, December 28, 1972.

WHS 2296. Ref: WHS 2294.²

1. This message is for your eyes only and should not be shared with anyone.

2. DRV has accepted procedures outlined reftel. Accordingly, we plan to make following announcement at 10:00 a.m. Washington time on Saturday, December 30: "Negotiations between Dr. Kissinger and Special Adviser Le Duc Tho and Minister Xuan Thuy will be resumed on January 8. Technical talks between experts of the two sides will be resumed on January 2".

3. We plan to cease bombing above the 20th parallel at approximately 1900 hours (Washington time) on Friday, December 29. This will become publicly apparent about the same time as above announcement. We will confirm here when asked.

4. President would like you to give advance word of these developments to President Thieu. You should arrange an appointment for Saturday your time not before noon to inform him of the new meeting dates, announcement, and bombing limitation. You should give no other explanation but be sure that there is no mistaking our firm intention to proceed along the lines which Haig told him and that we expect cooperation. You also should emphasize that it is essential there be no advance leaks of these developments.

5. The President also would appreciate before you leave an assessment of the degree of resistance we are likely to encounter and how best to proceed with Thieu.

6. We are sorry for any inconvenience which this may cause and we will do our best to leave you an undisturbed (and well-deserved) respite in Kathmandu, but it will be essential that you be in Saigon by opening of business January 4. Warmest regards and best wishes again to you and Carol.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 45, Geopolitical File, Vietnam, Cables, Dec. 1972–Apr. 1975. Top Secret; Sensitive; Exclusive Eyes Only.

² Not found. It presumably transmitted the substance of the U.S proposal that certain procedures regarding issues to be discussed and dates of meetings be adopted for the January negotiations. See Documents 226 and 231.

236. Message From Richard T. Kennedy of the National Security Council Staff to the Air Attaché at the Embassy in France (Guay)¹

Washington, December 29, 1972, 0216Z.

WHP 270. The following is the message you should deliver to the North Vietnamese at your 9:30 a.m. meeting on December 29, 1972:

Begin text: The U.S. side has read the message of the DRV side of December 28, 1972.² The U.S. accepts the following propositions:

1. Experts of the two sides will resume meetings on January 2, 1973.

2. A private meeting of Special Adviser Le Duc Tho and Minister Xuan Thuy with Dr. Kissinger will take place on January 8, 1973 in Paris.

U.S. liaison officers will be in touch with their North Vietnamese counterparts regarding specific arrangements for the meetings of experts as well as arrangements for alternating the meeting sites for the private meetings.

As indicated in its messages of December 22 and 27, 1972, the U.S. side will as a unilateral gesture cease the bombing of North Vietnam north of the 20th parallel by 7:00 p.m. Washington time on December 29, 1972.

The U.S. side wants to again affirm that it will make one final major effort to see whether a settlement within the October framework can be worked out. The U.S. side wants to point out that Dr. Kissinger will not be able to spend more than four days in Paris on this occasion. A repetition of the procedures followed in December could lead to a collapse of the talks.

The U.S. side enters these renewed negotiations with good will but urges the DRV side to study carefully the U.S. message of December 18, 1972. The decision must be made now whether it is possible to move from a period of hostility to one of normalization. This remains the U.S. goal which will be pursued with great seriousness.

In the interim it is essential that both sides show the maximum restraint in their public pronouncements. *End of text.*

Warm regards.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [1 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. Written on December 28.

² See Document 231.

237. Message From Richard T. Kennedy of the National Security Council Staff to the Air Attaché at the Embassy in France (Guay)¹

Washington, December 29, 1972, 1517Z.

WHP 271. You should call your North Vietnamese contact on Friday evening, December 29, 1972, and ask for a meeting at 9:00 a.m. on Saturday, December 30. In your meeting you should convey the following oral message:

Quote: The U.S. side intends to make an announcement today concerning the resumption of the meetings between the North Vietnamese and U.S. sides. The announcement will state that “Negotiations between Dr. Kissinger and Special Adviser Le Duc Tho and Minister Xuan Thuy will be resumed on January 8. Technical talks between experts of the two sides will be resumed on January 2.” Unquote.

Also on Saturday morning, December 30, you should inform Ambassador Porter about the resumption of meetings. He can then begin making arrangements for the technical meeting on January 2. This is for his information only until public announcement is made.

Warm regards.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 43, Geopolitical File, Vietnam, Bombing, 1972–73. Top Secret; Sensitive; Exclusively Eyes Only.

238. Transcript of a Telephone Conversation Between the Chairman of the Joint Chiefs of Staff (Moorer) and the Commander, Strategic Air Command (Meyer)¹

December 29, 1972, 11:10 a.m.

1110—Secure Telecon/Outgoing—Gen Meyer, USAF

CJCS—What I called you about you got my message on the Standdown?

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Top Secret. Moorer was in Washington; Meyer was presumably at SAC headquarters in Nebraska.

SAC—I just got through reading it a few minutes ago.

CJCS—I am not very sanguine about this thing since I've been through it two or three times. I explained this across the river² over and over but what they did, apparently, is put down some "pretty hard conditions" to these guys about resuming the discussions which, incidentally, they won't publicize that they'll happen until tomorrow and are not saying anything really but they are willing to go back to "square one". One main reason I think is probably they have run out of mis-likes—or at least are feeling the pinch all right.

SAC—Sure must be.

CJCS—I just think we're stopping a little too soon but there is a lot of pressure on the President. You see where Saxbe³ says he is not going to vote with him again and where Dean Sayre⁴ from the Cathedral is going to be marching on the White House—a lot of silly things like that.

SAC—The President has got his problems.

CJCS—I wrote a message which Laird hasn't seen yet.

SAC—I observed that in the last paragraph.

CJCS—There are a lot of people in this building who don't know and one of your boys called the JRC about the SR-71s and the JRC doesn't know and mainly because I haven't told them yet since we've got 12 hours and we are trying to keep the lid on this so when they call their opposites back here in the Pentagon they may not know about it. Until a couple of hours ago there were only three people in the building that knew about it and that was why I just went up and told Ryan.

SAC—I understand what you are getting at and I'll do what I can.

CJCS—I know you can't possibly succeed in keeping the lid tightly on this thing.

SAC—You have to tell the guys out there so we don't get going on the next mission for one thing.

CJCS—Exactly, so you are planning tomorrow for south of 20°?

SAC—We are going to go to 90 sorties tomorrow and they will be South of 20° down in SVN or wherever MACV wants them and, by Tuesday,⁵ we'll be operating on the old scheme of 105 a day except that I am keeping the planning going on next week instead of being Day I it'll be E+Day I instead of necessarily, Tuesday.

CJCS—Excellent. I got this written up this time in approximate terms of about 12–15 cells⁶ and in talking about up there South of 20°

² That is, the White House.

³ Senator William B. Saxbe (R-OH).

⁴ Francis R. Sayre, Dean of the National Cathedral in Washington.

⁵ January 2, 1973.

⁶ Each cell consisted of three B-52s.

when I said 36–45 I was really talking about 12–15 cells and I told HAK because he was talking about 40 and I said they'd never go up there with 40 unless a couple had to abort because they always go in multiples of 3 to give them the flexibility to do it one way one time and the next a little different so that is why I put 12–15 cells and that is what I was trying to do in my message.

SAC—Is there any special pressure to get that number in below 20° but North of one because we got a problem in finding targets in that area.

CJCS—Use your judgment, that's all right. That is just kind of a planning factor initially I think you'll have enough targets to go on it but I don't know how long it will last.

SAC—Go up there anyway?

CJCS—Put a few up there but depends. We don't want you dunking weapons up there. If you want targets and they should be legitimate saying you can't find them and we'll cut back for that target and that'll stand up all right in that kind of planning factor so you will just have to use your own judgment as to the validity of the target against "lucrative" targets. Obviously no point in going up there I think I can make that stick all right the same way the tacair is going to be days when the weather is so bad that they can't go at all so I tried to put them at 140–160 or something like that we just hope this thing works out after your boys did such a terrific job. I told HAK that we can't be getting everybody up for this kind of operation which requires guts, drive, etc., and then fall off and just peak up again and told him that is no way to do business. But they seem to be fairly confident that these guys really are anxious to talk for the first time. Really gotten to have some reason for needing too.

SAC—Plenty of reason I think.

CJCS—I am going to send you a message which (and you might want to put your boys on this right now.) . . . What I'd like is to have a little wrap-up from your point of view in terms of weight of effort, targets, countermeasures, tactics,⁷ the point is Laird and I are going to testify on this thing on 8 January I was going to get whatever you send me to take to Jack⁸ so that in case he has to testify so we'll all be on the same wave length when we go over before Congress or before the press or what have you. Nothing too technical, just a little wrap-up of what happened during the last ten days. You are really the Rock of Gibraltar. But I'll be fair to say that I think we got their attention this time. The

⁷ Message 8155 from Moorer to Meyer, December 29, 1949Z. A copy was sent to General John D. Ryan, Air Force Chief of Staff. (National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 71, Linebacker II Messages, December 1972)

⁸ General Ryan.

whole point is what I call “saturation effect” they are just overwhelmed and it is too much for them to contend with.

SAC—In any interdiction campaign there are two factors that make it work and that is consumption on the battlefield and if there ain’t any consumption it’s really pretty hard to interdict the rail line or “stop” the flow of supplies. It is different there in France when the Germans had to get their forces to the coast fast. If they were going to stop the invasion and interdiction stopped them from moving but if they had five years to do it like we have given the NVN they could have done it too so there is no question about the fact that there are two characteristics of any air campaign and that is the pressure day, after day, after day, after day, after day, with no let up and usually it goes and the thing doesn’t look too bad and then it comes unglued overnight.

CJCS—Exactly that is what happened here.

SAC—In World War II when we were after the POL of the Germans it was much harder than we thought and people kept on saying you might as well knock it off because you’d never get all of it but “Spots”⁹ stayed after it and, all of a sudden, overnight they couldn’t get their airplanes off the ground and they just ran out of fuel but it took a long time.

CJCS—It’ll take these guys five years to put everything together again.

SAC—Shit, we’ll go over there and help them and do it for them, Tom!

CJCS—All the “do-gooders,” but I wouldn’t repair a single road sign if it was left up to me. Anyway that is what they are going to do in effect we are where we were on 23 October and they have agreed not to bring up all these superfluous things and get on with the serious business and come to a “rapid decision”. We had given them kind of conditions under which we would take and so I think the pressure on Nixon we had no choice and probably couldn’t say the NVN wanted to negotiate but the Americans wouldn’t. It’s a hard way to live.

SAC—An alternative would have been to go ahead with the negotiations but keep the bombing going until they signed the paper but it would have been tough for him to do.¹⁰

⁹ General Carl A. Spaatz.

¹⁰ Meyer and his staff planned a 7-day B-52 air campaign against North Vietnam and to support ARVN operations in South Vietnam to take place after the stand-down for New Year’s Eve and Day. The scale would be similar to the Christmas Bombing. Out of 650 planned sorties, 500 would take place over North Vietnam, the rest over South Vietnam or North Vietnam just north of the DMZ. See message 94547 from Meyer to Moorer, December 29, 0310Z. (National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 71, Linebacker II Messages, December 1972)

CJCS—I told HAK this is the third time I’ve been through this and we should just keep on bombing until they signed. But, I didn’t sell that.

SAC—We’ll see. So as I went through this first message I said to myself here is where we go again and this is where I came in.

CJCS—I told him too I came in three times, HAK, we’ll see. I was just talking to Ryan about this and I think that the Country has just about taken all they can in this albatross and maybe they can come up with some honorable and satisfactory arrangement. It will be a long time before these characters will really get rolling with a major effort down south now what they have been doing is fighting us with manpower and they are really going to have to consume a lot of it up north now. We’ll see. I wanted you to know *I did try to heavily emphasize the points we all know so well about the bombing until they signed instead of bombing until they agreed to talk.*

SAC—You didn’t have to tell me that, I knew you did. An interesting thing but I was going to send you it after the New Year’s Stand-down but it is not going to be quite as good a story but I have a graph which your guys could put together too on the SAM firings and it covers all three categories in numbers of SAMs fired by aircrew observation which is a big number and the numbers reported by COMINT and the numbers they estimated based on the analysis of the whole thing and the difference between those numbers are not so important although it is quite a difference but what you get on the graph on the first day you get a great big horrendous number; the second day like about half and the third a little less and then it falls off to almost nothing for a few days and then we have the Christmas Stand-down and then the thing looks just like it did in the beginning—a little less but all it tells me is that it gives them 24–48 hours to hit us again, and get ready.

CJCS—I’ll make my boys do that, that’s a good idea.

SAC—I’ll send you a copy but it was not long enough of a story is the trouble but it would have been after the New Year’s Stand-down then you’d have some repetition so it doesn’t mean anything except to you and I who believe it anyway and it doesn’t sell too well with others.

CJCS—I might be able to use it, send it to me, thank you so much for a terrific job.

SAC—It’s the guys that do it are those aircrews and everything else we could go to hell if they had a perfect in every way but to stay in there and in their seats flying through all that flak . . .

CJCS—You’re absolutely right, a helluva job.

SAC—There is no way we can do enough for those fellows.

CJCS—Absolutely, you’re right.

SAC—You don't have a hand to give them what they deserve.

CJCS—You just can't pay them. I have my fingers crossed but I am not too sanguine about a "riproaring" agreement is just what we want. On the other hand *this is the way the ball bounces*.

America Leaves the War, December 30, 1972–January 27, 1973

239. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, December 30, 1972, 1035Z.

313. Subject: Thieu's Present Attitude toward Negotiations. Refs: A) WHS 2294; B) Saigon 0300; C) Saigon 0308.²

1. My assessment of Thieu's present attitude concerning negotiations and the draft agreement does not differ in any material sense from the views I expressed in my two most recent messages of December 18 and 23 (refs B and C). These messages might be reviewed as background.

2. Thieu has continued his efforts to develop support for his position concentrating largely on the issue of NVA troops remaining in South Viet-Nam. The emphasis, however, has been more on the juridical principle involved rather than the actual fact of these troops being in South Viet-Nam. I think Thieu realizes the difficulty of securing an actual withdrawal or even of identifying NVA troops as such. He is genuinely concerned with the principle involved, i.e., that the agreement should recognize either directly or by implication their right to be in South Viet-Nam. He has accepted somewhat reluctantly by now, I believe, the fact that the GVN has the ability to deal with the NVA forces.

3. Thieu has continued his efforts to develop support for his position within the country and is now turning his attention toward means by which he hopes to influence public and Congressional opinion in the United States. The 5,000 military students released from school to carry on proselytizing efforts in the provinces are continuing their efforts and we have reports that they have been generally effective. Within the last few days, Thieu has called in Archbishop Binh and the Bishop of Danang to whom he has expounded at length his position on the draft agreement. He has repeated that whether to sign or not to sign the agreement in its present form is only a choice between sudden or lin-

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 45, Geopolitical File, Vietnam, Cables, Dec. 1972–Apr. 1975. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only.

² For backchannel message WHS 2294, see footnote 2, Document 235. Backchannel messages 300 and 308 are Documents 191 and 220.

gering death for which he cannot take responsibility. He has urged on them the importance of getting the message to Catholics in the United States and abroad. He has asked the Bishop of Long Xuyen to permit Father Thanh Hung, presently in the United States, to return to Saigon to be briefed on the GVN position and return to carry the message to American Catholics. Thieu is also planning to have a number of Senators and Deputies proceed to the United States in their individual capacities, not as an official delegation, to present the GVN position to members of the Senate and House with whom they are acquainted. He has also asked former Foreign Minister Dr. Tran Van Do and former Ambassador Bui Diem to proceed to the United States in order to present the GVN case to their numerous acquaintances there. In recent conversations I have had with both they have expressed understanding of the realities of the situation in the United States as it affects Viet-Nam and I think that they can be counted on to give Thieu a realistic report of what they discover during their visit.

4. I think that all these moves fit into Thieu's strategy of playing for time. He prides himself on the fact that his maneuvering has secured him additional time and has made good use of it. The GVN is certainly considerably stronger today than it was at the end of October. (Conversely the enemy is considerably weaker and this raises the question whether they are at this time ready for a ceasefire; they have far fewer "leopard spots" from which to operate than they had in October.)

5. Thieu will go on playing this game as long as we let him. He will hope that he will gradually gain support for his position abroad and especially to have some effect on opinion in the United States and in the Congress. He will hope that Hanoi may play into his hands by making unreasonable demands, e.g., by insisting on a control commission so emasculated that it will be obviously ineffectual and that negotiations thus might be stymied for another period.

6. On the other hand, Thieu is aware of the fact that in other directions time is running out:

—That Congress will meet on January 3. He is apprehensive concerning its mood, that if he appears to be the obstacle to peace Congress could cut off funds for his support.

—He is sensitive to the fact that he has been made to appear an obstacle to peace. His sensitivity to this is evident in his complaint to his listeners that he has been made to appear as an obstacle to peace whereas the determination of Hanoi to dominate all of Viet-Nam is the real obstacle.

—He has issued instructions to avoid public confrontation with the U.S., to "speak softly and gently", hoping that if he can delay matters long enough opinion may gradually shift in his favor.

Thus he will continue to play out as long as he can what he considers, so far at least, to have been a winning game.

7. Thieu is highly intelligent, however, and he knows that at some time he will face the moment of truth. Thus he has continued to make preparations for a cease-fire. In preparation for a political confrontation with the NLF, he has speeded up the organization of the Democracy Party.³ He has issued a decree law on political parties which will have the effect of reducing the number of parties to three or four. These are efforts designed to unite the nationalists into a more cohesive front in preparation for a forthcoming political contest. He has made moves to assure that the responsibility for his decision—to sign or not to sign—will be shared by others. Hence his December 12 address to the National Assembly and his many consultations with the military and other influential elements. In his recent talk with Archbishop Binh, he said that if forced to a decision he would ask the National Assembly and the Army if they will permit him to sign and asked rhetorically if the church will permit him to sign.

8. I think that as a matter of actual fact the one stumbling block as far as Thieu is concerned is the juridical right of NVA forces to remain in South Viet-Nam. But as I have said before (refs B and C), I think that Thieu will opt for survival. As I mentioned in ref B, I do not believe the Army will let him put the country in a position in which American aid is cut off and would insist on his resignation should he contemplate such action. There is also a body of influential opinion which takes the same view. Thieu might then resort to one of the alternatives for acquiescing in the agreement mentioned in ref B, paragraph 6.

9. In the meantime, I think we should look for any additional ways which can contribute to helping Thieu to extricate himself from the position he has gotten into. As one move, on December 28, General Weyand and I had a long talk with him concerning the relative strengths of GVN and NVA forces. The balance came out heavily on the side of RVNAF; hopefully this will have some influence with Thieu in estimating his ability to handle the NVA. Another point I think would be worth pursuing is whether we can work out some understanding with the Soviets and Chinese on mutual reduction of aid to both sides. Thieu raised this point with Al Haig at our last meeting.⁴

10. In conclusion, my view is that Thieu will follow the course which will assure continued U.S. support. But he will continue to procrastinate, temporize and play for time until he is finally brought up against the moment of decision. Until the moment we are ready to say

³ Thieu's political party.

⁴ See Document 206.

we are definitely going to sign the agreement, with or without him, he will hold off. My view is that we had a reasonable agreement in October and had we forced the issue then, I think Thieu would have had to sign. The President, however, has been patient, lenient and wise in giving Thieu every opportunity to present his case and in receiving his emissary. You have made every effort to get Thieu's views accepted in Paris. While the President's resumption of the bombing created a certain euphoria here, a tendency to say "we were right all along, you have learned how tricky the Communists are", it should also provide confirmation of the President's assurance of assistance in a prompt and strong intervention should the other side violate the cease-fire. The GVN is in a considerably stronger position now vis-à-vis the other side than it was in October. As I have said in previous messages, I think we have fulfilled our responsibility to Thieu and Viet-Nam fully and completely. If we can get a reasonable settlement in Paris, I have no doubt that we should move ahead. I think then, but only then, Thieu will decide to go with us.

11. Warm regards.

240. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Laos (Godley)¹

Washington, December 30, 1972, 1705Z.

WH 29955. Ref: Your Vientiane 630.²

1. Thank you for your prompt reporting of the RLG's interest in exploring with the DRV in Paris a settlement in Laos prior to a Vietnam agreement.

2. We continue to believe strongly that a Lao settlement should follow rpt follow an end to fighting in Vietnam. In this respect, you will no doubt have heard by now that U.S.-DRV technical talks will resume on January 2 in Paris and that I will meet again in Paris on January 8 with Le Duc Tho and Xuan Thuy. Under these circumstances it would be extremely inadvisable for the Lao to sound out the North Vietnam-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII. Secret; Operational Immediate; Sensitive; Eyes Only.

² Document 219.

ese in Paris regarding a settlement in Laos independent from that in Vietnam.

3. I am sure that you can convince the Lao that they should therefore not rpt not attempt to make contact or follow through with the DRV in Paris on this matter. If you think it desirable, you might also wish to correct the assumptions of Sisouk and Khamphan about the Trail's declining importance (it still is critical at least to Cambodia and to the southern half of South Vietnam) and about the "secondary importance" of the LPF's political demands.

4. Warm regards.

241. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Kathmandu, December 31, 1972, 0930Z.

314. Ref: WHS 2298.²

1. Thank you for your message.

2. Thieu's reaction to news of resumption of meetings was typically inexpressive as so often is the case with him. After transmitting message verbally I gave him memorandum covering information and text of proposed announcement. He read memorandum, underlining parts of it and thanked me but made no further comment.

3. In brief subsequent conversation I remarked on greatly improved posture of GVN forces compared to situation in October and the relatively weaker condition of the enemy. He agreed this was true but said enemy was conserving his forces for another major effort before a cease-fire. I replied that enemy intentions were one thing but ca-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 413, Backchannel Messages, From Amb. Bunker, Saigon, Sept. thru Dec. 1972. Top Secret; Sensitive; Exclusively Eyes Only. Bunker was in Kathmandu to visit his wife, Carol C. Laise, Ambassador to Nepal.

² In backchannel message WHS 2298, December 30, 1721Z, Kissinger asked Bunker to assess Thieu's reaction to the resumption of peace talks in Paris, and added: "For the reasons you will understand, I cannot emphasize too strongly the importance of avoiding any implication of gloating over our success at getting the other side back to talks or the implication that our strong actions forced this result on them. The effect of such gloating on the upcoming negotiations could undo much of what we have accomplished. I hope you will impress this on all there." (Ibid., Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII)

pability was another and our estimate is that he does not have the ability to mount a major undertaking at this time. Thieu was relaxed and friendly throughout our meeting.

4. I understand necessity of avoiding any comment or appearance of gloating over getting negotiations started and have issued strict instructions accordingly to all elements of the Mission, civilian and military, and have asked Weyand and Whitehouse to follow up in my absence.

5. Carol and I wish you could be here with us and send warmest regards. Some day you must make it.

242. Message From the Chief of the U.S. Delegation to the Paris Peace Talks (Porter) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 2, 1973, 1956Z.

1. Although we proposed morning meeting January 2, DRV preferred 3 p.m. at Choisy-le-Roi. DRV side represented by Thach plus five others. U.S. side consisted of Sullivan, Isham, Aldrich, Engel and Thompson.²

2. DRV mood at outset was deeply somber. Social amenities minimal. Thach began by reading short prepared statement on U.S. bombing. Except for fact he characterized bombing as "criminal," statement seemed perfunctory. Sullivan responded rather curtly by saying we refused to engage in propaganda exchanges or react to provocative words. We were in Paris strictly for business of negotiations.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [1 of 3]. Secret; Critic; Sensitive; Exclusively Eyes Only. Sent via Guay and Kennedy.

² Kissinger's message WHP 272, January 1, 0500Z, to Porter, instructed him as follows regarding conduct in these negotiations: "Our approach in the technical meetings should be firm and business-like. The discussions should be non-polemical and there should be no debate on recent events. You should discuss only the protocols. The understandings will be discussed by Le Duc Tho and me as agreed in the exchange of messages with the North Vietnamese." Kissinger added: "Above all, we cannot allow the language of the protocols to introduce new substantive issues not covered in the agreement nor reopen for discussion in any way matters already covered by the agreement itself." (Ibid., Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII)

3. Sullivan then spoke at some length, referring to exchanges of letters which provided basis for our return to table and laying out gist of his instructions. He said we would discuss protocols only, leaving agreement and understandings to Tho and Kissinger. On protocols, we stipulated following principles:

A.) They were technical documents, neither adding to, subtracting from, nor contradicting basic terms of agreement;

B.) They applied only to mutual or reciprocal undertakings and were not concerned with unilateral obligations; and

C.) U.S.–DRV forum was not authorized conclude protocols covering two South Vietnamese parties. This could only be done by those two parties.

4. From this basis, Sullivan said U.S. would reject all material inconsistent with 3 (A) above, rejected proposed protocol on withdrawal, and would refuse to discuss two party features of cease-fire and joint military commissions. Instead, we were prepared to discuss (A) ICCS, (B) cease-fire and four party commission, (C) POW release, and (D) clearance of mines. He further proposed reaffirmation of previously agreed agenda system of alternate day consideration of ICCS and cease-fire protocols.

5. Thach replied by asking several questions and saying he wished study Sullivan comments before replying. He then asked about “protocol” concerning U.S. “obligation” to contribute to reconstruction of DRV. Sullivan denied this was subject of “protocol” and said it was subject Kissinger had informed Tho would be discussed in Hanoi. Thach then dropped subject and said he was prepared “listen to” U.S. presentation on cease-fire and four party military commission.

6. Sullivan said that was unsatisfactory answer, since it smacked of dilatory tactics of Xuan Thuy which had convinced U.S. that DRV not negotiating seriously. Thach immediately changed his statement to say he was prepared to have discussion on protocols and to negotiate them article by article once we had presented our views.

7. We then turned to business-like presentation on cease-fire, four party protocol during which there were genuine exchanges of substance and general appearance of serious purpose. After tea break Thach agreed to continue into evening until our presentation finished, and agreed to meet at our place morning January 3, to continue “for eight hour day.” There were no rpt no polemics and no further reference to bombing.

8. We adjourned at 7 p.m., agreed to meet January 3 at 10:30 a.m. at which time Thach will present his reaction to Sullivan’s opening statement, we will finish presentation on ICCS, and then turn to article by article negotiation of ICCS protocol.

9. *Comment:* DRV delegation did not rpt not comport itself like a victorious outfit which had just “defeated the U.S. strategic air force.” It was generally hang dog, although Thach thawed a bit as afternoon wore on. In general, he appears to be vast improvement over Xuan Thuy, with interest in details rather than rhetoric. Tomorrow afternoon should tell us whether this is deceptive, or whether we will really get down to brass Thachs.

10. Warm regards.

243. Memorandum of Conversation¹

Washington, January 3, 1973, 11:30 a.m.–12:20 p.m.

PARTICIPANTS

Henry A. Kissinger, Assistant to the President for National Security Affairs
Winston Lord, NSC Staff

Tran Kim Phuong, Ambassador of the Republic of Vietnam to the United States

Ambassador Phuong: I am sorry to disturb you. Thank you for seeing me.

Dr. Kissinger: Your Government has managed to enrage the President almost beyond belief.

Ambassador Phuong: Why?

Dr. Kissinger: For sending your Congressmen to lobby here.

Ambassador Phuong: I . . .

Dr. Kissinger: Not you.

Ambassador Phuong: They can hear views on their own.

Dr. Kissinger: We don’t object to that, but rather the other effects. The only reason the funds have not been cut off is because of White House efforts. We have been holding the fort with people like Mansfield and Fulbright. Your people will drive Congress into open opposition.

Ambassador Phuong: I don’t think Saigon believes that the funds would be cut by the White House. I have explained this to them.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President’s Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held in Kissinger’s office in the White House.

Dr. Kissinger: But our ability to control our Congress will be reduced by your Congressmen.

Ambassador Phuong: It helps us to explain the situation. President Thieu understands fully that the funds would not be cut by the White House, but by the Congress. That is why he wants to send Congressmen here.

Dr. Kissinger: It will have the opposite effect. How many are coming?

Ambassador Phuong: I don't know. I only know that Tran Van Do and Bui Diem will be here in a couple of days.

Dr. Kissinger: Who will they see?

Ambassador Phuong: I have no idea yet. Mr. Do is a former Foreign Minister, and he should call on Secretary Rogers. He is also a very good friend of Senator Aiken and will have a private meeting with Aiken. We will make the arrangements.

Dr. Kissinger: And Bui Diem will be here too?

Ambassador Phuong: Yes. I don't know who he would like to see.

Dr. Kissinger: I tell you, it is impossible to disassociate the President from your President, but you have almost managed to do it. And Nha has put a pack of lies out of the Palace. For example, there are two stories. One, that when I was in Saigon I said that I had succeeded in Moscow and succeeded in Peking and there was no reason I shouldn't succeed in Vietnam. This was in *Time* Magazine.² You know that's a lie. I know it came from Nha. You know it's a lie.

Ambassador Phuong: I hadn't heard about this.

Dr. Kissinger: You know. You were there.

Ambassador Phuong: You did not say it.

Dr. Kissinger: Another story was that I continually interrupted your President at the NSC meeting.

Ambassador Phuong: At the one I attended the President asked your views and you explained. I was there on the 19th and 20th of October.³

Dr. Kissinger: Those are the times of the NSC. You know that those were both lies, and we have the transcripts of those meetings. My intention is to build up President Thieu, not knock him down. I am not an opponent. If there are more stories—no matter who inspires them—

² The article includes this statement: "Kissinger reportedly insisted that 'we were successful in Peking, we were successful in Moscow, we were even successful in Paris. There is no reason,' he added, 'why we cannot be successful here.'" ("Chronology: How Peace Went off the Rails," *Time*, January 1, 1973)

³ See Documents 27 and 32.

against the White House, we will start attacking. The party is over. We have taken everything we are going to take.

Ambassador Phuong: Let's be more precise. First, you say that Nha told the newspapers that you said that you had been successful in Moscow and Peking and therefore you would be in Saigon?

Dr. Kissinger: I read it in *Time* in the last issue.

Ambassador Phuong: Secondly, that you treated the President badly and that you continually interrupted and infuriated him. I know that's not true at the two meetings that I was there with you.

Dr. Kissinger: It was not true at the other meetings. I have great respect for President Thieu. For four years he has kept the war going. We must keep him in office. I want, and I think it is essential that he stay. We may have different opinions on whether the agreement is good or bad, but as far as I am concerned he is the only possible leader. All this is beside the point. You are almost giving us no choice. If this keeps up we have no choice. There is no excuse. I have read stories from Nha in the Vietnamese press and have heard them from newsmen. I know the source. They have appeared in the *Daily News* and in *Time*. I know these came directly from Nha. That is a fact. Others he leaked out. He must grow up. This is not a contest between Nha and me.

Ambassador Phuong: I am sorry. I didn't see these stories, and I will check on them and report to Saigon.

Dr. Kissinger: I am deadly serious. We have staked our whole domestic position. If we had wanted in October to put you down the drain we would not have to do the things we are doing.

Ambassador Phuong: With regard to our Congressmen here . . .

Dr. Kissinger: You are infuriating the President.

Ambassador Phuong: I think that it will be helpful rather than have any opposite effect.

Dr. Kissinger: They must not go and attack the President's policies.

Ambassador Phuong: They will explain why we still object to the agreement.

Dr. Kissinger: You know what the President said. If we get a few more modifications he will agree to the agreement.

Ambassador Phuong: We know.

Dr. Kissinger: General Haig told your President what we would do then.

Ambassador Phuong: You saw the letter of President Thieu.⁴

Dr. Kissinger: We are not going to answer it.

⁴ See Document 206. Kissinger's analytical précis of the letter, prepared for Nixon, is Document 208.

Ambassador Phuong: Why?

Dr. Kissinger: Because we have explained our position a hundred times, and we always get the same answer.

Ambassador Phuong: It is very difficult. I personally feel the presence of North Vietnamese troops is very important.

Dr. Kissinger: Yes, we raised this for three months. There could have been a settlement. We held out for your issues. There were no strictly American issues. First there is the DMZ, and secondly there is the method of signing the agreement. We have not told anyone about these. We would be scared about it, the reaction.

Ambassador Phuong: Why not just say we don't want to mention the PRG in the agreement?

Dr. Kissinger: I happen to agree with you, except the American people won't understand. They don't even know what the PRG is. We have done this, and we won't yield, but we cannot keep our prisoners in North Vietnam because of the issue of the mention of the PRG.

I have told you a thousand times and it does no good. Mr. Nha is the only one with access. If we had signed the agreement in November and sprung it on the American public we could have defended you a hundred times better than now. We will raise the North Vietnamese troops, but I will tell you the answer. If we had not raised this issue, we could have settled in November.

Ambassador Phuong: The letter from President Thieu to President Nixon stated very clearly that he is willing to accept the political provisions.

Dr. Kissinger: I understand.

Ambassador Phuong: But the North Vietnamese troops remains critical. I was in Saigon. You left Paris on the 13th [of October] and I was in Saigon on the 14th. When General Haig came, Thieu had a meeting with the NSC and the President of the Senate and the Speaker of the House and the Chief Justice. And we discussed President Nixon's letter⁵ in a small circle. President Thieu analyzed the whole situation. The President of the Senate, the Speaker of the House, the Chief Justice all agreed that we could manage the political provisions at present. It was difficult for us to do anything without something on the North Vietnamese troops.

Dr. Kissinger: Two things. One is personal. You should never keep a senior official waiting for four hours.

Ambassador Phuong: You?

⁵ Document 96.

Dr. Kissinger: General Haig and me. I have been in many countries, and I have never seen that happen anywhere.

Ambassador Phuong: I know the whole story about the 21st of October.⁶

Dr. Kissinger: General Haig had a meeting at 11:30 and was finally called at 3:30.⁷ He had to change his whole schedule.

Ambassador Phuong: As for General Haig, the letter from the President which we gave to General Haig was not ready because the discussion was lasting from 9:00 o'clock on.

Dr. Kissinger: If only someone had called, but he was kept waiting. And I had to wait from 4:00 o'clock to 9:00 p.m. for a meeting.

Ambassador Phuong: That was on the 21st?

Dr. Kissinger: I think so.

Ambassador Phuong: That evening he said that he would see you the next morning. He saw you at 8:00 o'clock before you went to Phnom Penh.

Dr. Kissinger: I was not told until 8:30, and I was leaving the next morning.

Ambassador Phuong: The President told the Embassy. Only an hour after that did we know that you were leaving.

Dr. Kissinger: It's a minor point. Next time there should be more attention paid to feelings.

Ambassador Phuong: I will send these comments to Saigon. In the case of General Haig I want to confirm that the President did not yet have his letter ready to give to General Haig.

Dr. Kissinger: If you had told me in October about one rather than 68 objections the chances were a thousand times better of succeeding rather than scattering our influence across every nit-pick of Mr. Duc.

Ambassador Phuong: One single point about North Vietnamese troops can involve many changes.

Dr. Kissinger: I have been telling you since October that I am not your problem.

Ambassador Phuong: I fully realize that.

Dr. Kissinger: But you keep up your vendetta. I am the one that can save South Vietnam. First now, and then after an agreement. If we settle the two issues next week . . .

Ambassador Phuong: The DMZ and the signing?

⁶ Kissinger's scheduled October 21 meeting with Thieu was postponed until the next day; see Document 42.

⁷ The meeting of December 20; see Document 206.

Dr. Kissinger: . . . we will agree.

Ambassador Phuong: No matter what happens on North Vietnamese troops, even if there is no mention of one-for-one or return to their native places, if these are dropped, if they accept the two issues you raise, you will agree?

Dr. Kissinger: We will give them a unilateral statement on North Vietnam troops, the one we gave you.

Ambassador Phuong: It was given to me by General Haig.

Dr. Kissinger: If they agree to the procedure for signing . . .

Ambassador Phuong: How about the Preamble? If it states the concurrence of the GVN you must get our agreement first. You just can't put it in if we do not agree. Then we would have to publicly deny it.

Dr. Kissinger: We have reached the point where we are willing to face those consequences. If that happens you know what will happen here. So this is the situation. You are going to wreck the whole domestic structure if you keep going. We believed, and we still believe, that we can make the agreement work with our cooperation.

They will not keep many of the provisions and you will not keep many of the provisions. Therefore it will wind up the way you want it, a military ceasefire. I don't think many of the provisions will be implemented, do you?

The blindness in Saigon—how long can they keep this going?

Ambassador Phuong: I conveyed this to Saigon.

Dr. Kissinger: Look at the situation here. If we had reached an agreement before Congress had returned, we could support you indefinitely. Even so, if we can reach them before Congress really is in operation we can maintain economic, military and political support for you, for many years, and probably indefinitely. All these fine points in my view are irrelevant. Under the alternative the North Vietnamese troops stay in your country anyway.

Ambassador Phuong: President Thieu realizes this.

Dr. Kissinger: Therefore the only question is under what circumstances is it best to deal with these conditions? We are under no illusions. They are a bunch of SOBs. They are the worst I have ever met. It is a pleasure to bomb them. I don't trust those guys. You know what is happening in the American press and the TV commentators and news magazines and newspapers, day after day. That's the problem. I predicted this in October. How long can we keep the Russians and Chinese quiet? What if the Russians and Chinese start a big offensive of propaganda against us? I know in Saigon that they think I'm so clever that they then think up the surest way not to accept the agreement. We have reached a point where we will not go to Saigon anymore. We will send others.

Ambassador Phuong: I believe General Haig explained things to President Thieu and President Thieu agreed that he would not insist on getting all the troops out, that some could stay in. The whole question of troops is very serious and dangerous. We realize this also. The whole Government of Vietnam has engaged its prestige and the personal prestige of Thieu is also engaged.

Dr. Kissinger: Why? We told them not to do this.

Ambassador Phuong: It is very difficult. If something could be done on the troops, then personally I think there is some chance. You know it.

There is no agreement for the time being. Whenever there is agreement you would submit it and ask for a yes or no answer?

Dr. Kissinger: Of course.

Ambassador Phuong: Then what would happen? I tell you frankly now that Thieu could not possibly sign because it would very much go beyond his power to accept it alone.

Dr. Kissinger: I will tell you what will happen. But you will not believe me—not you, but your colleagues in Saigon. It's a personal fight.

Ambassador Phuong: I'm sorry it's personal.

Dr. Kissinger: You know. Let's not kid ourselves. I know what I'm saying. I don't feel it, but they seem to feel it.

Ambassador Phuong: You put it on Mr. Nha.

Dr. Kissinger: It's probably the President too.

Ambassador Phuong: No. The President is very clever, and he's also very cool-headed.

Dr. Kissinger: You're right. I put a lot on Nha.

Ambassador Phuong: President Thieu is cool and legalistic.

Dr. Kissinger: I admire him. No one else could lead Vietnam. He is a great man, and I have nothing against him. But he has wrongly analyzed the situation. He should have accepted the agreement and claimed a victory.

You know Vietnam better than I. My experience with agreements is that every legalist makes a hundred objections. Once an agreement exists it has its own reality. What matters is how it is implemented rather than particular clauses.

Ambassador Phuong: At the end of October it was not possible.

Dr. Kissinger: No, probably it was not possible at the end of October. He was probably right. November was different.

Ambassador Phuong: In my personal view, having talked to President Thieu and various people, there is now no possible way out unless something is done about the North Vietnamese troops. This is a very sensitive issue.

Dr. Kissinger: For two years you never raised it.

Ambassador Phuong: Yes we did. If I can make an observation on your press conference of December 16, which I read, you said that on January 25th the US and the GVN had a joint 8-point proposal which did not demand withdrawal of North Vietnamese troops.⁸ But there was a principle.

Mr. Kissinger: It was a principle, but it was that after a ceasefire the Indochinese parties would implement the principle that troops should stay within their national boundaries. Not at the ceasefire, but afterwards.

Ambassador Phuong: (Paraphrases the principle.) It never says “after” or “before” in the text.

Dr. Kissinger: The idea was always that it would be after.

Ambassador Phuong: We did not pick on that because we wanted to keep a united front. Our Congressmen here will pursue the same lines. They will not attack the White House. They have to explain to your Congress so that it knows exactly what happened.

Dr. Kissinger: If you put out stories in Saigon, we will put out others.

Ambassador Phuong: We will not do that. We are not here to attack the White House. We will just explain why we object to the agreement because of the presence of North Vietnamese troops.

Dr. Kissinger: With just a ceasefire, Thieu and you must accept North Vietnamese troops anyway. You say to make another type of agreement; if we do that, then the troops stay anyway.

Ambassador Phuong: Because there would not be so many ceasefire clauses and there would be no recognition or implication of the PRG, and the PRG would not be officially at an international conference.

Last time I was here you said at the end of the meetings with Mr. Duc, you told us that you believed that our stand was only for show.⁹ That is not correct, particularly with regard to the North Vietnamese troops.

Dr. Kissinger: You have managed to convince me.

Ambassador Phuong: That’s why I’m afraid that if nothing is done it will be terribly difficult for Thieu to accept anything, even if he wanted to back down. It is not possible now because of the position of the Senate and the House. If whenever you make an agreement with North Vietnam you put it to him, and say it’s the best that can be

⁸ See Document 182.

⁹ See footnote 2, Document 134.

achieved and it's along the lines of the letter from President Nixon, and then you ask him for a yes or no, I am quite sure President Thieu would not be able to do it. He will refer it to the House and Senate. If he refers the agreement to the House and Senate of Vietnam it will be difficult for him. But when he refers it very likely they will all like to put up a higher price.

Dr. Kissinger: That's where we are heading unless the talks break down. You may be saved again by the North Vietnamese, temporarily.

The reason we acted as we did in October was that we saw what would happen in January. We were afraid that China and Russia would not hold back indefinitely. We have a two billion dollar deficit for appropriations. If we presented it now, as it should be by law, it would be rejected. We are hiding it, which is illegal. We will do it in April, but you know what will happen in April. We knew this was what we would be up against.

Ambassador Phuong: President Thieu knows also.

Dr. Kissinger: No one here wants the Nobel Prize. Saigon has attacked me as betraying you, and I am attacked here as being a murderer.

Ambassador Phuong: During the interval, have you communicated directly with the North Vietnamese since the 15th of December?

Dr. Kissinger: Just to set up the meeting. There has been no substance.

Ambassador Phuong: The DMZ—you are asking for the same language as before?

Dr. Kissinger: We are asking what we had before.

Ambassador Phuong: Excluding what they asked for concerning discussions about modalities, movement across the DMZ? If they drop this, you will accept the language?

Dr. Kissinger: Yes.

On the PRG we are proposing that the US and DRV jointly sign a document and that you sign a separate document without a Preamble.

Ambassador Phuong: So you would say the United States Government, with the concurrence of the GVN.

Dr. Kissinger: And you would sign separately.

Ambassador Phuong: We sign alone.

Dr. Kissinger: They have not accepted this either.

Ambassador Phuong: Once Le Duc Tho proposed it.

Dr. Kissinger: Then he withdrew it.

Ambassador Phuong: And then he asked for four-party signing.

Dr. Kissinger: Yes.

Ambassador Phuong: How about the protocol on the ICCS?

Dr. Kissinger: We will try for the same procedure, with no mention of the PRG.

Ambassador Phuong: And you hope to have a 5000-man force?

Dr. Kissinger: You have seen our protocol. We will stick to it. They will give us their ideas today.

Ambassador Phuong: You are leaving Sunday?¹⁰

Dr. Kissinger: You will be there?

Ambassador Phuong: I would like to ask a question.

You remember in the last series. Ambassador Porter said that there would be no more briefing as before.

Dr. Kissinger: I must ask the President. They were not helpful. We got nothing from Saigon.

Ambassador Phuong: You got some information from us. Our position was clear. President Thieu told it to Ambassador Bunker, and Bunker told the same questions to Thieu. President Thieu's instructions from Saigon were that as long as the questions of principles were not solved it was not possible to discuss other questions. Our approach is different. I understand. If the principle is not agreed and we refer it to Saigon, they refuse to answer and say that the North Vietnamese troops question must be solved.

Dr. Kissinger: Saigon hasn't decided whether I or Le Duc Tho is the enemy.

Ambassador Phuong: No. I am the middleman. It is really our position. We are not at the table. We don't know what is happening.

Dr. Kissinger: Saigon doesn't believe what I tell you.

Ambassador Phuong: When?

Dr. Kissinger: I know it's true. They don't believe me. They think I am trying tricks. Then it turns out on December 16 that it was true, but by that time the talks broke down, and it was too late for you to do something. Saigon also doesn't give me something because they are afraid that I might give it away. It is too late to be charming about these things.

Ambassador Phuong: The question of North Vietnamese troops was raised at the very beginning by Saigon.

Dr. Kissinger: I told you. Has anything happened different from the way I told you? Saigon thinks, that clever Kissinger, he wants the Nobel Prize. We will wear him out and get to President Nixon. Why

¹⁰ January 7.

give him anything which he will then give away? He will be taken by Le Duc Tho.

Ambassador Phuong: I have never heard President Thieu say anything to me like that or about you wanting the Nobel Prize.

Dr. Kissinger: It makes no difference. It is not a personal matter. I happen to admire President Thieu. It is a tragedy. We have produced a horrible tragedy.

Ambassador Phuong: Will you continue the series of briefings in Paris?

Dr. Kissinger: The President is not very eager for it.

Ambassador Phuong: Lam had asked me about it.

Dr. Kissinger: Will your Ambassador from London be there too?

Ambassador Phuong: I will tell you.

Dr. Kissinger: You're there to watch each other rather than me.

Ambassador Phuong: No. They wanted to be absolutely sure about what you told us. Ambassador Lam does not understand too well.

Dr. Kissinger: There are three possibilities. The first is that we will not brief at all. The second is that it will be done by me. The third is that it will be done by Ambassador Porter. We tried to have constructive conversations with Saigon but we just got insolent replies. So I will ask the President, first, whether there should be any briefing, and if there is any briefing, who should do it. Maybe it will be Ambassador Porter.

Ambassador Phuong: Ambassador Porter told us last time that there wouldn't be further briefings so we need some clarification from you. I hope to have it as soon as possible.

Dr. Kissinger: I will give it to you Friday.

I have great confidence in you. You have the best feel for the situation here.

Ambassador Phuong: The question is really a decisive matter for Saigon.

Dr. Kissinger: (Showing Ambassador Phuong several letters attacking him which were on his desk.) I get fifty of these a day.

Ambassador Phuong: Me too. I get letters every day.

(The Ambassador then left the office.)

244. Message From the Chief of the U.S. Delegation to the Paris Peace Talks (Porter) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 3, 1973, 1855Z.

1. January 3 meeting at our house on golf course lasted from 10:30 a.m. to 5:20 p.m. DRV side headed by Thach and Blinky,² plus five others. U.S. side same as January 2.

2. Thach opened meeting with response to Sullivan's general statement of January 2. He agreed limit discussions to protocols only. However, he disagreed that only four protocols should be discussed. DRV wished to discuss all protocols it had tabled. Nevertheless, Thach accepted our agenda for ICCS and cease-fire on alternate days. He felt this would occupy our time till January 8 at which stage you and Le Duc Tho could argue about what protocols are to be discussed.

3. Thach then said Aldrich, who had presented U.S. position on cease-fire and four party commission January 2, had violated principles laid down by Sullivan. When asked for explanation, he dilated at length about U.S. desire to turn identification of military units in cease-fire into a demobilization and withdrawal trip. Sullivan suggested we discuss that January 4 and turned to ICCS.

4. Aldrich then finished U.S. presentation on ICCS, which Porter had begun December 18. When this was finished, we began long, arduous discussion of ICCS protocol article by article. Allowing one hour for lunch, this discussion lasted five hours and progressed only through preamble and Articles 1 through 5 (B).

5. Discussion was businesslike, detailed, and often spirited. Objectively, it could be called serious negotiation and there was genuine give and take. However, our agreements were limited and we clearly have some basic differences of approach. In summary, our results follow:

(A) Preamble. We narrowed differences and agreed on text of operative paragraph. However, they still wish to name signatories and we hold out for "the parties participating in Paris conference."

(B) Article 1. They agreed to "reexamine" their list of definitions and left impression they are willing to drop the entire article.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [1 of 3]. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only. Sent via Guay and Kennedy.

² A nickname the Americans gave to Luu Van Loi, a member of the North Vietnamese delegation.

(C) Article 2. They agreed to drop all their repetitions from the agreement. We accepted sentence saying implementation is responsibility of signatories. They agreed to “consider” a redrafted version of operative paragraph, but gave no assurance they would accept it.

(D) Article 3. This was most acrimonious debate and most fundamental disagreement. They finally agreed to “reconsider” phrase in their text calling for agreement of “concerned party” to proposed investigation (which they identified as party controlling territory in which it was to occur). However, we essentially consider this article disagreed and set aside.

(E) Article 4. It was agreed to set this aside for later discussion in conjunction with unanimity features of protocol.

(F) Article 5 (A). Agreed.

(G) Article 5 (B). Agreed. We will locate mobile teams in 6 cities and draw operating areas on map. Thus finessing either PRG or GVN territorial boundaries.

6. Most enlightening discussion of day was private Thach-Sullivan talk at lunch in which Thach stated suspicion U.S. wished only ICCS and four party commissions and never intended have 2 party commission. Since 4 party commission disappeared in 60 days, we would then leave GVN under ICCS supervision. Thach pointed out this would “leave the frontiers open.” However, when Sullivan countered with need for early GVN-PRG meeting on two party commission, Thach said “time not yet ripe.”

7. We agreed to meet January 4 at Gif at 10:30 a.m. and continue through afternoon discussing cease-fire and joint military commission.

8. *Comment:* DRV mood considerably improved over yesterday, with normal amount of badinage and social pleasantries. Negotiation was ponderous but real. Nevertheless, we obviously have major conceptual differences which will stymie agreement on truly substantive issues.

9. Warm regards.

End of message.

245. Memorandum of Conversation¹

Washington, January 4, 1973, 10 a.m.

PARTICIPANTS

President Richard M. Nixon
 William P. Rogers, Secretary of State
 Melvin R. Laird, Secretary of Defense
 Admiral Thomas H. Moorer, Chairman, Joint Chiefs of Staff
 Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
 Richard T. Kennedy, NSC Staff

President: Al Haig is going over to Defense soon.

I thought it would be useful to review the situation. Many people are away. The Congress is scattered at the moment.

Kissinger: I called ten of them from Key Biscayne.

President: We called many of the leaders, to keep as many as possible aware of what we are doing.

Laird: I also talked to many of them. I gave them briefings on the air operations.

President: Many said we hadn't talked to them, but we tried to contact as many as possible. We wanted not to escalate discussion.

I wanted to have a chat in this group. This is really an NSC meeting. Everyone is here except the Vice President, who is at the Memorial Service [for Truman]. Bill [Rogers] is close to this because of Sullivan. He's been doing an excellent job. He met with the North Vietnamese for eight hours yesterday.

We should talk about what will happen next week. I have some ideas on the public posture. All of you are doing well on the public posture.

We will announce this meeting after we meet—to keep it low-key—as a meeting in preparation for Henry's meeting next week, to indicate government consultation.

The format this morning should be, first, that Mel and Admiral Moorer will give a brief rundown on the bombing. Let me say that if anyone is punished for the hitting of that hospital, I'll fire someone.²

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1026, Presidential/HAK MemCons, January–March 1973. Secret; Sensitive. All brackets, with the exception of those describing omitted material, are in the original.

² The Bach Mai Hospital was about 500 meters from the Bach Mai Airfield, the location of the headquarters of the North Vietnamese Air Defense Command on the outskirts of Hanoi. The Command was the intended target of December 21, 1972, B-52 raids, but the nearby hospital was also struck. Because the hospital's patients and medical staff had been evacuated earlier, the hospital, except for a small caretaker staff, was empty. (Parks, "Linebacker and the Law of War")

Some of our material has to be developed, like how many civilians were killed in South Vietnam by the enemy, and how many were assassinated. And in terms of destruction—city by city—how many South Vietnamese cities were almost wiped out. And we should get out the details on the hospitals, orphanages, and so on, and schools that were destroyed by the enemy.

It's a double standard, and hypocritical. American airmen risk their lives and do their damndest to avoid civilian targets, and we get these complaints, but not on the other side. Get this done. Get copies of this stuff to Rogers, Laird, and Colson.

I was there in 1957. I went down to the Delta and visited an American-Vietnamese Hospital with both Americans and Vietnamese shot up. I saw the children's ward—the little Vietnamese children—a beautiful child of 12 who lost one leg and one arm. The next day the doctor was going to amputate the other leg. I've thought of that often. The point is that killing children and women is a deliberate policy for them.

Rogers: I saw a hospital ship the same way, with the children.

President: Let's have a military briefing and then Henry will review the situation in Paris. We'll want to speak of developments, not a breakthrough or an impasse on the talks.

Laird: It's quiet now in all four Military Regions, though there's some build-up in Laos. We're doing the maximum air operations. There were 152 B-52 sorties yesterday. We're hitting any military targets we can get.

Moorer: We had left Vinh and the passes free while we were working in the North. Now we have good targets there—also in North Laos. We'll keep Buom Long from falling.

President: Laos and Cambodia are part of the deal. If we can get a ceasefire in both it's an excellent deal.

Laird: I don't believe we have presented what we have done. I'd like to brief on the positive points of the bombing activity. I don't want to be on the defensive. We'll show the targets hit and destroyed. The only thing we're reading about is the B-52 shot down and the destruction of civilian areas. On the hospital, there was one bomb crater. Some few are bound not to be on target. But the only questions we get are responding to negative propositions.

Moorer: We have pictures of all the POW camps. They were not damaged. We have eye-witness accounts of missiles falling back. Herbert is willing to lead the charge, but he needs the ammunition.

President: Let's talk about this. Henry leans against it because of the negotiations. But the problem is the other side kicking us on this.

How much effect on the negotiations will this have? We do have a domestic public relations problem. Jackson³ says, “Why not tell the people we bombed them back to the table?” We know that is true but we can’t do this. I know we put North Vietnam in an impossible position. I believe we need to get something out. The networks are killing us.

Kissinger: If we get it out today, it will play for the three days just before the negotiations resume.

President: Do you think it would hurt negotiations?

Kissinger: My instinct is not to hit them with this. They know what happened. I have no objection to individual briefings for Congressmen.

Rogers: Why not look at the facts?

Moorer: We had 731 B-52 sorties over North Vietnam against 40 targets. We lost about 2%. The North Vietnamese have about 900 missiles. They ran out of missiles. I think this pushed their quick reply to us. They have an assembly and distribution problem. Many of the missiles fired dropped off. Our intercepts showed all their batteries running short. It will be the 23rd of January before they are back to the starting point if they can put it on the railroads.

President: Their resilience is good.

Moorer: The reason they responded to us is we saturated their defenses. We have many intercepts showing shortages. We could have gone on with relative impunity. They use 50 missiles for one aircraft they shoot down—about the same rate as the past.

President: The B-52 is more vulnerable than the others. The SAM missile was built for it.

Moorer: Yes.

Laird: The SIOP expects a 30% loss with a nuclear-weapon attack. We had a 98% penetration rate.

Moorer: The weather was bad and we couldn’t use TacAir. If we could have, it would have really damaged them. They did a great job.

President: This is a tangential point: I talked to Haig about it last night. What about the 20 pilots who talked?

Laird: I don’t think they were drugged. Take the guy who badly needs medical treatment, and they hold it unless they sign.

President: You don’t think these are soft types?

Laird: Absolutely not.

Moorer: They had to have high morale, otherwise they couldn’t have done what they did.

³ Senator Henry M. Jackson (D-WA), Chairman, Committee on Interior and Insular Affairs.

Moorer: General Weyand sent in a general rundown. The NVA are down to 31% of their strength in MR-4. In MR-1, their strongest, the only hot spot is Kontum. They've reinforced southern MR-1 to recapture more territory. Carver says a ceasefire may be close because they're preparing for operations just prior to a ceasefire. Weyand says they don't have the capability to execute their plan. It's very quiet in SVN.

President: I have one question: Henry said in Florida that Vietnamization of the Air Force by spring would do the job.

Laird: They are moving fast. We have F-5 and C-130 pilots already going.

President: This affects Thieu's attitude. He's saying: "You make your own deal."

Laird: The logistics and Operation Enhance gave them an excellent boost.

Moorer: While we were giving priority up North, there was no instance that South Vietnam suffered a lack of air support. They helped themselves without difficulty.

Moorer: In the B-52 operations, we varied the package and the tactics. No one could have conducted operations like that. We saturated their defensive capability.

Laird: It had great psychological impact. It was a tremendous operation.

President: Think of the brave men.

Laird: I want to talk more about it.

[Dr. Kissinger left the room briefly. At 10:35 a.m. Secretary Laird showed pictures of the bomb damage on targets.]

President: Show these pictures—before and after—in the briefing.

[Dr. Kissinger returned at 10:45 a.m.]

Moorer: Another important thing. There were less than 8 hours in all the 11 days when we could use the smart bombs because of the weather.

Rogers: Can't you use the smart bombs on the leadership and government headquarters?

Laird: Because it's close to the Hanoi Hilton and other civilian areas.

Kissinger: We have intelligence reports [*less than 1 line not declassified*] that the night raids are really killing them.

Rogers: How many targets were left? If we had kept on for a few more days, were there more to hit?

Moorer: Yes. We wanted to hit the training areas. There was one good area, for example, near Son Tay.

Kissinger: But we would only have had one day left before the New Year's standdown. Then we would have had the Congress in.

President: That was the point.

Laird: We want to get the story across.

President: We could do it with the pictures or just brief for the press and others—or we could just do the Congressmen.

Laird: We've done the Congressmen.

Rogers: Can we support the buildup charge?

Moorer: Yes, from their logistics buildup and the COSVN directives.

President: Their infiltration rate is up from 1 October there also. We've certainly put a crimp in their effort.

Laird: The problem is that in previous years the figures were higher.

President: The point is that the infiltration is rising.

Moorer: 100 tanks were coming down.

Laird: But they need 500 to replace their losses. Stennis sees the figures from the years past and asks those questions.

Rogers: We should not be defensive. We should show what they were doing.

President: We can make exactly that point.

Laird: But Stennis comes back and says we are putting in much more to South Vietnam than the other side was.

President: One thing about the enemy buildup: How many predicted the Spring offensive? And they were building up to do it again.

Rogers: Say that the President was convinced they were planning to double-cross us.

President: We acted in good faith. They are acting against this.

Kissinger: And it was the May 8 policy.

President: Use the hard intercepts.

Rogers: Let me give my view on what we do.

President: Henry was there in Paris for 10 days going through terrible sessions negotiating with them. Last week I decided to go the extra mile.

Kissinger: That's where the press is misleading. The key really was that they raised more and more issues. Thus it's not true that we triggered it by making new issues.

Rogers: I want to read the transcripts.

Kissinger: I will send the one of the last day.

President: [To Dr. Kissinger] The last day's transcript shows how they were just diddling us.

Rogers: When we talk about Henry's position in Paris and the domestic scenario, I think a domestic display of the bombing results is not helpful. The people are fed up. But Congress needs something. They want to know what we did and why. But this is mostly up to the military. I can talk on the tactics.

Kissinger: I agree on a private basis.

Rogers: If it shows a significant military effect, then people can draw their own conclusions on why they returned to the table. We did our bombing carefully; that caused some losses. We merely returned to our previous policy when they backed away from the agreement. Show the proof that we didn't bomb our own POWs, and other instances to show all the false statements being made. I've done a statement for the committees—executive sessions. I gave it to Henry to clear it. I would push it off till Wednesday or Thursday next week,⁴ but I can't hold off much longer. The Congress says Henry briefs LBJ, so why not us?

President: We have problems with the committees.

Rogers: Really with the whole Congress.

Laird: But if we do it only behind closed doors, Hebert, for example, will say, "Why not give me something to use outside?"

President: There is no reason not to say we didn't hit the POW camps.

Kissinger: No, that's o.k., but I want to avoid pushing the damage stories just before the negotiation begins.

Rogers: I'll complete a draft of the statement before the end of the week, then I'll check it out and see whether we should say it to the committees.

President: I think it's better to say something; they hold on that way.

Kissinger: I agree. I'll look at the statement, then we'll decide next week to see how it goes. If they're dilatory, we'll go.

President: Right, we can see how it's going. If they're being dilatory we'll go right away. If not, then we'll see.

Rogers: North Vietnam is not under great pressure if they don't think we're going to bomb again.

President: What do your Congressional people want?

Laird: They want to know what we did and they want to go public with it.

⁴ January 10 and 11.

Rogers: The North Vietnamese position on the ICCS—we can say how absurd it is. If it can't go around the countryside to inspect, it's a farce. It's an illustration of their bad faith.

Kissinger: The infiltration provision doesn't make sense unless there's a supervisory mechanism.

President: On Bill's effort—we'll know by Wednesday whether he should go with a statement. On the military briefings—I see no objection to saying we hit military targets only. The pictures may be bad publicly. But we have clear photo evidence that it was effective and directed against military targets only. If civilian areas were hit, it was not intended. And no POWs were hit.

Rogers: It would be helpful to get the chairmen of the committees to say they were briefed and they are convinced they were not hit.

Kissinger: I can see the Defense view, but MACV briefings tend to show great military success. They have a gloating effect. If it's done in low key, o.k.

President: Mel should do it in a political way. Mel, you do it, not MACV or the military. In a matter-of-fact way, not gloating.

Kissinger: Does this look too defensive? If it's bad again tonight, probably it should go out.

Laird: I'll give a judgment tonight.

President: Please give a judgment tomorrow. If we do it, we should do it Friday.⁵

How do you handle the Committee?

Rogers: I must go before them. We can't be defensive.

President: I agree. We might be getting too optimistic.

Rogers: We can't be saying there's almost an agreement. You don't have it till you get it.

President: Right.

Moorer: How should we do our staffing of the planning for a ceasefire?

President: Hold it. We are moving cautiously. We must not have any wedges driven. I want you all to knock down these stories. On the Congressional side, get the trustworthy people, and speak candidly with them on where we stand.

Laird: I am asking Moorer to do this himself.

President: Any other thoughts?

Kissinger: On the negotiations, the less we say the better off we are.

President: The heat will be on.

⁵ January 5.

Rogers: We need to be careful, or we will get crossed up.

President: We are not going to brief. I saw Albert and Mansfield but I'd seen Scott and Ford.⁶

Laird: I am going to Defense and Appropriations in closed sessions.

President: I have a concern about that.

Moorer: Mahon⁷ says the number one question of his constituents is why the bombing, and what did we do.

Rogers: Passman⁸ says the same thing.

Moorer: We have to have something to tell our people.

⁶ Representative Carl B. Albert (D-OK), Speaker of the House of Representatives; Senator Michael J. Mansfield (D-MN), Senate Majority Leader; Senator Hugh D. Scott (R-PA), Senate Minority Leader; and Representative Gerald R. Ford (R-MI), House Minority Leader.

⁷ Representative George H. Mahon (D-TX), Chairman, Appropriations Committee.

⁸ Representative Otto E. Passman (D-LA).

246. Message From the Chief of the U.S. Delegation to the Paris Peace Talks (Porter) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 4, 1973, 1931Z.

1. U.S. and DRV delegations met at Gif from 10:30 a.m. to 6:00 p.m., January 4, with both sides represented as on January 3.

2. Thach opened by discussing need to consider how we might accelerate agreements on protocols in order not rpt not delay decisions on basic agreement. It was agreed we would probably have to conduct parallel negotiations on protocols simultaneously with talks on agreement and understandings scheduled to open January 8. However, we also agreed to delay decision on manner doing this until we could discuss with you and Le Duc Tho.

3. After some residual discussion of location ICCS regional teams, we then turned to discussion of cease-fire. DRV made ostentatious ef-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [1 of 3]. Secret; Sensitive; Exclusively Eyes Only. Sent via Guay and Kennedy.

fort to be reasonable and to reach rapid agreement. Net result, after nearly five hours was considerable area of agreement in principle which then required redrafting by both sides of various articles. Within this area of agreement, there are several nuggets of discord. Perhaps the most significant of these concerns our proposed Article 4 which provides for fixing opposing military forces in place by identifiable unit. Two others concern (A) aerial reconnaissance, and (B) special reference to DMZ. Finally, there is usual generic dispute over naming signatories in preamble.

4. The lengthiest dispute arose over our Article 4, but the sharpest exchanges concerned aerial reconnaissance, where Thach and Sullivan locked horns. Thach insisted that Le Duc Tho had never intended to agree to aerial reconnaissance in GVN and held out for prohibition in protocol despite absence of same in agreement.

5. After completing this canter through the cease-fire articles, we then turned to functions of four party joint military commission and agreed on consolidated version of those two articles which cover this subject. On adjournment, we agreed to meet January 5 at golf club at 10:30 a.m. to resume discussion of ICCS protocol. We have also agreed to meet Saturday,² at Gif to try to finish four party joint military commission protocol.

6. *Comment:* Except for flare-ups on reconnaissance and identification of units, mood continued good as on January 3. Progress is tediously slow but steady, and DRV maintains attitude of apparently serious intention to reach agreement on these two protocols.

² January 6.

247. Memorandum From the Special Assistant for Vietnamese Affairs, Central Intelligence Agency (Carver) to Director of Central Intelligence Helms¹

Washington, January 4, 1973.

SUBJECT

SAVA Black Book Submission

1. During your absence, things were generally quiet in our area but there were three matters which merit your attention and of which you should be aware.

A. Dealings with Dr. Kissinger

2. On Thursday afternoon, 21 December, we sent down to the White House two copies of the memorandum entitled "Hanoi's Game and Current Game Plan,"² with the final paragraph emended (and improved) per your suggestion. The staff must have relayed it by some sort of LDX system because Henry called me (from Key Biscayne) at my home around 2000 that evening. He had obviously read the piece with some care and professed himself grateful for it, though he clearly did not welcome its conclusions. We talked over the phone for a good half hour, covering (several times) most of the matters raised in the memo. I explained again—as tactfully as possible under the circumstances—how Hanoi's near term strategy was focused not on achieving any settlement per se, but on exploiting the October draft and last fall's developments as a vehicle for torpedoing our relations with the GVN. Whether or not Henry accepted this was not entirely clear. He kept hammering away at the line of "assuming this is so, what do we do about it."

3. Reflecting on our conversation stimulated me to write the attached memo entitled "Notes on a Possible U.S. Game Plan,"³ which I scribbled at home, showed General Walters and got typed up at the office on Saturday (23 December). I took it down to the White House, planning simply to drop it off. Henry, however, was there and ushered me into his office while he sat down and read through my prose. There then ensued close to an hour of sometimes brisk discussion. Basically, he did not like the proposal because (he said) we simply could not offer another draft that in any way resembled October's draft or (rather)

¹ Source: Central Intelligence Agency, Files of the Deputy Director for Intelligence, Job 80–R01720R, Box 8, Folder 3, GAC [George A. Carver] Chronology. Secret; Sensitive.

² See footnote 4, Document 214.

³ Attached but not printed.

October's approach. We had to take an entirely new tangent making an entirely different sort of proposal if we were to consider trying the route I outlined—for example, a very simple proposal sticking solely to military questions and eschewing all political issues. I explained (again, several times) why—though there might be excellent reasons for rejecting my suggested line of march—that particular tack was a non-starter, given Hanoi's interests and mind-set. We broke up with Henry sticking, unchanged, to his position and I to mine. Our parting was cordial, however, since as I left he gave me a bottle of Israeli champagne from a case Golda Meir had sent him for Christmas. I have not heard from him since.

[Omitted here is discussion of an intelligence source in Saigon and of Carver's briefing the incoming Director of Central Intelligence, James R. Schlesinger, on Vietnam.]

George A. Carver, Jr.⁴

⁴ Carver signed "G.A. Carver, Jr." above his typed signature.

248. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, January 5, 1973, 0130Z.

WHS 3001. Following is the text of a letter from President Nixon to President Thieu. You should seek an immediate appointment with Thieu and deliver this letter unless you believe that it is too sharp. If you see problems with the letter, you are authorized to withhold it and come back to us with your suggested amendments. If you agree with the letter, you should go ahead and deliver it.²

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 45, Geopolitical File, Vietnam, Cables, Dec. 1972–Apr. 1975. Top Secret; Immediate; Sensitive; Exclusively Eyes Only. Written on January 4.

² In backchannel message 315 from Saigon, January 5, 0935Z, Bunker inserted the following immediately before the last sentence: "Should you decide, as I trust you will, to go with us you have my assurance of continued assistance in the post-settlement period and that we will respond with full force should the settlement be violated by North Viet-Nam." (National Archives, Nixon Presidential Materials, NSC Files, Box 415, Backchannel Messages, From Amb. Bunker, Saigon thru April 1973) Kissinger approved Bunker's proposed insertion in backchannel message WHS 3002, January 5, 1538Z. (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 50, Geopolitical File, Vietnam, Peace Talks, Chronological File, 16 Dec. 1972–13 Feb. 1973 [2 of 11])

Begin text.

Dear Mr. President:

This will acknowledge your letter of December 20, 1972.³

There is nothing substantial that I can add to my many previous messages, including my December 17 letter,⁴ which clearly stated my opinions and intentions. With respect to the question of North Vietnamese troops, we [will] again present your views to the Communists as we have done vigorously at every other opportunity in the negotiations. The result is certain to be once more the rejection of our position. We have explained to you repeatedly why we believe the problem of North Vietnamese troops is manageable under the agreement, and I see no reason to repeat all the arguments.

We will proceed next week in Paris along the lines that General Haig explained to you. Accordingly, if the North Vietnamese meet our concerns on the two outstanding substantive issues in the agreement, concerning the DMZ and methods of signing, and if we can arrange acceptable supervisory machinery, we will proceed to conclude the settlement. The gravest consequences would then ensue if your government chose to reject the agreement and split from the United States. As I said in my December 17 letter, "I am convinced that your refusal to join us would be an invitation to disaster—to the loss of all that we together have fought for over the past decade. It would be inexcusable above all because we will have lost a just and honorable alternative."

As we enter the new round of talks, I hope that our countries will now show a united front. It is imperative for our common objectives that your government take no further actions that complicate our task and would make more difficult the acceptance of the settlement by all parties. We will keep you informed of the negotiations in Paris through daily briefings of Ambassador Lam.

I can only repeat what I have so often said: the best guarantee for the survival of South Vietnam is the unity of our two countries which would be gravely jeopardized if you persist in your present course. The actions of our Congress since its return have clearly borne out the many warnings we have made.

So once more I conclude with an appeal to you to close ranks with us.

Sincerely,

Richard Nixon

End text.

³ See Document 206.

⁴ Document 189.

249. Memorandum of Conversation¹

Washington, January 5, 1973, 2:40–3:30 p.m.

PARTICIPANTS

Tran Van Do, Former Foreign Minister of the Republic of Vietnam
Bui Diem, Former Ambassador to the U.S. from the Republic of Vietnam
Tran Kim Phuong, Ambassador to the U.S. from the Republic of Vietnam
Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Mr. Winston Lord, NSC Staff

Mr. Do: Thank you for taking the time to see us.

Dr. Kissinger: I always like to see my old friends. Ambassador Bui Diem and I have fought many battles here together, on the same side.

Mr. Do: We are still on the same side.

Mr. Diem: We really appreciate your taking the time to see us.

Dr. Kissinger: Well, as you know, I am going to Paris shortly. I think I know your concerns. You are welcome to state them, but I am familiar with them.

Mr. Do: We know that you are going to Paris to resume talks with Le Duc Tho. The President sent us here to discuss first the notion that people think that President Thieu and the South Vietnamese people are the obstacles in the negotiation. In fact, we have a sincere desire that you will be successful in your negotiations in order to achieve an honorable peace for you first and liberation of your prisoners of war, and for us to have a just, lasting peace with the conditions that can preserve our independence, sovereignty and freedom. That's the main thing. I think you agree with this.

Dr. Kissinger: Completely.

Mr. Diem: Before coming here, I had long talks with President Thieu and in spite of the fact that we come here in a private capacity, we hope to bring to you first a message from the President. We understand very well the situation, and he understands all the difficulties and reiterated to me many times that in negotiations there should be some sort of compromise. At the same time, he is insisting on some of these points that he thinks constitute vital points for Vietnam. We hope that in the next round of negotiation you will take into consideration these things.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held in Kissinger's office at the White House.

Dr. Kissinger: You (Diem) particularly know that it is me who has kept the government together on behalf of South Vietnam, who cancelled innumerable instructions, who short-circuited problems, etc. You were here for three years; you and we went through some tough times together. It is not the people at State and Defense who have defended you.

So I agree with you. But what is the actual situation? I have been trying to explain to our Vietnamese friends that we consider fundamental the freedom of South Vietnam; we want you to be free. My judgment has been, and every day it has been proven correct, the problem is that unity with the United States and not this clause or that is what is important. Of course, we want to improve the agreement. But more important than everything else is the ability of the United States to defend you over an indefinite period, together with you. What is important is what we can say about the agreement, and what Saigon can say, and that depends on our authority.

Now I know that in Saigon when I pushed in October and November for an agreement they said that I wanted the Nobel Peace Prize. I know all that has been said and from whom. That wasn't the reason. The reason was I felt that if we could end the war in a surprising way that our critics. . . . You know that no one in this country thought we could end the war and keep President Thieu in office, and all thought that there would be a coalition government. We thought that if we could end the war honorably, with your government in office and with clear obligations in the agreement, that we would have so much authority afterwards that if we said that North Vietnam was violating the agreement, we could bomb them and no one would challenge us.

I want to be honest. Our view is that your government should have stood next to us and thanked us for what we had done even if it didn't mean it, so that for America which had lost 50,000 lives it would be a Korean type situation. Who knows today about what the armistice was all about in Korea? If Korea is attacked, we would defend it. Why should we do this in Korea and not in Vietnam? There is no reason. You know that the liberal Democrats and the press want to destroy you. Because of various reasons we are now engaged in endless arguments and now the opposition is building tremendous pressure on us.

I know you want North Vietnamese troops to be withdrawn. We will raise this again, but I do not think they will agree. If we wanted to sell you out, we could have done this in November. Negotiations failed then because we were defending your point of view. I have been telling the press something else, because I didn't want your government to be portrayed as the obstacle.

We will present your views again, and we will fail again. In either case, they will not withdraw their troops; in either case they will cheat.

They are treacherous and want to destroy you. We take for granted that this is what they will do. The question is not a matter of their intentions, but what we can do to prevent them jointly. For that you have already nearly destroyed our ability. The improvements since October are not worth the loss in our authority that this struggle has provided.

I am being brutally frank. If this goes on much longer, Congress will cut off the funds. Resolutions are already being prepared. You are creating a situation where this agreement is being seen by the public as a defeat for us and for you. This is why we wanted to have the agreement before Congress came back. You above all, Mr. Bui Diem, my friend, know that in this country, it's the White House rather than anyone else that is your friend. We will next week—assure you—again present your case, and it will again fail. That has to be my prediction. Now you will see the Congress.

Then the question is, suppose we do get an agreement with some of the elements that your Ambassador knows about, what would Saigon do? For all of us dedicated to the freedom of South Vietnam, we must close ranks, we really have to. As I explained before . . . there is a very complicated theory invented by someone that we want a united Vietnam to block China. I read it in President Thieu's speech of December 12. Frankly that is insane, totally insane. China is not strong enough to attack anyone for five years. Why would we cooperate with the Soviet Union to create a united communist country in Southeast Asia with 40 million people, after we have lost 50,000 dead and hundreds of thousands wounded? That is not therefore our intent. There is no such deal.

Why do the liberals want to destroy you? It is because they know very well that if the present governmental structure can collapse, they can destroy in effect American foreign policy. We are the only administration capable of conducting a strong and effective policy. If we are discredited and our policy shown up to be no good, we will never be able to do anything forceful anywhere else. Thus we are not merely interested in your defense for your sake. It is in our own interests that the Communists not take over Saigon. So there is no complicated plot with Russia and Hanoi against Saigon, because for us it would be as politically bad as it would be for you, although for you it would be humanly worse.

That is not our intent. We have been cold-blooded. We have calculated that to survive you need our assistance, at least as long as they get assistance from their Communist allies. Now how do you get our assistance? In the name of war our aid will be cut off in the first three months. In the name of peace there is more chance. The Communists have no intention of keeping the major provisions. The agreement will never be fully implemented. With an army of over a million and con-

trolling a large part of the territory, we think you can handle a ceasefire, at least for a long enough period until there are violations of the agreement. And there is no question about who will violate it. We thought that in the name of an agreement we would be better able to help than in the name of war. That is our cold-blooded appraisal.

We have lost enormously in recent months as a result of the fight between you and us, and as a result of our domestic situation, the authority of the President and myself whom you need to run the policy has been set back. The children in Saigon think they can hack away at us. That will be their disaster, not ours. I have tried to tell the Ambassador all of this. You talk to Congress and see what reaction you will get.

Ambassador Phuong: I am glad you brought up this point about the theories being attributed to you. I will be frank. Somehow Saigon knew about these theories from Paris and Paris attributed them to you.

Dr. Kissinger: Who?

Ambassador Phuong: It is difficult for me. In any event they were not Vietnamese.

Dr. Kissinger: Why would I tell the French?

Ambassador Phuong: When I was in Saigon last time, I strongly disputed the thesis. That's why I am glad you raised it today.

Dr. Kissinger: I found that thesis in the President's speech. I am supposed to be a balance of power man and if one interprets that theory you do not support the stronger against the weaker, but you side with the weaker mischief. It is totally insane.

We all know what France wants. They want to pick up the pieces. They cannot bear the defeat of 1954. They think they can get back in to South Vietnam and they are pushing semi-neutralists and playing with semi-Communists. That is obvious. That is not my view.

Ambassador Phuong: I was very surprised to hear this thesis and I strongly disputed it according to my own judgment. It was not correct. I am glad you brought it up today.

Dr. Kissinger: There is not one shred of truth in it. We wish to preserve the independence and freedom of South Vietnam.

Mr. Do: It is our common objective. If I am not being indiscreet, about the first point, the sovereignty of South Vietnam, two independent states of Vietnam. What do you envisage on this point?

Dr. Kissinger: Our position is that we recognize the sovereignty of South Vietnam. We recognize the government of Saigon as the only government of South Vietnam. In the clauses of the agreement there is a certain ambiguity which North Vietnam will interpret their way. Here is my view. We will try to clarify this as much as possible in the agree-

ment. My honest opinion is that at some point we must decide if the attempt to clarify too much and its becoming a major issue means whether we aren't better off to say leave it ambiguous and cite the whole post-war record of our attitude towards Saigon, and say it has never changed and we will continue to do that. At some point it is more important what we say than what we try to get accepted and then the Communists reject.

Mr. Diem: Do you think they will drop the language about the modalities of movement across the DMZ?

Dr. Kissinger: That is another example. At first we had in the agreement only that it was a dividing line, provisional, but according to the Geneva Accords. It was not perfect but it referred back to the Geneva Accords. But we tried to clarify this. The reason I didn't try to do this at first is that I was afraid that the transit question would be raised. We would have said that these are the same provisions and that the only status of the DMZ is the one of 1954. Now we said that the DMZ must be respected, and they want to discuss the modalities of transit. Now we are in trouble because the second sentence removes the significance of the first sentence. Now they will discuss the DMZ with Madame Binh and abolish it. This is an example. If we had stuck with the October agreement, we would have been able to maintain for all eternity that we have maintained what we said in the Geneva Accords. This served us well in March and April, so an attempt to gain specificity hurt us. We will reject that position.

Mr. Diem: President Thieu mentioned this point.

Dr. Kissinger: We have rejected it already. If we confined it to "civil" movement, then it would imply that military movement is prohibited, and in this case we will discuss it with you. But we have no reason to believe they will accept that. Maybe they will want to drop both.

Mr. Diem: And go back to the October draft?

Dr. Kissinger: But that's not so good anymore.

Ambassador Phuong: If "civil" is in there, there must be a very strict provision.

Dr. Kissinger: Yes, but they are violating it now anyway. The only use of provisions is to give us a pretext to act. We do not assume that they will honor the provisions. Do you?

Ambassador Phuong: No.

Mr. Diem: The President said that he had no illusions.

Dr. Kissinger: Neither do we.

Mr. Do: Another point concerns the withdrawal of North Vietnamese troops. I know your opinion.

Dr. Kissinger: We want them out too.

Mr. Do: Yes. I understand. It is difficult for them first to say that they have them in South Vietnam and secondly to demand a total withdrawal. I would like to know more details. What do you think you can obtain? I'll be very candid. President Thieu is very concerned and attaches much importance to this problem.

Dr. Kissinger: We are now in a very difficult negotiation at this point. Again speaking honestly, there were so many issues that were raised by your side, that it was hard to concentrate on any one. But let us forget that for now. There is a demobilization provision which can be used.

Ambassador Phuong: That is too vague. There is no language getting at the problem.

Dr. Kissinger: It is too vague.

Ambassador Phuong: If we could obtain something like one for one and return to their native places, I think there would be a lot of improvement. As of now, it is too vague.

Dr. Kissinger: As I have said, we will of course give a unilateral statement that they have no right to have their troops in South Vietnam.

Mr. Do: What is the best safeguard against the jeopardy if the war resumes weeks or months after the agreement? That is what we want to know.

Dr. Kissinger: The best guarantee is what we do. I believe that if they keep the provisions concerning withdrawal from Cambodia, Laos and no infiltration, they will not be able to resume the war. But if they break those provisions, it won't help to have another provision that they won't keep. There is no way they can resume the war without breaking the agreement. Because our estimates are that their present forces are only at 30% strength, and they are not allowed to introduce new men under the agreement and they are supposed to withdraw from Laos and Cambodia.

Mr. Diem: And there must be an effective supervisory force, and not one of 250 men as they propose.

Ambassador Phuong: Because this should be a way to make them move out. If there is no language to make them go out, then when there is infiltration it will be difficult to prove.

Dr. Kissinger: We know now when they infiltrate because we have good information.

Ambassador Phuong: How do you prove it?

Dr. Kissinger: To whom?

Ambassador Phuong: In order to justify your actions.

Dr. Kissinger: It frankly depends primarily on the authority of the government. The liberal Democrats wouldn't believe us if we delivered 10,000 live North Vietnamese. It depends on whether the American public believes us. India, Europe, the Swedes—we can't convince them of anything, because they do not want to be convinced. That is reality. Reality is what the U.S. and a few countries in the area believe, Indonesia and maybe Japan. That seems to be the reality to me.

Mr. Diem: President Thieu understands this problem very well. I am not speaking on his behalf—I leave that to my colleague, the Ambassador—but I understand his concern is how to turn around the present situation in view of all the difficulties that we know about. How do we turn things around?

Dr. Kissinger: In Vietnam or here?

Mr. Diem: On the problem of the withdrawal of the North Vietnamese forces, taking account of all the factors, Washington's position and North Vietnam's position, our position, etc. Is there any willingness on their part for them to be regrouped in two or three zones?

Dr. Kissinger: You know they are SOBs. Excuse me for using that language. We are not talking about nature's noblemen. They are the most miserable bastards. I have had a concentrated course for three years. I have never seen people who could lie so much. They are totally treacherous.

Maybe if we fought for another two or three years we could get regroupment. Our painful judgment in October, given the total situation we faced, our domestic situation and the fact that we have been living off the fact that the Soviet Union and China were both not interfering too much . . . If either turned against us our domestic situation would have become totally unmanageable. For all these reasons, unsatisfactory as the agreement even seemed to us, we thought it was a better way to maintain support than the other route. In any event under the other alternative, that of continuing the war, this would still keep North Vietnamese troops in your country.

Thus the agreement buys time.

Messrs. Diem/Do/Phuong: It would provide a new basis for continuing U.S. support.

Dr. Kissinger: That is still our firm intention. (To Phuong) Mr. Ambassador, will you be in Paris next week?

Ambassador Phuong: I am afraid I will not be able to come. Ambassador Lam can maintain contact with Ambassador Sullivan.

Dr. Kissinger: They have three Ambassadors watching me in Paris.

Mr. Diem: I hope to join you there.

I talked at great length with President Thieu, and he understands frankly the vital necessity to stay close together.

Dr. Kissinger: We need to stay together.

Mr. Diem: We understand.

Dr. Kissinger: First, we have to stay together and secondly, you must know who your real friends are, who is needed to control the Congress and talk with the press and to make decisions and to control the bureaucracy. You must identify those people and not turn against them, the ones who, whatever disagreements there may be over the agreement, are essential to you.

I would use the demobilization provision never to implement the committee. You could say as long as you /North Vietnam/ have your troops here, we can't have a political process. That is how I would do it. If there is no withdrawal of troops then you could say it is senseless to have a political process.

Ambassador Phuong: First of all, we need some language like one-to-one and return to their native places.

Dr. Kissinger: (To Diem and Do) How long are you here?

Messrs. Diem/Do: Two to three days. We hope to go to Paris after you.

Dr. Kissinger: Don't believe a word the French tell you. I don't tell the French my intentions so don't believe any rumors.

Someone put out the word in Saigon that I told a Frenchman contemptuously who are these South Vietnamese? I have been told that this has been reported in Saigon.

Messrs. Diem/Do/Phuong: That is correct.

Dr. Kissinger: That is a totally outrageous lie. I never said that.

Ambassador Phuong: I am glad to know that.

Dr. Kissinger: I couldn't have said that to the French, because I don't wish to give the French our views. It is a total lie. No one certainly has said anything critical about your leadership.

We have been through so much together. I don't have the feel, of course, for the situation like you do, but I know what the situation means to you.

Messrs. Do/Diem/Phuong: We are happy to hear what you have to say.

Dr. Kissinger: I have heard talk about it.

Ambassador Phuong: You were correctly informed.

Dr. Kissinger: Ninety percent of my time in Paris was spent on the troops. We could have been out of there on November 22nd if we didn't bring up the question of troops.

Mr. Do: I know you were busy.

Ambassador Phuong: Just one clarification. The remark attributed to you was that you were not just talking about the troops question but the whole agreement.

Dr. Kissinger: That is even more ridiculous.

Messrs. Do/Diem/Phuong: They were talking about the future of the South Vietnamese.

Dr. Kissinger: I conducted two years of secret negotiations with Le Duc Tho. What was the issue? For a whole year he proposed a secret deal to overthrow your government. He said if we do this secretly everything else could be done. We could write any provisions we want. We rejected this. We went through the agony for three years until we finally achieved the integrity of the South Vietnamese Government. Why would I now make a contemptuous gesture?

(To Diem) You were here during Cambodia and Laos. If you collapse for whatever reason, even if it was your own fault and not our fault, our opponents would say why have you lost 30,000 men? Thus, for the most selfish reasons we are tied to your survival and integrity and the idea of being contemptuous is outrageous. We could have had a pleasant administration; instead we had 300,000 demonstrators, and I have had to move out of my apartment because of the demonstrators outside. Therefore, don't believe these stories. Things are difficult enough already. Don't believe them. Please report this to your government.

Ambassador Phuong: Certainly. On these two points I am glad you brought them up. On the second one I didn't know as much.

Dr. Kissinger: I heard about it indirectly.

Ambassador Phuong: Your theory about blocking China I strongly disputed because of my own analysis.

Dr. Kissinger: Look at the India/Pakistan war. Why did we support Peking? Because we thought that India was dominated by the Soviet Union, and we didn't want all of Asia Soviet-dominated. Why therefore would we cooperate on Indochina with the Soviet Union?

Mr. Diem: One last question. We realize fully well all the difficulties. The media is very active, and this is a very sensitive week. We are trying to avoid them.

Dr. Kissinger: You should avoid saying anything critical against the Administration.

Mr. Diem: We won't say anything.

Dr. Kissinger: Do you want to say you were here?

Messrs. Do/Diem: They already know that.

Dr. Kissinger: It was nice to see you again.²

(At this point the meeting broke up cordially. The South Vietnamese left to get their car and Dr. Kissinger took them to the exit. They met Egon Bahr from Germany on the way out.)

² Bui Diem later wrote about the meeting: "Kissinger's tone that morning was sharp, his mood defensive." He continued: "When I told him that although the troop problem [that North Vietnamese forces would remain in the South after a cease-fire] was perhaps not so important to the United States, it was a matter of life and death for us, he answered again that he understood, that he would put it on the table again and do what he could. But this seemed to me a ritual response, uttered without any discernible conviction." Diem concluded: "It was a disheartening meeting, devoid of any sign that Kissinger felt strong enough after the Christmas bombing to open up a new area in the talks, scheduled to reconvene in three days." (Diem, *In the Jaws of History*, p. 310)

250. Message From the Chief of the U.S. Delegation to the Paris Peace Talks (Porter) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 5, 1973, 1940Z.

1. DRV and U.S. delegations met again January 5 from 10:30 a.m. to 6:00 p.m. at golf club. Same persons on both sides.

2. Meeting opened when Sullivan presented Thach with map we had drawn to define 6 regions of South Vietnam for ICCS operations based out of Hue, Danang, Pleiku, Phan Thiet, Bien Hoa and My Tho. We told DRV that, for practical reasons we would suggest a seventh region, based out of Can Tho and including everything south of Mekong. DRV agreed to consider.

3. We then turned to continued discussion of ICCS protocol, with lengthy discussion on location and operation in southern half of DMZ and at and around various points of entry. Both U.S. and DRV drafts are therefore dropped and new article being drafted.

4. Similar lengthy discussions ensued on ICCS teams to supervise POW return, with DRV eventually agreeing to concept that teams would be present at all points of POW release, including those in North

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, December 1972 [1 of 3]. Secret; Immediate; Sensitive; Exclusively Eyes Only. Sent via Guay and Kennedy.

Vietnam (but not necessarily at all camps where they have previously been held). We agreed that teams could be present at specific points in South Vietnam where civilian detainees would be consolidated.

5. Next discussions turned to location of mobile teams throughout country. We agreed to concept in which teams would be located at various towns throughout country. We both therefore dropped our original articles and will develop a new draft incorporating this concept. Our lists of towns will clearly be at massive numerical variance, and we expect prolonged buffalo trading on this one.

6. We then achieved rapid agreement on next two articles, concerning supervision of elections and relationship of ICCS as to function. DRV then agreed to drop its article concerning termination of ICCS.

7. After some tentative discussion concerning numbers of personnel, we agreed to set issue aside to be worked out simultaneously with agreement on numbers of teams in various categories.

8. We next agreed to drop articles in both drafts concerning ICCS carrying arms, leaving matter to be worked out between ICCS and Vietnamese parties. DRV also agreed, in principle to drop its Article 7 concerning unanimity, but wished reserve final action until we submit new draft consolidating question of investigations and reports.

9. Finally, DRV agreed to drop its restatement of requirement that commission respect sovereignty of South Vietnam, which already stated in basic agreement. At this point, we adjourned until January 6.

10. January 6 meetin will be at Gif at 10:30 a.m. Agenda should conclude discussion of cease-fire and four party commission. Thach stated his desire to speak on two party commissions, but agreed, once that finished, we could return to ICCS protocol.

11. *Comment:* Progress continues to be slow but steady. We have reasonable chance of finishing article by article discussion of both protocols prior to January 8, but this will leave substantial unresolved issues which will need to be negotiated by you and Le Duc Tho.

12. Warm regards.

251. Backchannel Message From the Ambassador to Laos (Godley) to the President's Assistant for National Security Affairs (Kissinger)¹

Vientiane, January 6, 1973, 0655Z.

638. 1. Prime Minister asked me to call this morning. He was in a relaxed mood but said he had "received word from Paris" that we had modified our position re the withdrawal of foreign forces from Laos and would accept NVA forces remaining in this country. Prime Minister said this was most distressing and the continued presence of NVA forces in the Kingdom would be intolerable for the RLG. He asked if I could confirm this report.

2. I told the Prime Minister I had no repeat no information that might confirm the foregoing, which sounded incredible to me. Certainly it was contrary to what Bill Sullivan and Al Haig told us and our latest information, i.e. from Al, was that not only were we maintaining our position on the withdrawal of foreign troops but also we were trying to reduce the time between the cease fire in South Vietnam and in Laos. I said, however, that I would seek telegraphic confirmation.²

3. He then went on to discuss the Lao negotiations, and he reaffirmed that notwithstanding the insulting nature of the LPF's presentation last Tuesday,³ conversations would continue here.

4. I told him that yesterday I had received a visit from the new Polish Deputy ICC Commissioner, who had inquired re the ICC. I told the Pole that I understood the RLG was for maintaining the current ICC structure but that it would seek more precise terms of reference which would enable the ICC to be truly effective. The Prime Minister said my views were correct and that he would be seeking strong Indian support for an effective ICC during his discussions January 27 and 28 in New Delhi with Mme. Gandhi. He hopes to convince Mme. Gandhi not only to obtain Soviet concurrence in effective ICC but also to furnish two Indian battalions to supervise the Lao ceasefire. I suggested that rather

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII. Secret; Priority; Eyes Only.

² Kissinger's reply came later that day in a backchannel message sent at 1500Z, in which he wrote: "The thought that we would accept NVA forces remaining in Laos is utter nonsense and you should make this very clear. You were absolutely right in your reply to the Prime Minister. Whatever you may hear from other sources, you should ignore. There are no reliable sources of information except what you hear directly from us." (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 50, Geopolitical File, Vietnam, Peace Talks, Chronological File, 16 Dec. 1972–13 Feb. 1973 [2 of 11])

³ January 2.

than mentioning two battalions, which had a connotation of combat military units, he refer rather to sufficient supervisory or investigatory personnel. Prime Minister concurred and then asked if we would support an effective ICC logistically.

5. I inquired precisely what he meant by this, and he said jeeps, helicopters and radios etc. to be available to ICC personnel here. He was not repeat not thinking of US personnel in any role. I said I could not answer this officially for all I knew was that Bill Sullivan had implied we would be prepared to assist and that Al Haig had also so implied.

The Prime Minister said he recalled these conversations very clearly and it was for this reason that he would like some official word from Washington prior to his discussion with Mme. Gandhi. I said that I would transmit his inquiry to you.

6. I then asked the Prime Minister if he has had any discussions with the LPF on the terms of reference of the ICC. When he responded in the negative, I suggested he have this matter raised with the LPF and I recalled to him the difficulties you experienced in Paris with the GVN on the role and size of the supervisory body in South Vietnam. He said he thought my point was well taken and he would instruct the RLG delegation to raise this matter with the LPF either in their formal or informal discussions.

7. New subject: Please instruct how you wish to communicate with you once you are in Paris [*2½ lines not declassified*].⁴

All the best.

⁴ Kissinger instructed Godley: "You should send messages to me directly to the White House where they will be forwarded." (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 50, Geopolitical File, Vietnam, Peace Talks, Chronological File, 16 Dec. 1972–13 Feb. 1973 [2 of 11])

252. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, January 6, 1973, 1240Z.

317. Subject: The President's Letter; Meeting with President Thieu. Refs: A) WHS 3001; B) Saigon 0315; C) WHS 3002.²

1. I met with President Thieu at 1730 today and gave him the President's letter which he read carefully.

2. He then commented that his only real remaining problem was with the presence of North Vietnamese troops in South Viet-Nam. He conceded that the GVN is strong enough militarily to handle the NVA and that he is not concerned about the nationalists winning in an election, but the question is whether the NLF will be satisfied with obtaining representation corresponding to its percentage of the vote. If they were, there would be no problem, but if they continue to pursue their objective of gaining complete control of South Viet-Nam and renew their subversion with the support of NVA troops there will be another war.

3. The situation now, Thieu said, is that the DRV is compelled to fight on four fronts, but if there is a ceasefire and withdrawal of NVA from Laos and Cambodia and of U.S. forces from South Viet-Nam, there will be only one front.

4. I replied that he was envisaging a situation which involved a clear violation of the agreement. He had the President's assurance, reiterated many times, that should the settlement be violated by North Viet-Nam, we will respond with full force. Not only that, he would certainly have the support of the non-Communist world. It seemed to me that the great preponderance of advantage was on the side of the GVN, not only in military forces in being, but in the number of nationalists compared to the Communists within South Viet-Nam. Moreover during the period since October, great progress has been made in educating the people to the problems of a political confrontation with the other side and there is far greater awareness throughout the country of what a political contest would involve. Reports received from our CORDS personnel indicate that the government educational program has been most effective.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 415, Backchannel Messages, From Amb. Bunker, Saigon thru April 1973. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only.

² Backchannel message WHS 3001, which transmitted Nixon's letter to Thieu, is Document 248. For backchannel messages 315 and WHS 3002, see footnote 2 thereto.

5. The recent decree law on political parties should serve to bring about more effective political organization in the country. It is our estimate that perhaps two or three parties will result from this consolidation. It is probable that elections could not be held within six months of a ceasefire and this should permit ample time for the nationalists to be well organized before elections take place. The principle of unanimity which applies to all actions of the NCRC puts it within the power of the GVN to insist on adequate preparation and organization of elections and to postpone them until conditions satisfactory for holding them are established.

6. Moreover, the GVN enjoys practically total support of the urban population. In the rural areas, the effects of the LTT program and the high level of farm prices have combined to create prosperity and a way of life among the rural population far more attractive than that offered by a Communist collective system of farming. The armed forces and the civil servants and their families are another large group which solidly supports the government. The entire government apparatus remains in power until the elections.

7. Finally, I said it is clear that he and the GVN today have wider support than at any time since his election as President in 1967. All of these factors, together with the strong support of the U.S., should enable the GVN to meet any challenge of the Communists.

8. Thieu returned again to his concern that the NLF would never be satisfied with a minority position and the result would be that with the support of the NVA fighting would begin again. The problem, therefore, was to find some means by which to get the NVA troops out of South Viet-Nam. I pointed out that the agreement called for demobilization of force on both sides and if this were carried out on a one-for-one basis, the GVN would retain a great advantage. I reminded Thieu also of the President's statement to Duc that if the GVN joins the U.S. in a positive fashion, he would: 1) make a statement at the time of signing that the U.S. recognizes the GVN as the only legal government in South Viet-Nam; 2) the U.S. does not recognize the right of any foreign troops to be present on GVN territory; 3) the U.S. will react strongly in event of violation.

9. Thieu said that, as he had written to President Nixon on December 20, in agreeing to the formula proposed for the NCRC he had made a concession which would be difficult to explain to his people. NVA troops remaining in South Viet-Nam would make it extremely difficult for him to sign an agreement and he hoped that Dr. Kissinger would do his best to work out some formula which would result in their eventual withdrawal.

10. I said that you would undoubtedly do your best, as you had in the past, but that as the President had stated we fear the result will be

their rejection of our position. I concluded by saying that the one overriding consideration was for us to stick together; unless we do, all that we have struggled for will be lost; and that I had confidence in his ability to handle the Communists.

11. Thieu was friendly and relaxed throughout our conversation and I received the distinct impression that he realizes that in the end there is really no alternative to going along with us and is trying to find a practical way of doing it, perhaps adopting one of the alternatives mentioned in Saigon 0300, paragraph 6.³ of these I consider A), C) or E) or some modification of them to be the most likely.

12. Warm regards.

³ Document 191.

253. Message From the Chairman of the Joint Chiefs of Staff (Moorer) to the Commander in Chief, Pacific (Gayler), the Commander, Military Assistance Command, Vietnam (Weyand), and the Deputy Commander, Military Assistance Command, Vietnam (Vogt)¹

Washington, January 6, 1973, 1630Z.

6357. Subj: Cease-fire Planning/Security. Deliver during waking hours.

1. Until a cease-fire agreement is actually signed great care must be exercised that we do not give the wrong Quote signal Unquote to Hanoi. We must guard against planning action that if known to Hanoi would lead the NVN leadership to conclude that the U.S. has decided on a cease-fire regardless of the cost, and has no other alternative.

2. The above will require a fine sense of judgment on your part. Obviously, planning must continue between Washington and the field, and between Washington agencies. On the other hand, we will have to temporarily forego actions which give the wrong signals. Advance parties or leading elements of USSAG/7AF to Thailand, JCRC advance

¹ Source: National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 69, JCS Out General Service Messages, January 1973. Secret; Specat; Exclusive. A handwritten note on the message directs that an information copy be sent to Meyer.

party and similar actions must be held in abeyance. Similarly, any planning actions with third countries must be handled in such a way that the wrong conclusions will not be drawn if these planning actions become known to NVN leadership.

3. Warm regards.

254. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, January 7, 1973, 0505Z.

318. Nha has transmitted to me a letter from President Thieu to President Nixon which he has asked me to forward promptly. Text follows:

Begin text:

Saigon, January 7, 1973.

Dear Mr. President,

I have received your letter dated January 5, 1973 which Ambassador Bunker has transmitted to me.²

After reading it very carefully, I am aware of the difficulties in the negotiations, but I do not think that we should be resigned to accept that the question of the withdrawal of North Vietnamese troops cannot be solved satisfactorily just because the North Vietnamese side used to oppose this reasonable demand from our side.

As I pointed out in my letter of December 20, 1972 the question of North Vietnamese troops, the implication that there are two parallel governments coexisting in South Viet Nam, and the competence of the National Council of National Reconciliation and Concord are three vital problems for us. However, in displaying maximum goodwill for peace we are willing to make a great concession and accept the provisions for the political outcome in South Viet Nam provided for in the draft agreement as of December 12, 1972.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 415, Backchannel Messages, From Amb. Bunker, Saigon thru April 1973. Top Secret; Immediate; Sensitive; Exclusively Eyes Only.

² See Documents 248 and 252.

After that major concession, we still insist on the remaining questions of North Vietnamese troops withdrawal, and the non-recognition of the PRG as a parallel government in South Viet Nam. As you recall from my letter these two problems are life or death issues for all the South Vietnamese people.

I would like you to understand that when we make the great concession on the political questions we are taking the risks for peace through our acceptance of a fair and open confrontation with the other side in the political contest.

We consider that we should not take the risks of a new aggression if we sign this agreement. Consequently, we believe that to avoid the occurrence of a new aggression by the Communists the agreement should at least create minimum conditions for the peaceful exercise of the political solution in South Viet Nam, that is the question of the North Vietnamese troops should be resolved satisfactorily.

Therefore, as the GVN does not participate directly in the negotiations, I urge you to direct Dr. Kissinger to press on the North Vietnamese to be reasonable on those two issues in order to bring about a just and honorable settlement of this war.

Hanoi has not abandoned its objectives over South Viet Nam, and makes no secret about it. It pretends to have jurisdiction over South Viet Nam, and considers that the principle of unity of Viet Nam in the text of the agreement already consecrates that right to their benefit. Hanoi therefore will certainly claim that the continued presence of the NVA after the cease-fire is the implementation of that principle.

On the other hand, the Communist side repeatedly pretends that there are in South Viet Nam, in the transitional stage, "two governments, two armies, two territories". Therefore, I strongly believe that the text of the agreement should not give them any reason to clamor that it consecrates their absurd pretensions. Otherwise, after the cease-fire we shall be seriously handicapped in entering the political contest, because both the domestic and international positions of the GVN will have been gravely weakened.

I value very highly your assurance of continued assistance in the post-settlement period and that you will respond with full force should the settlement be violated by North Viet Nam. For this however, I believe that the settlement should be based on sound principles. Any concessions we shall make to the Communists will be theirs forever, while they consider any compromises they would make as only temporary.

With my genuine desire and maximum goodwill to end the war and restore peace in Viet Nam and to bring about an honorable settlement for everyone I sincerely hope that the current rounds of negotiations will lead to a just and honorable peace.

I have also directed Ambassador Lam to maintain contacts with Dr. Kissinger in Paris so as to be informed on time on the development of the talks, on the text of the agreement as well as the protocols.

The people of South Viet Nam have suffered for too long from this war, and the GVN wishes above everything else to have a prompt restoration of peace, peace with honor and with justice, a peace which could justify all the sacrifices we have made in this long struggle for freedom.

Sincerely,

/s/Thieu

His Excellency Richard M. Nixon

President of the United States of America

The White House, Washington D.C.

End text.

Warm regards.

255. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, January 8, 1973.

1. We held a four-and-a-half hour session with the North Vietnamese today which was totally inconclusive.² The atmosphere at the outset was frosty but thawed as we went along. Tho opened with a condemnation of our bombing and a summary of where the negotiations stood in December. The condemnation was relatively mild and brief, much milder than his airport statement.³ In his review of the negotiations he implied that we had been very close to completing the agreement in December.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Tohak 67-146, January 7-14, 1973. Top Secret; Sensitive; Exclusively Eyes Only. A stamped notation on the first page reads: "The President has seen."

² A memorandum of conversation of the meeting, January 8, 11:05 a.m.-3:30 p.m., is *ibid.*, Box 866, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, January 8-13, 1973 [January 23, 1973].

³ At the airport Tho characterized the bombing as "demented war acts." See Henry Giniger, "Hanoi Negotiator, Arriving in Paris, Takes Rigid Stand," *The New York Times*, January 7, 1973, p. 1.

2. After my brief rebuttal, there followed a lengthy procedural wrangle concerning what issues remained to be settled. We finally got down to the two major questions in the agreement; i.e., the DMZ and the method of signing, and both sides restated their positions. Tho then asked for an adjournment until tomorrow so that both sides could study each other's views. He said that he would take into account our requirements in replying tomorrow.

3. During the lunch break I had a half-hour private talk with Tho at his initiative during which little significant emerged; he repeated his theme of his having domestic difficulties with regard to his negotiating posture.

4. It is impossible to draw any meaningful conclusion from this meeting. Realistically, it would be impossible for them to cave on the issues on the first day at the conference table after intensive B-52 bombing. Thus, they could be following the essential procedure of the technical talks at which they didn't give much ground the first day. On the other hand, it is equally possible that they are stonewalling us again as they did in December. Under this hypothesis, the progress this past week on technical talks would only be their way of removing the propaganda vulnerability of their position concerning international control machinery.

5. We meet again tomorrow at 10:00 a.m. and should have clearer indications of their intentions at that session. Tho also proposed that the experts should meet continuously on the Protocols. They are meeting now, and a time for their meeting tomorrow remains to be set. In addition to the Agreement, we agreed that our agenda this week would include the Understandings, the Protocols and a possible schedule. I made clear that I could not possibly stay for more than a few days and that this was the last opportunity for a comprehensive settlement along the lines of the October draft.⁴

⁴ Sullivan briefed the three South Vietnamese officials—Pham Dang Lam, Nguyen Xuan Phong, and Vuong Van Bac—and a memorandum of conversation of the meeting, January 8, 5–5:35 p.m., is in the National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [1 of 3].

256. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, January 9, 1973, 1620Z.

Hakto 5. Please pass the following report immediately to the President. I must emphasize that this is for his information only.

We celebrated the President's birthday today by making a major breakthrough in the negotiations.² In sum, we settled all the outstanding questions in the text of the agreement, made major progress on the method of signing the agreement, and made a constructive beginning on the associated understandings.

With respect to the DMZ, we settled this question very satisfactorily, essentially on our terms. With respect to the signing procedure, they made a big step toward us which greatly lessens the problem of implied recognition for the PRG, and we now have to figure out a way to get Saigon aboard. We also resolved the few other less significant questions in the text, with some give on both sides but in a completely satisfactory way that protects our positions.

We had a preliminary runthrough on the understandings associated with the agreement which was businesslike and constructive. There are a few questions remaining, but unless the North Vietnamese completely change signals tomorrow, we should complete these understandings in tomorrow's session.

This would only leave the protocols on which the experts are continuing to meet today. Le Duc Tho and I will deal with these documents Thursday and probably Friday,³ concentrating on the principles while the experts continue to conform the texts.

The Vietnamese have broken our heart several times before, and we just cannot assume success until everything is pinned down, but the mood and the businesslike approach was as close to October as we have seen since October.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Kennedy.

² A memorandum of conversation of the meeting, January 9, 9:58 a.m.–3:45 p.m., is *ibid.*, Box 866, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, January 8–13, 1973 [January 23, 1973]. That evening Sullivan briefed the South Vietnamese on the results of the day's negotiations. A memorandum of conversation of the meeting, 8:35–9:05 p.m., is *ibid.*, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [1 of 3].

³ January 11 and 12.

I cannot overemphasize the absolute necessity that this information be confined to the President alone. There must not be the slightest hint of the present status to the bureaucracy, Cabinet members, the Congress, or anyone else. If a wave of euphoria begins in Washington, the North Vietnamese are apt to revert to their natural beastliness, and the South Vietnamese will do their best to sabotage our progress. Furthermore, we cannot afford to raise expectations before everything is firmly in concrete. A great deal of work remains on the protocols. We must keep in mind how often Hanoi has pulled back from agreements before. And we in any event still face a massive problem in Saigon. Therefore it is certainly premature to celebrate even privately.

What has brought us to this point is the President's firmness and the North Vietnamese belief that he will not be affected by either Congressional or public pressures. Le Duc Tho has repeatedly made these points to me. So it is essential that we keep our fierce posture during the coming days. The slightest hint of eagerness could prove suicidal.

Please show this entire telegram to the President.⁴

Warm regards.

⁴ In message Hakto 8, January 9, 2250Z, Kissinger directed Kennedy to re-transmit to Bunker a longer report than the one he had sent the President about the 6-hour negotiating session. (Ibid., Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Hakto 1–48, January 7–14, 1973) Kennedy did so in backchannel message WHS 3005, January 10, 0037Z. (Ibid., Box 415, Backchannel Messages, To Amb. Bunker, Saigon thru April 1973)

257. Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Saigon, January 10, 1973, 0927Z.

Tohak 54/319. Ref: Hakto 8.²

1. Thank you for your message which provides most welcome news.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Tohak 1–66, January 7–14, 1973. Top Secret; Sensitive; Exclusively Eyes Only. Sent via the White House Situation Room, Guay, and Lord.

² See footnote 4, Document 256.

2. Concerning paragraph 4, I think the proposed procedure for signing will cause problems with the GVN, but I am inclined not repeat not to discuss them with Thieu at this stage. I fear that he might see it as another opportunity to engage in delaying tactics through a new round of negotiations with us, a procedure which he considers has been highly successful so far, as I mentioned in Saigon 0313.³ I think only when we make it clear that we are definitely prepared to move ahead will Thieu take the decision to go with us.

3. Thieu's problem with the signing procedure, I think, will be that it publicly assigns the major roles to the U.S. and the DRV, leaving the Republic of Viet-Nam in a subsidiary position. Consequently, I believe the GVN would prefer one document in which the preamble did not list the titles of the "governments", but would refer simply to "the parties participating in the Paris Conference on Viet-Nam" with the four Foreign Ministers signing, using their official titles.

4. The fact of the U.S. and the DRV jointly signing in a public ceremony with the four parties signing in a private ceremony would also cause the GVN to feel that this procedure derogates from its sovereignty and makes it appear subservient to us. Offsetting this is the fact that the GVN would sign a document which would not contain anywhere the title of the PRG and I believe that this can carry weight with them.

5. I think Thieu's major problem will be not so much with the signing procedure as with the question of signing the agreement itself even though he has come a very considerable distance in the past weeks. In my message of December 18, (Saigon 0300)⁴ I mentioned several alternatives to which I thought Thieu might resort in an effort to go along with us without doing too severe damage to his own position. With some slight modifications, I would re-state these as follows:

A) Submit the agreement to the National Assembly and request its approval and concurrence in signing (Article 39 of the Constitution provides that the National Assembly has authority to ratify treaties and international agreements);

B) To sign the agreement, adding a demurrer indicating the points in the agreement on which the GVN has reservations, i.e., that it does not accept the principle that NVN troops have a right to remain in South Viet-Nam; that the NCRC has any governmental functions; or that Viet-Nam is one in the absence of agreement between the two sides;

C) To refrain from signing, but to agree formally in writing to abide by the conditions stipulated in the agreement (similar to the procedure the U.S. followed in the case of the 1954 Geneva Agreements);

³ Document 239.

⁴ Document 191.

D) To resign, together with the Vice President, permitting the President of the Senate to sign.

6. As you know, I consider alternatives B) or C) are the likeliest, but I am hesitant at this stage to guess what Thieu will decide. You may want to consider whether any of these alternatives might be acceptable as an alternative to the signing as now envisaged. Given the degree to which Thieu has boxed himself in even the signature on a separate piece of paper may become a very large hurdle.

7. I note our agreement to delete the reference in Article 3 A) to the “Republic of Viet-Nam”. It seems to me this could be made more palatable to the GVN if also we eliminated “allied with the United States”. The sentence would then read, “The United States forces and those of the other foreign countries shall remain in place pending the implementation of the plan of troop withdrawal.” If we leave in the words “allied with the United States” it tends to give the impression that the U.S. is the major factor and the GVN an appendage.

8. Warm regards.

258. Message From the President’s Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, January 10, 1973, 2010Z.

Hakto 14. Please pass the following message immediately to the President:

Begin text:

1. Today’s four-hour session² continued the momentum of yesterday. I think we can now say with some assurance that the agreement, understandings and protocols should all be completed by Saturday or Sunday, except perhaps for some technical conforming of the protocol texts. It is always possible, of course, that Hanoi will reverse course, but the atmosphere and approach is totally different from De-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Hakto 1–48, January 7–14, 1973. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Kennedy.

² A memorandum of conversation of the meeting, January 10, 3–6:48 p.m. is *ibid.*, Box 866, For the President’s Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, January 8–13, 1973 [January 23, 1973].

ember. Whatever the press and other observers may say about our military actions, they certainly seem to have contributed to this result.

2. In today's meeting with Le Duc Tho we achieved essential agreement on all the understandings and discussed a possible schedule, while the separate experts' meeting made further progress on the protocols. I delayed the issue of the method for signing the agreement until tomorrow to give us more time to sound out Bunker's views. In addition to that there now remains a couple of hours work on the understandings and then at least two days work on the protocols where progress is necessarily somewhat more complex. We meet again tomorrow at 10 a.m.

3. In our discussion of a possible schedule, I put forward the idea, without much hope of success, that the US–DRV initialing of the agreement occur in Paris. I did this in order to avoid a hiatus between Haig's return from Saigon and my possible visit to Hanoi. To my great surprise Tho was prepared at least to entertain the idea and in that case they would want me to visit Hanoi within a week of the signing of the agreement, or about 10 to 14 days after the initialing. Unless you have objections I believe that this scenario is preferable to the alternative one I sketched in yesterday's message³ for the following reasons:

—It would compress the time period and thus the uncertainty in America between the conclusion of our work here and public confirmation of success.

—It would enable us to make clear before your inauguration the practical conclusion of the agreement.

—Saigon would prefer the initialing to take place in Paris rather than Hanoi. The somewhat briefer time span would seem at this point to make little difference in Saigon's reaction.

—It would place my visit to Hanoi in the context of post-war relations.

5. A possible schedule would therefore look as follows:

—Saturday, January 13. Kissinger returns to Washington.

—Sunday, January 14, Haig leaves for Saigon.

—Monday, January 13, announcement of bombing halt due to progress in Paris.

—Wednesday, January 17 or Thursday, January 18, Haig returns to Washington.

—Friday, January 19, White House announces Kissinger return to Paris on Monday January 22 to conclude the negotiations. (We might

³ Kissinger's reference to "yesterday's message" is not clear. In that message (Document 256), there is no discussion of post-signing travel scheduling.

perhaps add that the agreement will be initialed, or imply that by saying that Kissinger would remain in Paris only one day.)

—Monday, January 22 or Tuesday, January 23, initialing in Paris and Presidential speech in the evening.

—Friday, January 26, four party signature of the agreement in Paris.

—Circa February 1, trip to Hanoi.

If you agree with the above scenario I will push hard for it tomorrow. It is always possible, of course, that Hanoi might change its mind and we might have to revert to the original plan.

6. The need for the strictest security on the status of the talks, not to mention possible scenarios, remains as imperative as ever. Finally, of course, the problem in Saigon remains formidable. This fact plus the constant caveat about Hanoi's course of action mean that even private celebrations will be premature for many days to come.⁴

End text.

Warm regards.

⁴ Later that evening Sullivan briefed the senior South Vietnamese officials. A memorandum of conversation of the meeting, 8:30–9:15 p.m., is *ibid.*, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [1 of 3].

259. Diary Entry by the Assistant to the President (Haldeman)¹

Washington, January 10, 1973.

[Omitted here is discussion of senior appointments in Nixon's second administration.]

We got Henry's cable regarding scheduling,² and the P said that I should send Henry a cable saying to leave open the possibility of a Haig trip to the friendly Asian capitals, as well as to Saigon rather than Henry's going to Hanoi. But then the P realized that I was right in saying that we'd have a real problem in getting Henry stirred up on something like that, and shouldn't get into it. A little later, I had a phone call from Henry, and he said that he was sending a new sched-

¹ Source: *Haldeman Diaries: Multimedia Edition*.

² Document 258.

uling approach that he thought the P would like because it solves some of the problems. And then when his cable came in, it turned out it does, because he's worked out a deal now where he would return to Paris to sign the agreement rather than going to Hanoi. And then would go to Hanoi in early February to work out peace settlement arrangements rather than to sign the agreement, which would solve the problem of Saigon's objection to signing the agreement in Hanoi—and also the P's objection—plus closing down the time frame and all that.

The P had Haig come over to go over the cable and the situation, and then he had quite a discussion on it. The real point is that the P feels that he has to announce the settlement to the Americans before K initials it. Otherwise there is no point in his announcing, because it's just covering something that is already done. He told Haig to get a message back to Henry, saying that the new scenario was infinitely preferable to the old routine of his going to Hanoi and that we should go ahead trying to work it out with the North Vietnamese—that we would like the cease-fire as soon as possible, not to drag it on. But he feels that we will face an insurmountable problem informing Congressional leaders and so on, in the period between the time that K returns and the time that Haig returns from Saigon, therefore, Haig's trip should be compressed if possible. In other words, the less time that Haig is in Saigon, the better. He should leave the technical work for others. Part of the problem, the P feels, is that Henry wants to be at the Inaugural³ and I think that's right. He's working the timing to suit his own convenience. The ideal here would be to get K to Paris quicker, like during the Inaugural. So then he said on the cable to say that we're fortunate enough to get Thieu aboard, that we don't believe the news will hold, and the announcement for the 19th would have to be Presidential—rather than just White House, saying that Henry is going to Paris for the signing. And then we would have to say at that time that we have an agreement. We should leave open the possibility of an announcement on Haig's return from Saigon, if we get a break with Thieu's acceptance; if Thieu doesn't agree, then the P is going to have to get the leaders in and tell them and go for a massive bluff to try and force Thieu—saying on TV that Thieu won't accept, that he calls on him to do so. Both he and Haig feel that we have to do that, rather than option two, which would be to try and go it alone, because that won't work. We should after some discussion come to the point that Friday's⁴ too late for either the Presidential or a White House announcement, because we're into the Inaugural cycle then. And Henry should make the point to the North Vietnamese that anything we do has got to be done by Thursday night at the latest,

³ January 20.

⁴ January 19.

so Haig should leave a day earlier and get back in time for that. The P wants a 1,000 word maximum statement drafted for TV Thursday night, including something thanking the American people for their support. Now it depends on the intentions on both sides to keep the agreement, that we'll do our part. We call on all others to abide by it and so forth.

He feels the real problem on all this is Congressional, because they're going to demand the details. On the other hand, if Thieu doesn't go along, the clear thing is that Haig should stay in Asia, go to the other countries and filibuster and not come back until Saturday or Sunday.⁵ Then the P will bring the leaders in Monday and tell them that our problem is that we can't get Thieu's agreement and go on TV Monday night and try to play the bluff. He's obviously very much concerned about getting this on the right track for announcements, for timing, and so forth, and is afraid that Henry's ego and other kinds of problems are interfering in the sound decision in this regard, and I think he is probably right.

⁵ January 20 and 21.

260. Message From the President's Assistant for National Security Affairs (Kissinger) to Richard T. Kennedy of the National Security Council Staff¹

Paris, January 10, 1973, 2115Z.

Hakto 15. Please consult Haig with respect to the following two understandings. I need views by 9:00 a.m. Thursday, Paris time, since we meet at 10 a.m.

1. With respect to the aircraft carriers, Haig should give me his political judgment in addition to the considerations he already sent me in the previous message.² He will in any event recall that he was with me here when the issue was discussed in October and pointed out that the carriers could always move forward easily on a contingency basis. Tho

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Hakto 1–48, January 7–14, 1973. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² Not found.

continues to press this issue, and I therefore would like Haig to consult Moorer who will be responsible for implementation, specifically:

—To what extent can we handle the problem of the 300 mile distance from South as well as North Vietnam through loose interpretations of our right to transit, which is explicitly reaffirmed in the understanding.³

—Secondly, what would our carriers be doing in the event we did not repeat not agree to move them out a certain distance?⁴

My present thinking is to offer the written understanding concerning the 300 mile distance as it applies to North Vietnam and to give an oral assurance of some lesser distance with respect to South Vietnam. In addition we would try to use language that says that these are our intentions rather than any phrasing which would imply legal obligations, thus easing the precedent problem.

2. With respect to the understanding on withdrawal of U.S. civilians from South Vietnam, Tho went from 6 months to 8 months and finally to 10 months today, while I held firm on 15 months. We may have to go down to 12 months. My clear recollection is that Haig believed we could handle this if necessary. Please confirm.⁵

Warm regards.

³ In Tohak 69, January 11, 0316Z, Haig, after consulting with Moorer, informed Kissinger that they agreed that the United States could handle the 300-mile distance from North Vietnam as well as from South Vietnam through a loose interpretation of the understanding that Kissinger mentioned. (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Tohak 67–146, January 7–14, 1973)

⁴ Haig's answer was that Moorer had assured him that absent the conflict in Indochina United States aircraft carriers would not normally operate near Vietnam but around China, the Philippines, and Japan. The Navy's post-settlement focus would be to conduct aerial reconnaissance and surface-trailing activities primarily against Soviet naval vessels.

⁵ Haig responded: "Your recollection is correct. I believe we can manage the 12-month provision. You will recall that Mr. Laird personally accepted this provision providing it was a pivotal issue in achieving a settlement and with the recognition that we are accepting some risks since no official estimate would confirm this possibility." He concluded: "I also draw some comfort from the fact that subsequent developments may make the issue moot in any event."

261. Message From the Vice Chief of Staff of the Army (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, January 11, 1973, 0317Z.

Tohak 70. Deliver opening of business.

Attached is a message from the President which was dictated in substance following a lengthy and tortuous meeting² between the President, Haldeman and myself addressing Hakto 14.³ The President was very concerned that his public statement following the initialing in Paris would be a total flop. It would occur after all of the peace euphoria had peaked off. He was also adamant about making the announcement if we succeed prior to the inaugural. He recognizes, of course, that this will depend on substantive events there and in Saigon.

In any event his main concern is that he, the President, be the first to announce that a settlement has been or is about to be arrived at. My efforts throughout the discussions were to insure that you could participate in inaugural events here. This took some doing as repeated alternative schedules were discussed.

I recognize that the attached message may be troublesome. It is evident to me that the President is flexible providing the two principles of perserving his posture during the inauguration and having him in the forefront on the announcement are met. In the interest of time, I will not further elaborate on the meeting since its conclusions are contained in the attached Presidential message.

January 10, 1973

To: Henry A. Kissinger

From: The President

I have read your latest message carefully and agree completely that the revised schedule which would have the initialing occur in Paris in lieu of Hanoi with a subsequent post-settlement trip by you to Hanoi is far preferable to the earlier schedule. In discussing this with Le Duc Tho, you may wish to emphasize that this alternative is far more in Hanoi's interest since you will then be able to spend more time in their capital to work out the provisions of our future relationships and the issue of economic assistance.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Tohak 67–146, January 7–14, 1973. Top Secret; Sensitive; Exclusively Eyes Only. Sent via Guay. Written on January 10.

² For Haldeman's account of the meeting, see Document 259.

³ Document 258.

With respect to the possible schedule, I have some reservations about the specific timing and sequence of events. The major problem involves the current high level of Congressional concern and the resulting need to telescope events as much as possible so that the Congress does not get out of hand. There is a similar problem with the press, although I do not consider this a matter which should influence our actions in any way. We are now faced with two alternatives, Thieu may join us, in which case the settlement will be assured and it is in our best interest to compress the time between your return from Paris and a public announcement by me to the effect that an agreement has been reached. The second alternative involves a situation in which Thieu refuses to accept the settlement, in which case we are faced with delays and possible serious complications with Hanoi. Under this alternative, we are also faced with the possibility of a repeat of the events of October which could peak just at the time of the inaugural. For this reason, I would like you to consider carefully two modified alternative game-plans—one which visualizes Thieu's acquiescence and the second which would be based on his continued intransigence.

An additional problem is posed by the probability that once you return and Haig leaves for Saigon, speculation will mount that a settlement in principle has been achieved. This will all but be confirmed by the announcement on January 15 of a bombing halt. From that point on, the focus will be on Haig's return and subsequent travel by you. The events which have brought us to the present situation are somewhat different than those in October, and therefore I believe a White House announcement on January 19th that you are returning to Paris on Monday followed by a speech by me on Monday evening, January 23, after the initialing would be anti-climactic and serve no useful purpose. Assuming Thieu accepts the agreement, I believe it would be preferable for me to personally announce immediately after Haig's return from Saigon that I have instructed you to return to Paris with the view toward initialing the agreement. You could then either depart immediately for this one-day requirement with a prompt return to Washington or, if the weekend intervened, wait until Monday, January 22. I have considered the possibility of making this speech on Friday, January 19, but because of inaugural activities, I am convinced that this speech must be made before Friday and, ideally, on Thursday, January 18. This modification would be facilitated by some compression in your schedule this week in Paris and an earlier departure by Haig. Therefore, I would hope that it would be possible for you to conclude your business, perhaps as early as Friday of this week so that Haig could travel to Saigon on Saturday. If this is not possible, we might still telescope the time between your return and Haig's departure. Under this modified schedule and under the assumption that Thieu accepts, we should make every effort to have Haig return to Washington by

Wednesday or Thursday morning at the latest. I would then deliver a brief television address of approximately 10 minutes to the American people announcing that an agreement in principle had been reached and that you were departing either Friday or, if you prefer, Monday for Paris with the view toward initialing the document. We would need to determine based on Haig's discussion with Thieu and your discussions with Le Duc Tho when the ceasefire could actually take effect so that this fact could be included in my announcement. I visualize that the ceasefire would take effect on noon, Monday, January 22, or Tuesday, January 23.

Under the second alternative; i.e., Thieu remains intransigent, I would visualize the same schedule up through Haig's departure for Saigon. Should it become evident to Haig that Thieu will not agree it would then be advantageous for Haig to delay his return to Washington until Saturday, January 20, or Sunday, January 21. In this case, there would be no Presidential statement made on Thursday. Instead, I would announce on Monday or Tuesday that we had arrived at an acceptable settlement with Hanoi but that President Thieu has refused to accept, we are publicly urging President Thieu to reconsider, and you are continuing discussions with Hanoi in Paris in the light of these circumstances. Because this situation might well develop, I anticipate that you will discuss this possible contingency with Le Duc Tho before you return to Washington, but at a point in your discussions when you are convinced that an acceptable settlement has been achieved and revelation of the fact that Thieu is still in doubt will not jeopardize its success. In this way, Hanoi cannot again claim bad faith. You may have a different perspective of this problem. If so, please advise.

In sum, I would visualize the following two alternative schedules:

Option 1—Thieu agrees

—Friday, January 12, Kissinger returns to Washington.

—Saturday, January 13, Haig leaves for Saigon.

—Monday, January 15, announcement of bombing halt due to progress in Paris.

—Wednesday, January 17, Haig returns to Washington.

—Thursday p.m., January 18, Presidential announcement that agreement in principle has been reached between all parties and that President has directed Dr. Kissinger to proceed Paris on Friday, January 19, or Monday, January 22, to initial final text. The announcement should also include a statement on when cease fire would come into effect.

—Friday, January 19, or Monday, January 22, Kissinger initialing in Paris.

—Friday, January 26, four-party signature of agreement in Paris.

—ca February 1, trip to Hanoi.

Option 2—Thieu intransigent

—Friday, January 12, Kissinger returns to Washington.

—Saturday, January 13, Haig leaves for Saigon.

—Haig extends visit in Saigon to include stops in Phnom Penh, Vientiane, Bangkok and Seoul.

—Saturday, January 20, or Sunday, January 21, Haig returns to Washington.

—Monday, January 22 or Tuesday, January 23, Presidential television address announcing agreement between Washington and Hanoi, and Thieu's refusal to come along.

Under this option and dependent on your discussions with Le Duc Tho, I would visualize additional discussions in Paris between you and Le Duc Tho designed to cope with Thieu's intransigence but to preserve the essence of the Hanoi/Washington accord and perhaps to permit time for worldwide pressures to bring Thieu along. This option also would give us the flexibility to hold for a time if it appears that Thieu is really going to come along but needs a few more days or even a week or two to do so.

Both of the schedules outlined above are based on perspectives here which may overlook other considerations there of which only you are aware. My principal concern is that the public and especially the Congressional mood is such that if we succeed, we must proceed with as compressed a time-schedule as possible. In the event of success in Paris and Saigon, it is no longer viable to delay a Presidential announcement until after the initialing, since that announcement would be meaningless and anti-climactic. On the other hand, if you succeed in Paris but Thieu remains intransigent, it is then essential that we continue the appearance of movement through the inaugural weekend. This would be followed early during the next week with a public statement by me which would be designed to place massive world pressure on Thieu.

Please give careful thought to how we can deal with the contingency of continued intransigence by Thieu without jeopardizing what you have so skilfully achieved during this week's talks. Your accomplishments this week have been remarkable and most encouraging. You may be assured that knowledge of this progress is being strictly confined to Haldeman, Haig, Kennedy and Scowcroft. Please give me your views on the above considerations.

Warmest personal regards.

End of message.

262. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, January 11, 1973, 0828Z.

Hakto 18. Please pass the substance of the following message to the President and Haldeman for me.

Thank you for your cable² which I shall do my best to implement. As I rush off to a meeting here are my preliminary reactions.

1. There is no possibility whatever of speeding up the procedures here. We are already working 15 hours a day and we will be lucky if we get out Saturday.³ We must complete four protocols and innumerable understandings.

2. I think it would be unwise for Haig to leave before we have concluded here. It would make it tough for us here by creating impression of eagerness. I should have a little time to brief Haig in person and give him relevant materials before he goes.

3. It would be possible to make a brief Presidential announcement Thursday night.⁴ If necessary we could make it while Haig is on the way back from Saigon.

4. This announcement should not go further than to say that agreement has been reached in principle and that the initialing will be done on the 22nd or 23rd.

5. Please remember that Hanoi may yet pull back and might not accept this procedure of initialing in Paris rather than Hanoi, which I only sprang on them yesterday. They certainly will not agree to an initialing before the 22nd or 23rd. But I believe the President's approach is feasible, if we pay some care to his speech along the lines here suggested.

6. It must be clearly understood that when we conclude here we must proceed to an initialing whatever Thieu's answer is. Under no circumstances will Hanoi hold still for a repetition of October or for a renegotiation without blowing the whole agreement. We cannot get any more concessions. If there is any intention of our renegotiating if Thieu balks I should know immediately by return cable. But I strongly urge against that.

Warm regards.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Hakto 1–48, January 7–14, 1973. Top Secret; Sensitive; Exclusively Eyes Only. Sent via Guay and Kennedy.

² Document 261.

³ January 13.

⁴ January 18.

263. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, January 11, 1973, 1735Z.

Hakto 19. Please send the following report to the President immediately.

Begin text.

1. We had another very productive day, as Tho and I met for six hours and the experts continued work simultaneously on the protocols.²

2. We finished the complete text of the agreement, including the provisions for signature. The method agreed upon for the document which Saigon would sign should go far toward meeting the GVN concerns if Thieu is at all mollifiable. We also completed all the associate understandings, many of which are technical in nature. The most significant development in this respect is the North Vietnamese agreement to reduce the interval between the ceasefire in Vietnam and the one in Laos from 30 to 15 days. We now need two full days on the protocols, of which there are four (international supervision, ceasefire/joint military commission, prisoners, and mining); as well as final conforming of the Vietnamese and English texts on the agreement and understandings. We have definitely agreed that I will leave here Saturday evening,³ with the experts remaining behind to mop up any details on the protocols. It is impossible for me to leave before Saturday and it will be tough going to do it by then.

3. I had a long private talk with Le Duc Tho about the schedule. He has reluctantly agreed to initial the agreement in Paris provided we make a firm commitment for me to visit Hanoi within ten days after signature. He does not agree to initialing before January 23 and insists on a firm commitment to initial on that date. He agrees to a White House announcement on Monday⁴ that we have stopped the bombing

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Hakto 1–48, January 7–14, 1973. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Guay and Kennedy.

² A memorandum of conversation of the Kissinger–Tho meeting, January 11, 10 a.m.–4 p.m. is *ibid.*, Box 866, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, January 8–13, 1973 [January 23, 1973]. Sullivan briefed the senior South Vietnamese officials in Paris; a memorandum of conversation of the meeting, January 11, 6:30–7:20 p.m., is *ibid.*, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [1 of 3].

³ January 13.

⁴ January 15.

because of the progress in the negotiations and that we can make a public statement on January 18 that we plan to conclude the negotiations on January 23. I have not told him that you intend to make this latter statement personally because I do not want him to think we are locked into a pre-inauguration schedule and have him toughen his stance on the protocols. However, I am sure we can get his agreement to your making this statement. In these remarks he does not repeat not agree that we state that we will initial the agreement on January 23 or that we give the exact date of the ceasefire. He does agree that we can say that an agreement in principle has been completed and that it will be concluded in the session on January 23. This is a fine point we can handle with careful drafting.

4. If Haig gets Thieu's approval you can make your announcement on January 18; you would not have to await Haig's return but could speak while he was on his way back to Washington. If Haig does not get Thieu's approval, you might make this announcement on January 21. In either case we should proceed to initial the agreement on January 23.

5. Under these conditions the schedule would look as follows:

—January 13. Kissinger returns to Washington.

—January 14. Haig leaves for Saigon and an announcement is made on his trip.

—January 15. We announce the bombing halt due to progress in Paris.

—January 18. Haig returns to Washington and, assuming Thieu's concurrence, you announce agreement in principle has been reached between all the parties for a ceasefire, return of prisoners, withdrawals, and the right of the South Vietnamese to determine their own future. The details will be concluded at the next session between Tho and me which is set for January 23. As noted above, your statement could not include the date of the ceasefire nor the fact that we will initial the agreement on January 23.

—January 23. Initialing of the agreement in Paris without publicity.

—January 23, evening Washington time. Your speech announcing the agreement, the date of the date of the ceasefire, and the date of signature.

—January 26 or 27. Signing of agreement.

6. Our major problem now, of course, is Saigon. I believe the only way to bring Thieu around will be to tell him flatly that you will proceed, with or without him. If he balks and we then initial, there will still be 3 to 4 days between initialing and signing for the pressures to build up. I have already told Le Duc Tho that we would have to discuss the

situation in this eventuality. In any event, if we once again delay the initialing or reopen the negotiations, we would not only jeopardize but certainly lose everything that has been achieved.

End text.

Warm regards.

264. Message From Richard T. Kennedy of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, January 11, 1973, 1752Z.

Tohak 83. Deliver immediately upon receipt.

After reading your message this morning,² the President dictated the attached cable in substance. He was concerned that there might be some misunderstanding about the possibility of further negotiations with Thieu. He did not intend to imply this and is absolutely firm in his intention not to negotiate further with him. He was only looking to the contingency that Thieu was prepared to come along but might possibly need a little time to do it. If we had a clear signal that this was his intention, he thought that it might be desirable if the North Vietnamese were willing to wait a few days for this result. He also recognized that Hanoi may have a schedule which it will not change. In that case, we would proceed as his message yesterday indicated.³ He affirmed also that he intended that Haig leave only after you had returned. There is no intention that Haig should depart before a meeting with you.

The President also wanted me to tell you that we must inform the key legislative leaders immediately after your return. He said that he wanted you to call them on Sunday night⁴ with a message in substance as follows:

—Because there has been significant progress in our talks in Paris, the President has directed General Haig to go to Saigon to inform President Thieu of this progress.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Tohak 67–146, January 7–14, 1973. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Guay.

² Document 262.

³ Document 261.

⁴ January 14.

—Because of the progress that has been made in the negotiations, the United States is suspending its bombing of North Vietnam and this suspension will continue so long as these negotiations continue to show this progress.

—Our three goals in the negotiations have been a ceasefire, return of POWs, and a political process in which all South Vietnamese people can determine their own future. By agreement of both sides, there will be no discussion at this time of the substance of the negotiations—a violation of this understanding could jeopardize a possible agreement.

The President emphasized that no one has been informed at all up to now. The pressures from the Hill are already enormous and your return will make it absolutely necessary to inform them along the foregoing lines. This would be essentially the same announcement which Ziegler would make the following day.

The President also has asked me to get together a list of all the heads of state who have attacked us over the bombing. He intends that if any of them communicate felicitations after an announcement, they will receive no response. Moreover, he wants to be absolutely certain that no communication with any of the states involved invoke the President in any way; i.e., there should be no Presidential responses nor any third-person reference to the President in communications with those governments. None of the Ambassadors of the governments involved should be seen in the White House area, and the level at which they are to be received in State should be kept low. He makes an exception for the Italians because of the political realities there. I will have such a list but will not take any action to inform State of these rules until the appropriate point in the scenario. To do so now could raise considerable speculation. I pointed out to the President that the Australians, New Zealanders, Japanese, Swedes and Canadians already have been informed of our displeasure in clear terms.

Warm regards.

Attachment

January 11, 1973

To: Henry A. Kissinger

From: The President

Thank you for your message giving further thoughts on the schedule and the way in which we should proceed. I fully agree and have planned that Haig would depart only after your return here and an opportunity for me to meet with you and Haig. Depending upon the timing of your return, we could plan, however, to meet immediately after your arrival with Haig departing shortly after our meeting.

I also totally agree that we must go ahead with the agreement with Hanoi regardless of whether Thieu goes along or not. If we cannot de-

liver Thieu, we then obviously will have the problem of Hanoi's reaction. In that event, there would be no Presidential announcement made on Thursday, January 18. Instead, we would have Haig delay his return so that there would be no pressure for an announcement until after January 20. Then, on January 22, I would make an announcement that we had reached an agreement in principle with the North Vietnamese and call on Thieu to adhere to it. I have already told Haig that he is to tell Thieu that we are not going to negotiate with him but rather that we will proceed and we are presenting this, in effect, on a take-it-or-leave-it basis.

As I indicated in my message yesterday, I have a strong preference for initialing in Paris rather than Hanoi.

Warmest personal regards.

End of message.

265. Message From the President's Assistant for National Security Affairs (Kissinger) to Richard T. Kennedy of the National Security Council Staff and the President's Military Assistant (Scowcroft)¹

Paris, January 11, 1973, 1810Z.

Hakto 20. 1. My report to the President² gives you the general results of today's meeting and the scenario that is shaping up. It is imperative that you make the President understand that we are dealing with dedicated revolutionaries who have fought all their adult life and couldn't care less about our inauguration requirements except as an opportunity to blackmail us. Any sign of over-eagerness on our part will be ruthlessly exploited by them and any deviation again from what we have agreed with them will almost certainly lose us everything. What I got from Tho today in terms of a schedule is the absolute maximum obtainable and came only after a bloody struggle since they would far prefer to have us initial the document in Hanoi.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Hakto 1–48, January 7–14, 1973. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² Document 263.

2. Some more details on today's session will follow in my cable to Bunker.³ With respect to the two understandings I queried you and Haig about,⁴ we were forced to go to our fallback position of 12 months for the withdrawal of U.S. civilians, but incorporated their definition which should be preferable to ours which reads "civilian personnel in South Vietnam working in the Armed Forces of the Republic of Vietnam." On aircraft carriers, we agreed to make a written understanding concerning 300 nautical miles only with respect to North Vietnam. I gave Tho an oral assurance that we would observe a 100 mile distance with respect to South Vietnam. The understanding is phrased however as our intention, rather than obligation. Tho pressed insistently for us to move our carriers the 300 miles away from North Vietnam right after the signing as opposed to after the completion of our withdrawal. I told him I would consider this overnight. Please check with Moorer whether that is possible and let me know by 7:00 am Paris time Friday. I assured Tho in any event that we would remove our carriers from the Gulf of Tonkin after the signing.

Warm regards.

³ Backchannel message Hakto 21/WHS 3010 to Saigon, January 11, 2121Z. (National Archives, Nixon Presidential Materials, NSC Files, Box 415, Backchannel Messages, To Amb. Bunker, Saigon thru April 1973)

⁴ See Document 260.

266. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, January 11, 1973, 2240Z.

Hakto 23. Ref: Tohak 83.² Please pass the following message to the President. *Begin text.*

1. Thank you for your January 11 message concerning the proposed scenario which crossed my own message today. It is clear that our thinking has turned out to be along exactly the same lines.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Hakto 1–48, January 7–14, 1973. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Kennedy.

² Document 264.

2. With respect to Haig's departure, I believe this should be Sunday evening.³ First of all, in addition to our meeting with you, it would give me more time to brief Haig on the details of the agreement and the associated understandings and protocols, including the rather intricate procedures for signing the documents. Secondly, an evening departure would get Haig into Saigon at opening of business on Tuesday; therefore leaving any earlier from Washington would only get him into Saigon in the middle of the night.

3. With respect to Thieu's reaction, it is clear to me that he will not yield short of his fully realizing that he is being given absolutely no alternative. In this respect I believe the certainty of our initialling the agreement without him if necessary is the only way to accomplish this. He may in fact hold out until we actually have gone through with the initialling. In that case, as I have pointed out, you can make your announcement on the evening of January 21, which would be required in order to meet the January 23 date for initialling.

4. I share your views on the need for Congressional notification upon my return and I will be prepared to do this Sunday evening.

Warm regards.

³ January 14.

267. Memorandum From the Director, Joint Staff (Seignious) to the Chairman of the Joint Chiefs of Staff (Moorer)¹

DJSM-83-73

Washington, January 12, 1973.

SUBJECT

Tempo Surge

1. The purpose of this memorandum is to provide background information on the status of Tempo Surge, which is a psychological operations effort planned for execution against the Vietnamese communists during the interval between the initialing and the implementation of a ceasefire agreement.

¹ Source: National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 30, Vietnam, January 1973. Secret.

2. On 9 November 1972, an interagency message to AmEmbassy Saigon, with information to CINCPAC, put the field on notice that “there may be need for especially intensive airdrops of leaflets and mini-radios” in a brief period prior to implementation of an Indochina peace agreement.²

3. Accordingly, CINCPAC’s Leaflet Development Unit, located in Saigon, initially prepared 13 leaflets dealing with the proposed ceasefire, with emphasis on pressuring NVA troops to return to North Vietnam. As of 5 December 1972, 35 C-130 “ceasefire” leaflet loads were stockpiled at Nakhon Phanom Air Base, Thailand. Three additional loads per day were being provided to accelerate the ongoing PSYOP effort and to increase the Tempo Surge stockpile. However, at present CINCPAC intentionally is depleting the stockpile to prevent leaflets from becoming outdated as a result of ceasefire delays.

4. During Tempo Surge, CINCPAC plans to execute a minimum of six C-130, one B-52 and two AQM-34H drone sorties per day. Since many of the leaflet texts developed for Tempo Surge can also be used prior to the initialing of a ceasefire agreement, CINCPAC began with dissemination of appropriate texts bearing nostalgic “Home for Tet” themes in mid-November. Dissemination of mini-radios was increased significantly in order to deplete the radio inventory prior to the time a ceasefire goes into effect; for example, 33,681 radios have been disseminated since 9 November 1972.

5. Preparation of additional leaflets with ceasefire themes is in progress and—based upon Washington guidance of 6 January 1973 to continue with Tempo Surge planning—CINCPAC has directed CINCUSARPAC to insure that Tempo Surge leaflet stockpiles are updated.³

George M. Seignious, II
Lieutenant General, USA

² An unknown hand (presumably Moorer’s) underlined the following words and placed two question marks beside them in the margin: “in a brief period prior to implementation of an Indochina peace agreement.”

³ The Psychological Pressure Operations Group directed that Operation Tempo Surge begin on January 24. “Between that time and termination of TEMPO SURGE at 270133Z January 1973, US C-130s in 13 sorties delivered 160 million leaflets and two B-52 sorties dropped an additional seven million leaflets into South Vietnam, Laos, and Cambodia.” (Webb and Poole, *History of the Joint Chiefs of Staff: The Joint Chiefs of Staff and the War in Vietnam, 1971–1973*, p. 322)

268. Message From the Vice Chief of Staff of the Army (Haig) to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Washington, January 12, 1973, 0306Z.

Tohak 95. Deliver opening of business.

I had interesting meeting with former GVN Ambassador to Washington Bui Diem this afternoon.² Diem called me and stated he was visiting Washington and would like to make a protocol visit. When he got to my office, he stated that President Thieu had asked him to talk to me and make an assessment of attitudes in Washington.

I gave Bui Diem a complete rationale similar to that given to Thieu during my last visit.³ I then pointed out that it was my judgment that if current Paris discussions resulted in an agreement in which the minimum requirements that I outlined to Thieu were met by Hanoi, the President would beyond any question sign such an agreement. I pointed out that I had no reason for knowing whether or not the talks in Paris were making progress and emphasized that it would be several days before we would know. On the other hand, if they did, there was absolutely no question about the President's intention to proceed.⁴

Diem said that he agreed completely with the rationale which I had given him and stated that the problem was how we could extract Thieu from the difficult position in which he had placed himself. I told Diem that were I Thieu I would take whatever language resulted from the post-October negotiations and state to the people of South Vietnam that sufficient improvements had been made to enable him to accept the risks associated with the final draft and to proceed to sign the agreement. I stated that Thieu could also make the point that while he was not completely happy with the agreement, that in order to make every

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Tohak 67–146, January 7–14, 1973. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only. Sent via Guay. Written on January 11.

² Bui Diem also met with Kissinger on January 5; see Document 249.

³ For Haig's accounts of his meetings with Thieu on December 19 and 20, 1972, see Documents 197, 198, and 206.

⁴ According to Bui Diem, based on verbatim notes he transcribed immediately after the meeting, Haig also said: "President Nixon has no flexibility. If the Communists agree to the DMZ language, to the modalities for controlling the cease-fire, and to the modalities for signing the agreement, President Nixon will proceed. I have no doubt about the determination of the president to proceed. President Nixon will call publicly on President Thieu to join him, and if Thieu rejects it, then that will mean the abandonment of Vietnam. I myself will be going to Vietnam soon, and at that point there will be a moment of truth." (Bui Diem, *In the Jaws of History*, p. 313)

effort to settle the conflict and to assure South Vietnam of continued U.S. support, he was joining with the U.S. in accepting the proposal.

Diem stated that he believed the problem now was not so much Thieu's understanding that he would have to accept an agreement but rather Thieu's own fear that he was in a corner from which he could not gracefully extract himself. I told Diem that he should make every effort to convince Thieu that the statesmanlike course would be to proceed, assuming we get an agreement. I also told him, and he agreed, that the rationale I had outlined to Thieu would be both credible and acceptable to the people of South Vietnam.

Diem said that he would return tonight to Saigon via Paris and inform Thieu personally of the personal assessment which I had given him. He stated that the task at hand now is to help Thieu to help himself. Diem departed with no indication of whether or not progress was being made in Paris.

All of our discussions were in the context of my last discussion with Thieu. I was quite encouraged since it was obvious that Thieu was taking our temperature and this particular thermometer will undoubtedly confirm the need for Thieu's joining with us.

Warm regards.

End of message.

269. Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Saigon, January 12, 1973, 0538Z.

Tohak 100/322. Deliver opening of business. Deliver by 0700 Paris time. Ref: Hakto 21.²

1. Thank you for another encouraging report. Concerning the questions you asked (paragraph 10, reftel):

Signing formula. I think the phrase "acting in concert with" would be more acceptable to the GVN than "with the concurrence of" al-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Tohak 67–146, January 7–14, 1973. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via the White House Situation Room and Guay.

² See footnote 3, Document 265.

though I do not think the advantage such as to warrant another prolonged argument. I believe the arrangement by which the US and the GVN would sign on one page and the DRV and PRG on another page should appeal to the GVN maintaining, as you say, the two sided character of the Paris conference which the GVN has always insisted on emphasizing.

—I do not have anything additional to suggest on the signing procedure except to repeat that I think the GVN would prefer one document with the preamble referring to the “parties participating in the Paris conference on Viet-Nam”, but I assume that is not in the cards.

—I would plan to inform Thieu about Haig’s trip on Saturday, January 12, Saigon time. I would plan to say “The DRV has shown a more constructive and reasonable attitude during the talks held this past week and in view of the progress which has been made, the President has asked General Haig to come to Saigon again to report on the status of the negotiations. We believe that we now have reached a point where we are in a position to conclude the agreement and, of course, we expect to move along together.” Please let me know whether this is satisfactory and whether there are additional points you think it advisable to make.

2. I hope that Haig will be authorized to repeat the assurances the President gave to Duc,³ provided the GVN joins the US in a positive fashion, i.e.:

1) He will make a statement at the time of signing that the US recognizes the GVN as the only legal government of South Viet-Nam;

2) The US does not recognize the right of any foreign troops to be present on GVN territory;

3) The US will react strongly in the event of violation;

4) The President is prepared to meet with President Thieu personally within two weeks after the agreement is signed.

3. I assume that the agreement now is basically the November draft with the changes sent to us in your WHS 2295, December 27, 1972, as modified in your subsequent messages this week.⁴ Since the GVN was fully briefed in Paris on the December meetings they should have this text with the exception of the changes agreed to this week. Given his suspicious nature I think we should avoid confronting Thieu with anything he could construe as a surprise and which he could take as a

³ The two met on November 29 and 30, 1972; see Documents 131 and 134.

⁴ Reference is to Haig’s backchannel message WHS 2295 to Bunker, December 28, 1972, 0010Z. (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 50, Geopolitical File, Vietnam, Peace Talks, Chronological File, 16 Dec. 1972–13 Feb. 1973 [2 of 11]) Regarding “subsequent messages,” see footnote 4, Document 256 and footnote 3, Document 265.

pretext for more fiddling around. Therefore, I think it would be desirable to send him as much as we can of the texts, including the protocols, before Al Haig arrives.

4. Scenario: I assume also that Haig will be authorized to inform Thieu that we would initial the agreement January 23 whether or not the GVN goes with us. As I have mentioned a number of times I think this is essential if we are to get a decision from Thieu. I believe if we establish a deadline, he will agree to go with us in some form, but whether he agrees or not unless there is a deadline he will attempt to string-out the talks as he has done in the past.

5. It seems to me that the President's proposed statement January 18 indicating agreement in principle with negotiations to be concluded in Paris January 23 is too close to Haig's visit here. It makes his visit appear pro forma, merely to announce a *fait accompli*. This will go down hard with Thieu. If the announcement could be postponed to, say, the 20th or 21st with the initialing to take place the 25th, I think it would be preferable. The signing ceremony could still take place on January 26 or 27. If Thieu agrees to go with us would it not be desirable to have a joint announcement by the President and Thieu that there is agreement in principle, with the negotiations to be concluded in Paris January 25? This would enhance GVN status and conform to method we have used previously in making joint proposals for a settlement.

6. Warm regards.

270. Message From the President's Assistant for National Security Affairs (Kissinger) to Richard T. Kennedy of the National Security Council Staff¹

Paris, January 12, 1973, 0844Z.

Hakto 25. Immediate—Deliver opening of business.

1. I cannot repeat too often that the scenario is not entirely in our control, and therefore Ziegler should understand that we have to work out a mutually acceptable public line with the North Vietnamese. All he should announce at 6:00 a.m. Saturday Washington time² is that I am

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Hakto 1–48, January 7–14, 1973. Top Secret; Sensitive; Exclusively Eyes Only. Sent via Guay.

² January 13.

coming home in the evening for consultations with the President. The rest of what he suggests is totally unnecessary. If the North Vietnamese plan to say anything additional we will let Ziegler know and if so we can say the same thing.

2. Please discuss with the President Bunker's views in Saigon 0322³ with respect to Thieu's reaction to a January 18 announcement from Washington. Our experience suggests that Bunker is probably right. If so I wonder whether we should not follow Bunker's proposal which would still enable us to initial on January 23 or at the latest January 24. If we plan on the 18th and fall off it we shall have begun the process with a retreat.

3. As for Key Biscayne, I will be glad to go there but I must get back to Washington quickly. I have been away from Washington almost continuously and I can do no good in Key Biscayne except for eyewash.⁴ There are numerous requirements to be in Washington at this time, including the necessity for WSAG meetings to get this show on the road and of supervising the protocol negotiations. Therefore I must go back to Washington Monday night or Tuesday morning at the very latest.⁵ There has to be some understanding of my requirements and those dictated by the negotiating scenario. Please discuss this with Haldeman and say that I am absolutely firm about it and that I just can't stay any longer.

4. As for the understanding with respect to the carriers it is phrased in terms of intentions rather than obligations and it is unsigned.

5. For Key Biscayne I will need the proper clothes. Please arrange to have sent down there some sport clothes which are in the right hand closet, the one closest to the window, and my bathing suit in the lower left hand drawer of my bureau. Also there is a wide belt in the upper right hand drawer.

6. I need answers on all of the above as soon as possible:

Warm regards.

End message.

³ Document 269.

⁴ According to Haldeman's diary, "The P started first thing this morning on the K problems, mainly the Florida schedule. He feels that we have to keep Henry in Florida all of next week, and that he's got to hold his meetings—WSAG and all that sort of stuff—down there [Key Biscayne] and have his social stuff down there too." Haldeman continued: "We have to keep the news focus on Florida and with the P through the week, so he's got to stay there this time." (*Haldeman Diaries: Multimedia Edition*, January 12)

⁵ The evening of January 15 or the morning of January 16.

271. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, January 12, 1973, 1725Z.

Hakto 27. Please pass the following message to the President.

Begin text:

1. We met for six hours and we have substantially completed the basic issues on the protocols except for two relatively minor technical ones with which I need not bother you today.² On the International Control Commission they finally agreed on a figure of 1160, as against the 250 they originally proposed. This is practically what we had aimed for to begin with. The other provisions about the ICC are also very satisfactory. Tomorrow we shall conclude the few remaining issues on the protocols, complete the text, and agree on a final schedule. I have agreed that the initialling would be on the 23rd with no press present but official photographers, and that the pictures would not be released until after you had made your announcement. The signing will be on January 27th in Paris. We also received a message today from the South Vietnamese which indicates that perhaps Thieu is beginning to come around.

2. I noticed that there is a plan to divide the announcement of my trip to Paris on the 23rd and your speech on the 18th into an announcement by Ziegler and a speech by you. I think this would be a mistake and might overload the circuit with the North Vietnamese. In my judgment you should announce both in your speech.³

End text.

Warm regards.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Hakto 1–48, January 7–14, 1973. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Kennedy.

² A memorandum of conversation of the meeting, January 12, 10:15 a.m.–4:15 p.m., is *ibid.*, Box 866, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, January 8–13, 1973 [January 23, 1973].

³ Kennedy wrote in the margin of paragraph 2: "deleted per HAK phone call."

272. Memorandum of Conversation¹

Paris, January 12, 1973, 8:10–9:35 p.m.

PARTICIPANTS

Tran Van Lam, RVN Foreign Minister

Bui Diem, former RVN Ambassador to the US

Tran Van Do, former RVN Foreign Minister

Vuong Van Bac, RVN Ambassador to the UK

Nguyen Xuan Phong, Deputy Chief of RVN Delegation to Paris Conference on Vietnam

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

Ambassador William H. Sullivan, Deputy Assistant Secretary of State for East Asian and Pacific Affairs

Minister Hayward Isham, Acting Chief of US Delegation to Paris Conference on Vietnam

Peter W. Rodman, NSC Staff

Kissinger: I see my friend Mr. Nha has been promoted?²

Diem: Yesterday.

Kissinger: So now he has no excuse at all if they compose nasty stories about me.

Do: He is very active.

Kissinger: I know! [Laughter] *Time* had a horrendous exchange between me and your President. I asked where it came from. They said Nha. It's fiction.

I promised Diem and Do I would bring you up to date.

Where we stand is not much different from where we were yesterday. Ambassador Sullivan explained yesterday on the Demilitarized Zone. Our minds are not so subtle as Vietnamese—we thought we had a clear statement of respect for the DMZ, plus a ban on military movement across it from the word "civilian". And it doesn't mean any civilian movement yet because it has to be negotiated.

On the method of signing, we have held until we heard your views. Your suggestion is helpful, and is a solution to the problem. We

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [1 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held in the library of the Ambassador's residence. Brackets are in the original.

² It is not clear to what promotion Kissinger was referring. Hoang Duc Nha, a relation of Thieu, was also his press secretary and, more importantly, close confidant. Sometime in early 1973 Thieu appointed him Minister of Civilian Proselytizing. On occasion, he was also known as Commissioner or Minister of Information.

are grateful. On the other one, we will wait for your judgment on “in concert with” as against “with the concurrence of.”

Lam: We would prefer one document.

Kissinger: I know, but that is not possible. The only way we can get a four-party agreement without mention of the PRG was to agree to the meaningless two-party one. But you are not bound by it. The four-party one contains no reference to the two-party, so it has no significance for you.

When are you leaving? We are eager for you to get home. Seriously, you have talked to so many Americans, you can give a feel that no message can. I am sure you will report accurately.

Do: Yes, we spoke to Aiken, Javits, Humphrey.

Kissinger: What do you see? You see the pressures we are under.

Do: I said to Humphrey that I would not like to be in Kissinger’s shoes.

Kissinger: That is our dilemma. I told you this would happen in January. You remember, Mr. Ambassador. What did Aiken say?

Do: A little less. But that we absolutely must finish.

Kissinger: That is our dilemma. We wanted the agreement, to create an obligation for continued support. If Congress cuts us off, there is no obligation for continued support.

You must have realized in Washington that it is the White House that is keeping the lid on the pressures.

Do: We said to Javits and Humphrey “It is easy to have the agreement on the date you want. But I must tell you it is the responsibility of you as Senators to obtain the best possible terms . . .”

Kissinger: I agree absolutely.

Do: “. . . to provide the means for us to defend our independence and our liberty. With North Vietnamese troops within our frontiers. We have a responsibility to defend our independence, and also to defend the free world. If we have this obligation, so do you as the USA have an obligation to aid us.” I asked Humphrey and Javits, as I did last year with Mansfield—they said they had an obligation to aid us economically.

Kissinger: He must have thought he was talking with Northerners! Mansfield has a tortured mind.

Do: With the International Commission, guerrillas and subversion are hard to control. Can we count on you to help us?

Kissinger: We can give aid. On this issue we can mobilize Congress—if the agreement comes about in a way that doesn’t cause strain between Saigon and the US. The clauses are less important now

than whether the American people feel you and we together accomplished something and they can defend it. If in the final phase Saigon acts as if we betrayed you and sold you out, the American people will be sick of it. We can control the doves if we end it in a decent way.

Since November I have been in an impossible situation. I knew what Congress would do, but had to pretend to the North Vietnamese that we were not under any time pressure. You knew what the situation was. But all this time you were making impossible demands.

Do: Will it be concluded?

Kissinger: We are at this point in the negotiations: They have substantially agreed to the two points I said to you in Washington—the DMZ and the signing. They agreed to drop the PRG entirely.³ You know the other changes: “administrative structure,” “three” Indochinese countries. We have made good progress on the protocols. I have a few questions on the protocols and sent them to Saigon.

We have sent this evening to Ambassador Bunker a current English text. We don’t have a Vietnamese text, current, but we assume it is the same.

On the International Commission, we have made good progress. You know they want a four-party and a two-party commission. They have agreed that the two-party commission should be negotiated between you and the NLF. We agreed only that it should be set up, and that in the meantime the two South Vietnamese members of the four-party commission can exercise those functions. But it is for you to negotiate.

We have one question on the ceasefire. In the protocol we had a long paragraph that all units should be identified by designation. They had a paragraph emphasizing areas of control. They now propose that local Commanders and the parties themselves determine who controls what. We would like to add a clause that this depends on the military disposition. The basic question is this: We are inclined to think the vaguer it is the better. The less one creates a precedent for claims. That way there is a minimum of political connotations. Is this a fair statement of the issue?

Sullivan: They are trying to establish what they used to call “zones of control,” along political criteria.

Lam: You spoke about that.

Kissinger: On prisoners, they have made many demands for international inspection of civilian detainee camps. We rejected it, because

³ I.e., from being mentioned in the agreement. However, the Provisional Revolutionary Government would sign the agreement, although not on the same page as the South Vietnamese. (Kissinger, *White House Years*, pp. 1464–1465)

inspection can cover only what is in the agreement. But we thought we might put into the protocol a reference to common Article 3 of the 1949 Geneva Conventions, and a sentence referring to the obligations of all parties to this Article 3 and to the safeguards provided in there—which is the ICRC—if the two parties agree to it.

Sullivan: So each party has a veto.

Kissinger: There are other protocols that don't concern you, such as the procedure for the removal of mines. But I can tell you.

Diem: You think these changes constitute a substantive improvement over October?

Kissinger: Here are the changes since October which I consider significant:

- Dropping “three” Indochinese countries;
- Dropping the PRG in the text;
- Dropping the phrase “administrative structure”;
- Respect for the DMZ, referring to Article 6, and the respect for the DMZ on both sides of the provisional military demarcation line.

Other improvements are:

—“destroyed, used up”—and since then we have given you an additional \$1 billion in military equipment.

—On Laos and Cambodia, very substantive improvements. It said “respect their fundamental national rights.” Now it says “respect the Geneva Agreements and the fundamental national rights. Secondly, it has the phrase you wanted: “against the territory of one another.”

—The ceasefire in Laos, which was to come in thirty days, now comes in fifteen days maximum.

So I think you have brought about considerable improvements. In addition, the protocols for International Supervision strengthen the DMZ further because they provide for stationing teams along the DMZ. Four teams.

Sullivan: It is not fully worked out but I think we can get four.

Kissinger: And the international provisions really are quite good. They agreed to over 1,000, about 1,200.

Diem: May I ask one question? Because you know very well. In our meeting you raised again and again the question of the North Vietnamese troops.

Kissinger: I raised it for three hours. Again it is impossible.

Sullivan: We almost got it in 3(a).

Kissinger: 3(a)—They wanted the RVN out, but it worked towards “foreign countries” so they changed their minds.

Diem: You know the position our President is in. But are there any words or ingenious formulas to cover this problem? Any imagination?

Kissinger: My view is always—with respect for the DMZ, Laos and Cambodia, and a ban on infiltration, there is no legal way they can legally keep them in there. I don't believe they will keep the agreement—you don't either. But adding new provisions they won't keep won't help.

The political provisions talk about the independence of South Vietnam; they even refer to the sovereignty of South Vietnam. If you think about it positively. Not yet though—restrain Nha!

I think your President has to go along with this. He has achieved \$1 billion in aid, good protocols, and three months to prepare his country. There are very great advantages that he has gained.

If it now fails again—I think it is a sign of North Vietnamese weakness that they are not waiting, given our domestic pressure.

If you are confident and aggressive, you can use it to your advantage. I would link the political provisions to demobilization—it is in the same chapter.

You think it over. Our choice is this agreement or to be cut off by Congress.

Diem: Very soon now our President has to make a decision. Is it a matter of days?

Kissinger: It depends on what happens here in the next few days.

Sullivan: We have learned a new expression “tuy ong” [“up to you”].

Lam: If Saigon accepts this signing formula, what is left? If two issues mentioned in our President's letter of December 20 are satisfactorily resolved. President Thieu estimates that you can do more.

Kissinger: Impossible. We can't play games with you. We have to decide. After all, if we wanted just to play a game, we could have settled in November. We have come three times here in difficult circumstances—bombed Hanoi—and made an effort to get the maximum concessions. My sincere conviction is that we can't get more within the time frame.

To answer your question [Diem]—it is very possible that within the next week your President will have to make up his mind. That is why I want you to go home and explain the situation in America.

Do: Ambassador Bunker will give a text to President Thieu tomorrow?

Kissinger: Certainly.

Do: I have the impression that you can't do more, and have tried to

do the impossible. But it is for President Thieu to make the decision himself.

Kissinger: I think it is important—we will not publicly present you with a *fait accompli*. We will go through the process of consultations.

Diem: Yes.

Kissinger: There will be no announcement here. But after a reasonable time, we have no choice. We want to announce that together with our allies we have reached an agreement.

Diem: President Thieu said they want “sourire se lève parmi les larmes.”⁴

Kissinger: Yes, that is right. And our President will say he recognizes only the GVN as the Government of South Vietnam.

Sullivan: And a ceasefire in-place always means only *de facto*, and concedes no legal right for them to keep their troops there. From the provisions Henry cited, you can stipulate that there is no right. You have endorsed a ceasefire in-place for three years.

Diem: So you conceded this point of legality is safe.

Sullivan, Kissinger: Unless you defeat yourself.

Kissinger: My view is this: They claim they have no troops there. It is a lie—but it is no claim of right. Therefore there is no legal right. It is unfair that they stay—but nothing in this agreement gives them this right, and there are many clauses that say the opposite.

Lam: Is there nothing in there about the retreat of the North Vietnamese troops?

Kissinger: But there is nothing in there about the right to remain.

Their legal position is not that they have the legal right to be there. I can give you the protocols with their stuff about only southerners and the sons of southerners. It is all nonsense. But as a practical point, if they try to reinforce, they can't do it without violating the DMZ, Laos and Cambodia, and the ban on infiltration. There is no legal way they can use their troops against South Vietnam. Or maintain them in South Vietnam.

Diem: They are on record as saying there are no troops.

Kissinger: Yes. Why don't we give you a note—not to them, they will try to rebut—but quoting Le Duc Tho. That they claim no right, that we recognize no such right, and that we interpret the Agreement as inconsistent with any such claim.⁵

⁴ The French phrase means “a smile breaks through (literally “rises up among”) the tears.”

⁵ Bui Diem later gave his reaction to Kissinger's answer and to the entire discussion about the problem of North Vietnamese troops remaining in the South: “Kissinger's reply might have had some meaning in the civilized world of courts and lawyers, but when ap-

I thought if we gave them a note, they would reject it. But we can give it to you. It is between us.

Lam: Is there anything about partial withdrawal?

Kissinger: Frankly, I might have tried if you hadn't always said you wanted the principle. I spent all my time on the principle.

Diem: As for my President, he said to me the other day if you could find some "modalité pour leur effacement progressif" ...⁶

Sullivan: There is a demobilization provision, in Chapter IV. So all sorts of opportunities are open in that connection.

Kissinger: Again we will come now soon to the moment of truth. We have to weigh at every step now the advantages of—well, no changes are possible—any argument against what you lose in America if it becomes, instead of a contest between Washington and Hanoi, a contest between Washington and Saigon. I believe you have achieved a great deal in three months.

It is a tragedy in terms of the pressure on us. I am not saying you are wrong from your point of view.

Diem: Yes, I told you I hoped you understand your own basic requirements.

Kissinger: We do understand, but your own overwhelming requirement now is your popular support in America. That is what you must have, and now you can have it only if you now join ranks with us.

For three months, you made us no concessions because you thought we would just take it and ask another. It turned out to be a pretty good tactic. But now—I told you in Washington—what do the doves want? If they can show you cannot survive, they prove the President was right all along. It is essential to our credibility and to our whole foreign policy that your government and your people survive in freedom. It is not true we will withdraw totally. We will keep the Air Force in Thailand. People say we will never use it. But people said we would never resume bombing, mine North Vietnam, or use B-52's. We always do what people say we would never do.

Diem: On the signing formula, we gave it to you and you said you were grateful. They will accept it.

plied to a war between implacable enemies, it seemed to all of us little more than metaphysical nonsense. . . . It was, in my view, a disgraceful answer. One could only imagine what the American reaction would be to a third party's insistence on negotiating a peace treaty for the United States which left an enemy army spread out from California to New York, and then, through a series of deductions, concluding that the enemy had as good as admitted that it had no legal right to be there." (Bui Diem, *In the Jaws of History*, p. 315)

⁶ The French phrase can be translated as "means of reducing their presence in stages."

Kissinger: They will accept it, I think—but they still want the other document. It is for Madame Binh. It is a historic piece. The obligations are in the documents the four parties will sign. Then the US and DRV sign a document with the other preamble.

Diem: Do we need it?

Kissinger: Only in order to get the four-party document the way we want it.

Phong: How much did they insist on the first?

Kissinger: Absolute. Because at first they wanted only the first document, signed by all four parties, with the PRG in it. Only after endless discussion we got the four parties signing what we got.

Diem: Do you consider this settled?

Kissinger: Yes, and we also consider you are bound only by the one you sign.

Lam: It is possible to consider the single document reflects the Kleber situation—our side, your side.

Kissinger: I will make an attempt tomorrow.

Diem: Is there any way to convince them that the second document, with the signature name of the PRG—which is all right—is sufficient?

Kissinger: It is a very difficult process to get the two signatory pages.

Sullivan: Do you think Ambassador Phuong in Washington could explain to any press or Congressmen in Washington why this is “raison valable”⁷ to refuse to sign the agreement?

Diem: But we are Vietnamese fighting for our survival.

Kissinger: How is your survival affected by a document the US and DRV sign that you don’t sign?

Sullivan: This is an esoteric basis. If you were talking about a coalition government being imposed on you, or the opening of the DMZ to troops, I could understand.

Phuong: It seems a small thing but why should we concede it?

Lam: There are the protocols. I am informed from Saigon that our experts and MACV are in the course of discussing.

Sullivan: Finally.

Lam: Saigon wants the Vietnamese texts.

Sullivan: We will see if we have them.

⁷ A “valid reason.”

273. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Paris, January 13, 1973, 0152Z.

WHS 3012. 1. My six hour meeting today with the North Vietnamese² substantially completed the basic issues of principle on the protocols. On the International Control Commission Tho finally agreed to 1160 members as against the 250 they originally proposed. We also agreed that we would not work on a protocol for the two-party joint commission. Instead the two South Vietnamese elements in the four-party commission will also function as the joint two-party commission and simultaneously carry out their tasks under both commissions. When the four-party commission completes its tasks, the two South Vietnamese parties will continue to function as the two-party commission. The remaining basic issues in the protocol will be settled tomorrow and after I leave the experts will continue the drafting and conforming of the texts, in order to have the protocols completed by the time we initial the basic agreement.

2. As you know, the GVN has effectively bought the signing procedure we have worked out. They still strongly prefer to have only one document, of course, but realize there will be a separate two-party document mentioning the PRG, which they will ignore as much as possible.

3. I briefed the South Vietnamese this evening,³ and Tran Van Do and Bui Diem were present. Diem will probably go to Saigon this weekend while Do goes to London. The South Vietnamese now understand that the text is complete. We have sent you the full text and given a copy to the South Vietnamese here as well. My following cable⁴ gives some talking points for presenting the agreement to the Palace. The key theme to emphasize is that no further changes are possible, and any attempt at procrastination will risk the American relations. We will furnish a Vietnamese text shortly. I told the South Vietnamese that we are on the home stretch, with only work on the protocols remaining. They apparently have finally received instructions on the latter but are unfortunately behind the power curve because of their tardiness.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 415, Backchannel Messages, To Amb. Bunker, Saigon thru April 1973. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² See footnote 2, Document 271.

³ See Document 272.

⁴ Not found.

4. Thank you for your Saigon 0322⁵ which is very helpful. Reference paragraph 1, your procedure for informing Thieu about Haig's trip looks fine. Reference paragraph 2, Haig will be authorized to repeat the assurances you outlined. He will carry a Presidential letter to that effect. Reference paragraph 3, we will keep the South Vietnamese informed of the protocols and give them texts as rapidly as feasible. Reference paragraph 4, your assumption is correct that Haig will be authorized to tell Thieu that we will initial the agreement regardless of his reaction. Reference paragraph 5, we are taking into account your views. Although we must say something on January 18, we now plan simply a Ziegler announcement which will state that I am returning to Paris on January 23 to conclude negotiations and that the President will report to the people and the Congress on the negotiations when I return. This should reduce some of the risks you point out. We must realize however that the combination of Haig's trip, the bombing halt, etc. will lead to great speculation even before then.

Warm regards.

⁵ Document 269.

274. Memorandum of Conversation¹

Paris, January 13, 1973, 9:48 a.m.–4:55 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to DRV Delegation to the Paris Conference on Vietnam

Xuan Thuy, Minister, Chief DRV Delegate to Paris Conference on Vietnam

Nguyen Co Thach, Vice Minister for Foreign Affairs

Phan Hien, Delegation Member

Trinh Ngoc Thai, Delegation Member

Nguyen Dinh Phuong, Interpreter

2 Notetakers

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Ambassador William Sullivan, Deputy Assistant Secretary of State

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 866, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, January 8–13, 1973 [January 23, 1973]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at an American-owned villa, La Fontaine au Blanc, in the Paris suburb of St. Nom la Breteche. All brackets, except where indicated, are in the original.

Winston Lord, NSC Staff
David A. Engel, NSC Staff, Interpreter
Peter W. Rodman, NSC Staff
Miss Irene G. Derus, Notetaker

Dr. Kissinger: We gave you the view on the golf course.

Le Duc Tho: An aura.

Dr. Kissinger: I thought the Minister was going to wear that elegant tie today.

Xuan Thuy: I will reserve the tie for a solemn moment.

Dr. Kissinger: But it has to be the initialing because I may not be here for the signing.

Xuan Thuy: Yes, I will wear it at the initialing.²

Dr. Kissinger: Ambassador Sullivan said to me last night that we are running into a terrible dilemma for negotiators.³ Even with our cantankerous nature we are running out of issues. And we may be doomed to come to an agreement today.

Le Duc Tho: I think that there are very few questions left for Ambassador Sullivan.

Dr. Kissinger: We have the following problems.

I promised the Special Adviser that I would make a proposal to him today on how to handle the question on economic reconstruction. This is not a question of substance, because we have agreed in substance. And it is a question of reconciling the necessities of our Congress with the suspicious nature of the Vietnamese. [Laughter] We will make a specific proposal to you in a minute.

On the Agreement, we have the Preamble of the two-party document and the conclusion and Article 23. On the Preamble, just to save time, I accept "with the concurrence of" and I withdraw "in concert with". It is a sign of good will. Normally I would sell it one word at a time. [Laughter] That is what the Special Adviser would do.

Le Duc Tho: Article 23. But you are still going on speaking.

Dr. Kissinger: On Article 23 we have given you the texts yesterday and we think they are adequate. We have no additional suggestions. Then we have a few minor language problems that came up yesterday. On Vietnamese civilian prisoners, I have the impression that Ambassador Sullivan and Minister Thach came to an understanding yesterday, but we should discuss it just to make sure.

² On October 9, 1972, Kissinger gave Xuan Thuy a red and blue regimental striped tie which he promised to wear at the treaty signing and which he did. (Kissinger, *White House Years*, p. 1350)

³ Kissinger delegated to Sullivan responsibility for the details of various technical issues in negotiating sessions for the agreement and the protocols.

Mr. Thach: We are nearer to each other.

Dr. Kissinger: Well, we will just discuss it this morning. I am just going through the list of topics.

On how to fix the ceasefire, we have a suggestion of one sentence. And then, as I understand it, the Special Adviser wishes to read a statement to me fixing the schedule, which I shall initial in blood. [Laughter] And that I believe covers our work program for today. Am I correct, Mr. Special Adviser?

Le Duc Tho: Regarding the healing of the war wounds, we will discuss it.

Dr. Kissinger: Now. I am prepared.

Le Duc Tho: Now regarding the Agreement there are only two points. First, on the word “with concurrence of”—you have agreed to it.

Dr. Kissinger: I have agreed.

Le Duc Tho: As to Article 23, you have amended it for the two-party signing and four-party signing. I agree with you.

Dr. Kissinger: So that is settled.

Le Duc Tho: There is only one point I would like to add.

Dr. Kissinger: It has to be signed by the President of the United States.

Le Duc Tho: You have proposed “the representatives of”. I would like to say “the plenipotentiary representatives of”, so that they have full authority.

Dr. Kissinger: Let me check with our lawyer. It is something normal in all signing of agreements. It is a legal question.

Mr. Thach: Nothing in it. In Geneva in 1962 they used this word.

Dr. Kissinger: It sounds all right. But may I just check it with our lawyer during the break?

Le Duc Tho: [Laughs] Please check it. So regarding the Agreement, it is finished now.

Dr. Kissinger: Let me ask one thing about the Agreement. Why do we need a two-party document if we have a four-party document?

Le Duc Tho: The two-party signing is between us and it reflects more fully our responsibilities. And it is a good thing, because there are points which can be said in the two-party signing but which cannot be said in the four-party signing, so it reflects our necessity.

Dr. Kissinger: Does anyone know what the Special Adviser is talking about? [Laughter]

Le Duc Tho: But you understood it.

Dr. Kissinger: So you consider it essential. All right. So I agree and we can consider the Agreement finished.

Le Duc Tho: Now regarding the signing ceremony I would like to speak a few words, because it is necessary with some formality as normal. But in the morning will be the two-party signing ceremony and in the afternoon the four-party signing ceremony. It is something necessary.

Dr. Kissinger: We could also reverse it and have the four-party in the morning and the two-party in the afternoon.

Le Duc Tho: All right. And we should make it solemn by having cameramen, photographers and journalists.

Dr. Kissinger: All right, we agree.

Le Duc Tho: And Minister Xuan Thuy will attend the ceremony.

Dr. Kissinger: Attend? I am told he hasn't decided yet whether to be at the ceremony or to be a commentator. [Laughter] He will be very noticeable.

Xuan Thuy: And you should also invite the former American ambassadors to that ceremony.

Dr. Kissinger: I mentioned to the Special Adviser that we are thinking of doing this, but, if I may be frank, the relationship between our administration and Ambassador Harriman has not yet reached the level of national reconciliation and concord. But I will tell the Special Adviser that I will do my utmost to promote this attendance within the two-week period. [Laughter]

Xuan Thuy: And I think that if you should invite Ambassador Harriman to that ceremony, Ambassador Harriman would think the word "don doc" is most necessary.⁴

Dr. Kissinger: I really think that the Minister wants to meet Mrs. Harriman after all I said to him about her. [Laughter]

Xuan Thuy: It would be a good thing if Ambassador Harriman could bring his wife. I only knew the former Madame Harriman.

Le Duc Tho: But I reveal to you a secrecy: Minister Xuan Thuy has composed a four-verse poetry in honor of Ambassador Harriman but he kept it secret at the moment of Mr. Harriman's marriage. [Laughter]

Dr. Kissinger: Can it be read in mixed company? [Laughter]

Xuan Thuy: No, I only reveal the poem when I meet him. I would like also to meet Ambassador Cabot Lodge, Ambassador Bruce⁵ and Ambassador Porter to send them my greetings.

⁴ The Vietnamese phrase, meaning "supervision" or "control," had been a bone of contention in the negotiations over the role of the National Council of National Reconciliation and Concord since the October negotiating round.

⁵ Henry Cabot Lodge was Ambassador to Vietnam from 1963 until 1964 and again from 1965 until 1966. David K.E. Bruce headed the U.S. delegation to the Paris Peace Talks from August 1970 until July 1971.

Dr. Kissinger: I have not had a chance to discuss this with the President, but we agree that it should be a solemn occasion. Now normally there are no speeches at a signing ceremony. I don't know whether the Minister will attend under those conditions. [Laughter]

Xuan Thuy: I am prepared but I can assure you I make no speech.

Dr. Kissinger: Do we agree no speeches?

Xuan Thuy: No one will make speeches on that day. But say only a few words to greet the success of the negotiations. But outside.

Dr. Kissinger: Oh, outside. But could you avoid the words "victory" and "war of aggression?" [laughter]

I think we should begin with an attitude of conciliation. It will be a very solemn day in America, and I am sure in Vietnam even more, and I think we should begin with an attitude of generosity and warmth toward each other.

Le Duc Tho: I think you are right. At the four-party signing ceremony we should reflect the sense of solemnity and the sense of reconciliation.

Dr. Kissinger: In contrast to the two-party signing? [laughter]

Le Duc Tho: I think that at the two-party signing ceremony then the reconciliation I must say is easy to achieve. And the success we have achieved here reflects this reconciliation.

Dr. Kissinger: Yes, I think between our two countries it will be much easier, and between the Special Adviser and me it has already been achieved. [Tho nods yes] Our view is that the very formal ceremony is the four-party ceremony; that we can be somewhat more informal at the two-party ceremony.

Le Duc Tho: I think that it should be the same, with cameramen, journalists, photographers at the two signing ceremonies. Some solemnity in it.

Dr. Kissinger: Only you don't know our press. And I find the combination of the word "solemnity" with the presence of our press not necessarily consistent. [laughs] All right, we can have the protocol people discuss the arrangements. [Tho nods yes.]

Now as to the meeting on the 23rd, no preparations should be made until we have made the announcement. At Avenue Kleber. And I don't think the French should be told until Friday, until the 19th.

Le Duc Tho: When we inform the French, your side and our side will do it at the same moment. We will agree on that.

Dr. Kissinger: All right. How can we do it at the same moment?

Le Duc Tho: Or you can do it before us.

Dr. Kissinger: All right.

Le Duc Tho: On the same day I mean.

Dr. Kissinger: On the same day we do it. On the same day. Yes, we will have our Chargé see Schumann and you whoever you see. We will tell him nothing, but he will, I am sure, contribute a great deal! We will not tell him that we plan to initial the Agreement on that day; we will just tell him we want to meet there. We should announce the initialing afterwards. We will definitely initial it on that day. I have told you and there will be no delay. And there will be no change.

Now then I propose that starting on the 23rd our protocol officials get together to arrange the signing ceremony. Or maybe even the 24th would be better.

Le Duc Tho: On what day should we inform the French?

Dr. Kissinger: On the 19th. On the 19th we inform the French that we shall use Kleber on the 23rd.

Le Duc Tho: Between you and I.

Dr. Kissinger: For our meeting, and then on the 24th we should inform them that we would like to use, I suppose, Kleber on the 27th for signing.

Le Duc Tho: So we will initial on the 23rd.

Dr. Kissinger: Without fail.

Le Duc Tho: The protocol people will get together to discuss the initialing ceremony.

Dr. Kissinger: All right. Sullivan will handle it for us. Sullivan and Thach. But we keep it secret.

Le Duc Tho: Yes, both Mr. Sullivan and Mr. Thach will be there.

Dr. Kissinger: And we have only official photographers, just like the ones we have arranged. You bring two; we bring two—one camera and one film. And we then decide on the release.

Le Duc Tho: But on your side how many people will attend?

Dr. Kissinger: On Tuesday?

Le Duc Tho: On the 23rd.

Dr. Kissinger: This group, plus Negroponte and Aldrich.

Le Duc Tho: And on our side those people, but we will discuss in details a little. So we leave this question to Ambassador Sullivan and Minister Thach.

Mr. Thach: Because we have to prepare the document to be initialed.

Mr. Sullivan: It may take us four months to agree on the shape of the table. [laughter]

Dr. Kissinger: Do we have to number the pages for initialing too? [laughter]

Le Duc Tho: Now, shall we now discuss the understandings? A few words?

Dr. Kissinger: All right, we are agreed now on the Agreement with the only exception being that I will discuss the word “plenipotentiary.”

We have one more translating problem about the Agreement, in your translation of Article 13. It is the only unsettled question. In English it says “Among the questions to be discussed by the two South Vietnamese parties are steps to reduce their military effectives and to demobilize the troops being reduced.” You have “Among the questions to be discussed is the question of steps,” and that doesn’t make any sense. I mean the question to be discussed is the question. So we just say “are steps.”

Le Duc Tho: I agree.

Dr. Kissinger: All right. Now the Agreement is finally completed.

In the Special Adviser’s favorite section, Chapter VI on International Control, this issue arises the same way, and wherever Article 13 is mentioned we phrase it the same way. It is just to conform it. All right?

Le Duc Tho: I agree.

Dr. Kissinger: Fine. Now, Mr. Special Adviser, about the understandings.

Le Duc Tho: We have finished the Agreement now.

Dr. Kissinger: Except for the word “plenipotentiary” which I think is all right but I want to get legal advice.

Le Duc Tho: Regarding 8 (c).⁶

Dr. Kissinger: In the text? [laughter]

Le Duc Tho: In the understandings.

Dr. Kissinger: You want to reduce it to 60 days?

Le Duc Tho: It is only the phrase you use in your draft “in the framework of national reconciliation and national concord.” We would propose to write “in keeping with the spirit of national reconciliation and concord.” The reason is that it has been used in the Agreement. Secondly, your formulation is not clear and difficult to understand. “In keeping with the spirit of national reconciliation and concord,” “in the spirit of national reconciliation.” Article 8 (c).

Dr. Kissinger: All right, we will say “in the spirit of national reconciliation and concord.” That makes it the same as the Agreement.

Le Duc Tho: Now regarding the American civilian personnel.

Dr. Kissinger: Wait a minute. He moves so fast. I just—are we then assuming—is Article 8 (c) now finished? [laughter]

⁶ This section stated that the Vietnamese parties would work together to resolve the problem of returning to the North those Vietnamese civilians captured and detained in the South by the Government of Vietnam.

Le Duc Tho: Finished.

Dr. Kissinger: Should we have a minute's silence to commemorate this event? It is a very solemn occasion.

Le Duc Tho: But after the Agreement is signed you and I will keep recalling Article 8 (c)!

Dr. Kissinger: I can never forget. Let me just sum up. On this understanding, yesterday—I appreciate that the DRV side insisted on including my full title, for which my father thanks you. [laughter] And that we say “in the spirit of reconciliation.” We will get it typed and hand you a copy. [As changed and retyped, Tab A.]⁷

Now I can no longer put off the evil day. Article 5.⁸

Le Duc Tho: Now regarding the understanding on Article 5, I keep what we have been agreed to and drop “all other foreign countries.”

Dr. Kissinger: So we say “all its civilian personnel.” We will get that retyped just to make sure it is exactly right. [As agreed and retyped, Tab B.]⁹

Le Duc Tho: Now the written understanding on the aircraft carriers. It is the word “The U.S. intends,” the word “intends.”

Dr. Kissinger: I have to explain this. We read this to you and you accepted it, and the reason for it is that it preserves that our record shows our not having undertaken a formal obligation. The reason we do this is our legal position in relation to other countries. It does not affect our obligation to you.

Le Duc Tho: I think that this understanding is referring to North Vietnam, but after the end of the war, after the cessation of the bombing, then you will pull out all these aircraft carriers from the shores of North Vietnam. Because in the Vietnamese language the word “intend” means it does not yet become an action; it only in the mind.

Dr. Kissinger: We have two separate problems. In English it is perfectly clear that we will do it. We can move the phrase—I understand your complex mind on this—we could say “The U.S. side states that it intends to station its aircraft carriers at least 300 nautical miles from the coast of North Vietnam after the withdrawal of its forces from Vietnam.” So the intention begins today.

⁷ Tab A, “The Return of Vietnamese Civilian Personnel Captured and Detained in South Vietnam,” is attached but not printed.

⁸ The article dealt with the withdrawal of U.S. military personnel from South Vietnam within 60 days of the Agreement's signing.

⁹ Tab B, “Withdrawal of United States Civilian Personnel Working in the Armed Forces of the Republic of Vietnam,” is attached but not printed. This document was neither part of the Agreement nor one of the formal protocols. Instead it was a unilateral understanding on the part of the United States issued to meet a particular need of the North Vietnamese.

Le Duc Tho: [laughs] Well, in any case even if you put after 60 days but if you use the word “intend,” it is only an intention; it is not yet a decision, because after 60 days you have this intention.

Dr. Kissinger: No, we have the intention now to do it after 60 days.

Le Duc Tho: But I propose to write simply “will station.”

Dr. Kissinger: Have you discussed with the Chinese that this puts them in the territorial waters of Hainan Island? [laughter]

Mr. Thach: Because Hainan is still within 300 miles.

Dr. Kissinger: But the other side of it. [To Sullivan:] They have already figured it out.

Le Duc Tho: So, shall we propose that it “decides to station its aircraft carriers at least 300 nautical miles from the coast of North Vietnam after 60 days?”

Dr. Kissinger: How about “plans?” For us it is an important legal problem of national policy. It has nothing to do with what we will do with respect to Vietnam. We have this important international conference on the Law of the Seas, and we have important fishing interests in Latin America. And we have not recognized the right of undertaking a legal obligation with respect to anything outside territorial waters, and—I am being very frank with you—we do not want to prejudice our position at this international conference with respect to this particular statement. This is our concern. [They confer.]

Le Duc Tho: So can I propose this now? We do not use the word “intend” nor the word “decide,” but we propose that now “The U.S. side states after the withdrawal of its armed forces from South Vietnam, to station its aircraft . . .”

Dr. Kissinger: That doesn’t work in English. Look to us it’s entirely a legal problem. It’s not a substantive problem. Can we reserve it until after the break? I want to discuss with Mr. Aldrich and I want to discuss what the implication is. And may I suggest to the Special Adviser what he said to me about the Vietnamese word “se” [on December 12] “se” you don’t know when the future begins. [laughter] I just want him to know that I am paying attention.

Le Duc Tho: So you have very good memory.

Dr. Kissinger: We will settle it right after the break.

Le Duc Tho: Now I would like to remind you of the Lao question. I will carry out what I have told you. But I would like to say that you should also tell your ally to respect the Agreement, because if, after the ceasefire, your ally will start attacks against our ally then the war will be resumed.

Dr. Kissinger: I do not have the impression that excessive bellicosity is a disease of the Lao, but I don’t know what your experience has been. I will tell the Special Adviser, however, two things. One, after

our private conversation the other day we have used our influence with our friends in Laos in a constructive direction in these talks. And secondly, we will use our influence with our friends in Laos to observe the ceasefire strictly after an agreement is reached.

Le Duc Tho: It is what I expect.

Dr. Kissinger: You can count on it.

Le Duc Tho: I agree then. So now we have finished with the understandings except the word "intend."

Dr. Kissinger: Yes.

Le Duc Tho: Now shall we come to the protocols?

Dr. Kissinger: Which protocol?

Le Duc Tho: The determination of the zone of control. As to the visit to the detention camp, I think we should leave it to Ambassador Sullivan and Mr. Thach.

Dr. Kissinger: All right. They are already approaching a formulation that no one can possibly understand. They are invoking Article 26(b) of the Treaty of Westphalia. I agree. I think they are close to an understanding on it.

Mr. Thach: But Ambassador Sullivan should go a little further.

Dr. Kissinger: He shall make a little effort. And if he makes a little effort and you make a little effort I think you can solve the problem. [laughter]

Le Duc Tho: Now Ambassador Sullivan go a little further and Mr. Thach will go nearer to it, then a settlement.

Dr. Kissinger: Our impression is, Mr. Special Adviser, that your assistant on this end is very difficult. [Thach and Tho laugh.] No, I think they are approaching an agreement and if there should be any last-minute problem the Special Adviser and I can exchange messages.

Le Duc Tho: I agree.

Dr. Kissinger: On Article 7 of the protocol on the ceasefire and Joint Military Commission, we agree with your idea that the local commanders should meet to determine the implementation of Article 3. The Two-Party Military Commission and the local commanders. They left something out in the draft we gave you. We think that the implementation of Article 3 (b)¹⁰ of the Agreement should be determined by the Two-Party Joint Military Commission and the local commanders. So we agree with you on that. But we think there should be one sentence added, that we think is important, which is: "Among the criteria to be used in determining such areas of control shall be information

¹⁰ Article 3(b) dealt with the cease-fire in place and the modalities of determining the areas of control.

provided by local commanders with respect to the strength, location, and deployment of the armed forces under their control.” [Mr. Kissinger repeated the above.] “Among the criteria to be used in determining such areas of control shall be information provided by local commanders with respect to the strength, location and deployment of the armed forces under their command.”

Le Duc Tho: I think that from military point of view regarding the determination of zone of control we should leave to the discussion of the local commanders, so that they will discuss the modalities of stationing to avoid clashes or contact between their units. But from a military point of view I think it would be difficult for us to decide here that they should exchange information on strength, location, and deployment of forces under their control. I think that the Geneva Agreements of 1962 on Laos provide for the same measures, with a view to avoid clashes between opposing forces.

Dr. Kissinger: As I told the Special Adviser yesterday, I have the nightmare that 10 years from now this Agreement will be cited with the same intensity as the 1962 Agreement and only he and I will know how it was arrived at. [They laugh.] Mr. Sullivan said when you have conquered southern China you will fix the lines according to these principles. [They laugh. Kissinger says to Sullivan: They think it’s quite feasible!] Now I think we should just give some criteria. What the precise information is—that should be exchanged. Mr. Sullivan is under the illusion that your colleagues might agree to something you don’t approve. [laughter] I have a clearer idea of the influence of a member of the Politburo.

Le Duc Tho: Shall we also now agree that the parties will rely on Article 3 only and then the parties will base themselves on the Article for further details?

Dr. Kissinger: Except the difficulty is they will have absolutely no criteria which to apply. Now I can agree to a very general formulation. It doesn’t have to be so specific about units and insignia and precise numbers, but I think we should have one sentence that says “shall be [determined by]¹¹ information with respect to the location and deployment of the armed forces under their command.” So we do not ask for all the detailed information.

Le Duc Tho: But if they have to reveal their location and their position then it is detailed already.

Dr. Kissinger: Well how are they going to determine control? Or are we going to have so-called areas of control with so-called forces?

¹¹ Bracketed insertion by the editor.

Le Duc Tho: Now I think that they will determine the zones of control and then they will decide on modalities of troops stationing to avoid conflict.

Dr. Kissinger: But how are they going to do it?

Le Duc Tho: They will discuss the criteria and it is easy to define the zones of control.

Dr. Kissinger: How? Just for my understanding, when they meet in a spirit of concord, how will they determine who is where?

Le Duc Tho: Let them discuss the criteria of the zones of control.

Dr. Kissinger: Of course I have the impression, which may be mistaken, that they will not immediately agree on the criteria.

Le Duc Tho: They will have to discuss, and moreover when they are on the spot they are in the real situation, they will see more clearly than we here.

Dr. Kissinger: Let me reserve this until after the break. Now your point is—let me understand what your point is. Your point is to drop the whole Article 7 and to base ourselves on the Agreement.

Le Duc Tho: Drop our Article 7 and your Article 4 and then we will stick to the Agreement.

Dr. Kissinger: And we will say nothing about the Two-Party Commission and its terms of reference. That is your proposal.

Le Duc Tho: We will drop our Article 7 and your Article 4, then we will stick to the article of the Agreement and we will carry it out.

Ambassador Sullivan: 3(b).

Dr. Kissinger: Let us hold it until after the break. At any rate, your proposal is to drop in the protocol any discussion and base ourselves on Article 3(b) in the Agreement.

Le Duc Tho: Let me think it over.

Mr. Thach: We will base ourselves on the Agreement.

Dr. Kissinger: Let us both think it over during the break. Do we have any other problem except that?

Mr. Thach: Just sentence that that the Joint Commission should base itself on Article 3 (b) to implement it. I propose one sentence "that the Two-Party Joint Military Commission shall base itself on Article 3 (b) of the Agreement and to carry it out."

Dr. Kissinger: Well, let me think about it. I don't see any sense in saying it should carry out what is already in the Agreement. I have one other clause, which we agreed to yesterday but of which we are extremely proud because it turns a very simple idea into unbelievably complex language. It is the idea on which we agreed yesterday with respect to expenditures [for the ICCS]. And it is really a drafting problem. I just sum up once again what our understanding is.

Our understanding is that the first budget will be set by agreement among the parties. Subsequent budgets will be proposed by the International Commission to the parties. In case of disagreement between the Commission and the parties the old budget continues until the new budget is agreed upon. That is what we agreed to yesterday, but we agreed to the principle; that is what we have agreed to, and then let the two work it out.

Le Duc Tho: I agree.

Dr. Kissinger: But will the Special Advisor read that article? We are very proud of it. I want to assign it to my students. It is drawn from the German Constitution of 1871.

Le Duc Tho: But when the International Commission reduces its personnel then the budget should be reduced too.

Dr. Kissinger: Yes, but we will worry about that when it happens. There is one problem in Article 10 of the International Commission which I know the Special Adviser knows by heart. [laughter] It deals with how the parties shall maintain liaison with the International Commission. And Mr. Loi, who wants to be DRV Ambassador to Saigon, insists that it has to be done through a liaison mission in Saigon. We don't exclude this, but we want to leave open also the possibility of occasionally sending a liaison mission to Hanoi or elsewhere. We don't say where, but just by any other means.

Mr. Sullivan: "Don doc" on Loi.

Le Duc Tho: We leave it to the experts.

Dr. Kissinger: Yes, but you keep your benevolent eye on it, because we couldn't formulate an article that interests you so intensely without your full concurrence.

Le Duc Tho: I believe that Ambassador Sullivan and Minister Thach will resolve it.

Dr. Kissinger: We should have it all settled before we make the announcements of my return here, on Thursday.¹² We have a procedural proposal, that between the four-party and two-party signing there should be a service in Notre Dame conducted by Mr. Schumann which all delegations attend. [laughter] That is where the Minister can read his poetry about the marriage of Ambassador Harriman.

Xuan Thuy: And we should invite Cardinals and all the nuns of the Vatican.

Dr. Kissinger: Then Madame Binh can sing in the choir. [laughter] Shall we take a little break?

[The group broke from 11:10 a.m. to 11:48 a.m.]

¹² January 18.

Dr. Kissinger: To finish our outstanding business, we agree to the word "plenipotentiary." We agree to deleting Article 7 of the draft protocol on the ceasefire and Joint Commissions and to base the determination on the Agreement.

Le Duc Tho: And Article 4 in your protocol.

Dr. Kissinger: Well, Article 7 in yours and Article 4 in ours. At any rate we accept the proposal to stick to the Agreement and to give no guidelines.

With respect to the aircraft carriers, here is as far as we can go. With respect to the aircraft what we will say is "The U.S. side states its firm intention that after the withdrawal of its armed forces from South Vietnam it will station its aircraft carriers at least 300 nautical miles from the coast of North Vietnam after the withdrawal of its forces." Let me read it again: "The U.S. states its firm intention to station its aircraft carriers at least 300 nautical miles from the coast of North Vietnam after the withdrawal of its armed forces from South Vietnam."

Le Duc Tho: After 60 days then.

Dr. Kissinger: After 60 days it says in the understanding, but I have given you an oral assurance that we will in practice withdraw them earlier.

Le Duc Tho: I agree with you.

Dr. Kissinger: All right. [As agreed and retyped, Tab C.]¹³

Le Duc Tho: So we have finished with the Agreement and with the understandings. So with the protocols regarding the determination of zones of control, we have agreed to each other, too.

Dr. Kissinger: Yes.

Le Duc Tho: Regarding the visits by the Red Cross for humanitarian reasons, we leave for Mr. Sullivan and Mr. Thach to solve.

Dr. Kissinger: Mr. Aldrich has discovered a protocol from the Peloponnesian War which I think we can cite. [laughter]

Le Duc Tho: So now for the major questions regarding the protocols, you and I have solved them. As to the details we leave to Mr. Sullivan and Mr. Thach. We will "don doc" them. [laughter]

Mr. Sullivan: The Special Adviser must promise that after we finish he must read the protocols. [laughter]

Le Duc Tho: Will Dr. Kissinger also read them?

Dr. Kissinger: And we plan to finish those by Wednesday at the latest.

Le Duc Tho: It is possible.

¹³ Tab C, "Aircraft Carriers," is attached but not printed.

Mr. Sullivan: It will take two days for the language experts after we finish them.

Dr. Kissinger: After they are finished the language experts have to conform the texts.

Le Duc Tho: We will leave it to Mr. Loi then.

Dr. Kissinger: Now what other problems do we have?

Le Duc Tho: Now let us go to the healing of the war wounds and we will recall everything in the schedule.

Dr. Kissinger: Good. Now let me give you our proposal on the healing of the war wounds. It is very complicated. But my experience with the Special Adviser is that complicated things he understands; it is the simple things he is having trouble with. [laughter] Because he won't rest until he has made them complicated.

Now let me summarize what our problems are with respect to this. At every meeting that we have had in 1971 and in 1972 I have emphasized to the Special Adviser that we could do nothing in the nature of reparations, and therefore we cannot bring the issue of the reconstruction of North Vietnam into the same framework as the Agreement on Ending the War. This is important to us for moral reasons, but it is important to you for practical reasons, because we must find a procedure which will obtain strong Congressional support over a long period of time for your reconstruction. Now, the things we have discussed in this room and in Gif—there is no question that the problem of economic reconstruction will have its most satisfactory solution. We will implement it. But you must show some understanding for our domestic requirements and for our psychological problems.

Now I have thought last night what we can do. We cannot sign a protocol and we cannot even exchange messages before this Agreement is completed. But I have thought that what we can do is to send you a message on January 30, a note which expresses our intentions and principles. And to give you a draft of this note now, so that you will know what message you will receive. We would deliver it here through our regular channels on January 30th, and then on January 31st we could announce the trip to Hanoi and so forth. Now let me read the note to you so you can see if this is agreeable. You will see that it incorporates as much as possible from your protocol.

This, of course, presupposes that there will be no interviews from your side or other publicity that refers to this note before it is delivered. But you can be sure that it will be delivered to you unchanged on January 30th. Should I read it now?

Le Duc Tho: Please.

Dr. Kissinger: [reads Tab D]¹⁴ “The United States wishes to inform the Democratic Republic of Vietnam of the principles which will govern its participation in the postwar reconstruction of North Vietnam. As indicated in Article 21 of the Agreement on Ending the War and Restoring Peace in Vietnam signed in Paris on January”—it will be January 27th, 1973—“the United States undertakes this participation in accordance with its traditional policies.” We will give you a text. These principles are as follows:

“1) The Government of the United States of America will contribute to postwar reconstruction in North Vietnam without any political conditions.

“2) The United States will agree with the Democratic Republic of Vietnam to establish a United States-North Vietnamese Joint Economic Commission within 30 days from the date of this message.

“3) The function of this Commission will be to develop programs for the United States contribution to reconstruction of North Vietnam. This United States contribution will be based upon such factors as:

“(a) The needs of North Vietnam arising from the dislocations of war;

“(b) The absorptive capacity of the North Vietnamese economy;

“(c) The availability of the necessary funds through annual appropriations by the United States Congress.

“4) Preliminary United States studies indicate that the appropriate programs within the framework of the preceding paragraph will fall in the range of \$3 billion over five years. This estimate is subject to further study and to detailed discussion between the Government of the United States and the Government of the Democratic Republic of Vietnam.

“5) The Joint Economic Commission will have an equal number of members from each side. It will agree upon a mechanism to administer the program which will constitute the United States contribution to the reconstruction of North Vietnam. The Commission will attempt to complete this agreement within 60 days after its establishment.

“6) The members of the Commission will function on the principle of respect for each other’s sovereignty, non-interference in each other’s internal affairs, equality and mutual benefit. The office of the Commission will be located at a place to be agreed upon by the United States and the Democratic Republic of Vietnam.

“7) The United States considers that the implementation of the foregoing principles will promote economic, trade and other relations

¹⁴ Tab D, “Draft of a Message to be Dated January 30, 1973, and Sent Through Normal Channels,” is attached but not printed.

between the United States of America and the Democratic Republic of Vietnam and will contribute to insuring a stable and lasting peace in Indochina. These principles accord with the spirit of Chapter VIII of the Agreement on Ending the War and Restoring Peace in Vietnam which was signed in Paris on January 27th, 1973."

That is really the maximum we can do. I would hand you this text and it would be understood between us that it would be delivered to you on January 30th in Paris by Colonel Guay. If he can get an appointment.

Le Duc Tho: So it will be, as I understand, a unilateral note.

Dr. Kissinger: It will be a unilateral note from the U.S. to the Government of the Democratic Republic of Vietnam. Then on January 31st we announce my trip—without reference to the note, but it would be understood that the implementation of it would be one of the subjects of my trip.

Le Duc Tho: I will study this draft but preliminarily I would say a few words as for this.

Regarding the paragraph regarding the guidelines on which will depend the reconstruction program: first the needs arising in North Vietnam from the dislocations of war; second, the absorptive capacity for aiding North Vietnam. I agree the first is right, but the second regarding the capacity, this guiding line is not necessary.

Dr. Kissinger: We don't want you to export the dollars you get.

Le Duc Tho: Regarding the annual program of funds allocated by American Congress, it is your internal affair.

Dr. Kissinger: We have no choice.

Le Duc Tho: We will discuss with you on the amount of money later, but how to get this money is up to you and we need not have it here.

Dr. Kissinger: We will make a program between us and we can make a major effort to get it from Congress. And we will almost certainly succeed. But we have to write this in case this note ever becomes public. It is an absolute necessity, and it is also the truth. We will consider your point about (b) and whether we can do something.

Le Duc Tho: Yes, I think that we will raise a number of principles. As to how the American Congress will approve it, it is your internal affairs.

Dr. Kissinger: But we need it.

Le Duc Tho: Moreover I think we will not publish this message in any case, because it is between I and you, therefore these guidelines should not be in the message.

Dr. Kissinger: Mr. Special Adviser, really, with all respect, we may have, when we ask for the money, to show the message in great confi-

dence to the chairmen of the committees who must approve the money, and we must have some guidelines in a message like this. But we can modify the sentences like “the absorptive capacity of the North Vietnamese economy.” We don’t have to say that. We will find something else to say which is neutral. After we have discussed it here, when we redraft it we will show it to you again this week. After we take account of your comment. [Hands over copy of draft at Tab D.]

Le Duc Tho: Another important point is that the amount here is smaller than the amount we proposed to you. But there is another point, about “without repayment.” On many occasions you told me that the contribution is without repayment. It is not mentioned in the message.

Dr. Kissinger: That is another one of these Congressional problems. It is very difficult. I understand what we have discussed. It is very difficult for us to put this in writing. When we make the actual grant we can do it, but to make it as a promise before we have spoken to the Congress can have exactly the opposite effect. We don’t want any repayment. This is not the problem. No one else has ever repaid us; I don’t know why you should be the first! Even countries that have an obligation.

Le Duc Tho: You have told us this on many occasions but I don’t know why it doesn’t appear in here.

Dr. Kissinger: Because when money is involved . . .

Le Duc Tho: Because the words “without repayment” imply your obligation to heal our war wounds. It is something logical.

Dr. Kissinger: But that is not the point. After the Special Adviser has taught his course at Harvard and studied the American political system he will understand the following: In the conduct of foreign policy the power of the Congress to influence the day-to-day operation is different than what it is when the expenditure of money is involved. As the Special Adviser must have experienced when Congressional friends of yours came to Paris and could never deliver on what they promised. Not to speak of those who were confused by the Minister. I must say as an aside, all the time that the Special Adviser was telling me that points 1 and 2 of the 7 points were linked, our Congressmen and Senators who were talking to the Minister were under the impression that he told them they could be separated. And the Minister accomplished this without ever lying. He never said so. He just used very complex formulations.

But now let me get back to this problem. When we talk about appropriation of money the Congressional control is very strict. Particularly at the beginning of a program. And if the Congress thinks that we have promised matters that they believe to be their prerogative, then they will refuse them, just to show that they control the finances. And

this is why it is very important not to put in writing matters that will be very difficult for us if they exist, but which in practice can be settled very satisfactorily.

Le Duc Tho: No, seriously speaking you told me about “without repayment” twice. Now it would be difficult for me to understand if this word does not appear in the note you will send us. I don’t speak about the ways or the method, the procedures in your country. I don’t know about that, but I think that the promise about “without repayment” is something correct. Because if you send us this message we have to rather record the statement you have made to us. It is better in this message.

Dr. Kissinger: I frankly couldn’t find the statements to which you are referring.

Le Duc Tho: In my record it is there.

Dr. Kissinger: I am sure that Mr. Loi is right now writing it.

Le Duc Tho: I believe that my memory is not . . .

Dr. Kissinger: But I don’t even want to discuss the practical problem with you, because it isn’t really a practical problem.

Le Duc Tho: But it is practical and correct for us.

Dr. Kissinger: It doesn’t really make any difference. The question is, what can we say in a note to you? Let me reflect about your point and I will transmit you a proposal through Ambassador Sullivan. You will see the practice; this is one of the few cases where the practice will be easier than the formula.

Le Duc Tho: No, it is our long-term relationship, and I know that this message will be only the first step because there will be many questions to solve later and it is a long-term relationship. But what is important is mutual trust, mutual confidence, and it is only a promise that you have given us and this promise should reflect. Moreover, I would like to propose that since it is a note there should be a signature on it and an acknowledgment from our side. So if doing this would be like an understanding. You told me the other day that when we settled this question it would not be a protocol or an understanding; it would be in the form of exchange of note.

Dr. Kissinger: No, you told me that.

Le Duc Tho: Yes, I told you about the note. Then it should be sending note and acknowledging.

Dr. Kissinger: You can acknowledge it.

Le Duc Tho: So I think I would prefer that it is a signed note and I will acknowledge by a signed note too. It is not a letter.

Dr. Kissinger: I am moved by the trust.

Le Duc Tho: It is not between Foreign Ministers but between you and I.

Dr. Kissinger: I must say I am moved by the confidence that you show in us. We have never denied any notes we have sent you—even when you published them under very difficult circumstances for us. And we have no intention of denying this note. But if this is to be kept secret it has to be kept in the channel between the Special Adviser and me. While I don't suffer from an especially low estimate of myself, I have not yet corresponded with a foreign government with signed documents. But we can make it a message as we did in October in the name of the President to the Prime Minister. It is just—I have no standing to sign a document—and then you can acknowledge the message from the Prime Minister. We won't deny the message; this has never happened.

Le Duc Tho: This question is a procedural one, but there is still a number of points in the message that I would like to draw your attention to. That is the paragraph, guideline (c), the annual allocation by the American Congress.

Dr. Kissinger: But why do you care about this?

Le Duc Tho: And the second one is the word “without repayment.”

Dr. Kissinger: I will study the question of what we can say that conveys that meaning, implying it without stating it, without ruining you in Congress. It is a legal and legislative problem, it is not a substantive problem. The phrase about Congress we may not be able to do anything about, but I don't see how it affects you. That is in the U.S. Constitution.

Le Duc Tho: My understanding is that the amount of money is decided in the message “without repayment.” Now as to the availability of funds that American Congress may decide, really it is the internal affair of United States, and in this amount the fund of money decided in the note will be divided into a number of years. This is what we are interested in.

Dr. Kissinger: That is clear, but the problem is that it has to be voted every year, and if we propose something that the Congress believes assumes that they have already made the decision they will certainly then vote against it. See, the problem is you are the one innocent nation in the world who never dealt with us on economic aid. That is almost the only thing you are innocent of. And we are talking here of a purely domestic thing for America. In substance, we are on your side. It is a pure domestic American problem. It is not a problem between you and us.

Le Duc Tho: I would propose that in the note it will speak about the program of reconstruction and so and so, and the setting up of the Joint Economic Commission so and so, and then the amount to be contributed in a period of 5 years will be so and so, and each year there will

be such and such amount without repayment at all. And as to how to get this money in the U.S., it is your internal problem.

Dr. Kissinger: He has already settled the problem of getting the money, because we will never get the money if he is allowed to proceed! We are not saying how to get it; we just say that the Congress has the final voice and are saying this is the best guarantee of getting it.

Le Duc Tho: But I think that if we put this sentence in the note then it will be denial of your promise to us because it would depend on the availability of the decision of the Congress.

Dr. Kissinger: Every agreement we have ever signed with any country in the world, we have always put this in. Every country in the world. You go into a library and look at it. I won't tell the Special Adviser how to get a vote accepted by the Politburo in Hanoi because I think he knows better than I. Every agreement we have ever signed since 1948 has had that clause in it. It is an American constitutional practice . . . We will put in "according to American constitutional practice" so it is clear it is not a decision of the government.

Le Duc Tho: But in my mind I think that if there is such a provision then the money will not be granted because it will depend on the availability of funds by the Congress.

Dr. Kissinger: [laughs] You can be absolutely sure that with such a provision the funds are certain to be granted, and without such a provision the funds are certain not to be granted. We could just say "annual appropriations by the U.S. Congress" and take out "availability of funds." The absolutely last problem you have is that we will use such a thing to escape it. Besides it makes no difference; I can write anything down. This is a case where the Congress has almost total power. I have explained this to you many times. You will see, once this program exists for a year, you will understand that we will use this clause to help you. We are not doing this to find a means of evasion.

We will study the question of the repayment to see whether we can find some formula. But it is very complex.

Le Duc Tho: This is what you had told me.

Dr. Kissinger: You are right; I am not contesting it. The problem is to find how to do it.

Le Duc Tho: But your promise to us is one thing but the difficulty with the Congress it is another matter. So I am not yet satisfied with your section (c), "through annual appropriations by the U.S. Congress."

Dr. Kissinger: You are not?

Le Duc Tho: I am not satisfied.

Dr. Kissinger: There must be some phrase in there about the Congress, believe me. Now we will study and see whether we can

perhaps stick that sentence some other place. Maybe we can put it at the end, which points out that these appropriations are always made annually by Congress. I will study to see whether I can find a formula that meets your point at least part way—in which we separate our intention from the Congress. I will send you a new draft no later than Monday,¹⁵ in which I attempt to take account of your two points, on repayment and the Congress.

Le Duc Tho: And also the “absorptive capacity.”

Dr. Kissinger: Yes, I understand that. That is the easier one to fix. Although from what I hear about your people your absorptive capacity is enormous.

Le Duc Tho: It is our affair and the absorptive capacity depends on our people, on us. As to the needs of North Vietnam, it is another question.

Dr. Kissinger: No, I understand your point, of course. This is not an issue of principle.

Le Duc Tho: So I will further consider the question of your sending us a note. On Monday.

Dr. Kissinger: I will send you a new draft on Monday.

Le Duc Tho: Please carefully consider our views.

Dr. Kissinger: I will carefully consider your views. I think you will have seen that overnight we made an effort to consider your views.

Le Duc Tho: But what important points we are concerned about are not reflected in the paper, and what is reflected is only subsidiary.

Dr. Kissinger: Well, what are you concerned about, the repayment?

Le Duc Tho: The points that we are concerned about is, first, the amount of money that should have been greater because of the recent bombing caused a great deal of loss. Two, the point on no repayment. Three, the question of the Congress.

Dr. Kissinger: I will say this. It is harder to give away \$3 billion to you than anyone we have ever dealt with. [laughter]

Le Duc Tho: No, you see after over 10 years of war I think it is an obligation of yours. This is something reasonable and logical. So please carefully consider our views.

Dr. Kissinger: Mr. Special Adviser, really, you must understand, and persuade your colleagues: This is not an issue that is contested by us on principle or substance. We are agreed on it. There will be no problems on this unless you create them by your excessive suspiciousness. But we will eliminate that phrase about “absorptive ca-

¹⁵ January 15.

capacity." We will seriously study a way of expressing your point about repayment. But it will not be a practical problem. And we will make an effort to put the need of our Constitutional requirements in a way which makes it less conditional than it is now. And we will send you our proposal through our normal channel on Monday, or Sullivan will give it to the Minister.

Le Duc Tho: Let me add a few words, Mr. Special Adviser. As you know Mr. Adviser, we talked on this question very lengthily in May 1972 and lengthily in October,¹⁶ and we yesterday also spent much time to discussing this question. You have also discussed with me lengthily on this question, and I think that your statements were very clear. And I think that after the restoration of peace in Vietnam, the relations between the U.S. and Vietnam will create conditions for your contributions to rebuild our country. And I also think that this work of the reconstruction is both your obligation and also your objective. But in my view I would like to have a signed agreement at least between you and I. A signed note. It will create the initial confidence, mutual confidence, because of the promise you have made to me. I understand that this note will help create this mutual confidence, because I understand that practically it will be followed by many things to be done. I know that you will visit Hanoi. We will discuss this question in more detail and we will come to very important decisions. This is also related to your decision to contribute to healing the war wounds in our country. I would like to repeat that this will create the mutual confidence between us. Therefore I think that the note be addressed to us on behalf of the President of the United States to our Prime Minister. Please carefully consider my views. And I would expect that you will keep the promise that you have made today. And on Monday you will give us the new draft and we will consider.

Dr. Kissinger: This we can do: We will give you a new draft of the note, and I will check with the President whether he agrees to make it a note from the President to your Prime Minister, but I am sure that can be done. I will confirm this on Monday but I think this is very possible, and I will study your remarks very seriously.

But if I may be frank, Mr. Special Adviser, the question of confidence really has to have a mutual element. And if you are enormously suspicious, that is not my problem; that is your problem. If you think seriously about what we have discussed, it is obvious that we have every intention of carrying out what we have said, and you have

¹⁶ The May reference is to a discussion about economic aid for Vietnam between Kissinger and Le Duc Tho at their May 2, 1972, meeting. See *Foreign Relations, 1969–1976*, volume VIII, Vietnam, January–October 1972, Document 110. The October reference is to similar discussions when the two met on October 10 and 11 (the October 11 meeting extended into October 12); see Documents 5 and 6.

summed it up reasonably. But I will send you a new draft on Monday and I will seriously consider all of your points. I will pay great attention to them. And I will strongly recommend to the President that it is in the form of a message from the President to the Prime Minister.

Le Duc Tho: So I can say the following: That we can say now that our work has been completed in the main—the Agreement, the understandings, the great principles of the protocols. So there is only this question left. I wish it to be satisfactorily settled to bring our negotiations to a fine conclusion. So please give us a new draft on Monday, and whatever comment we will have I will let you know. And then when you come to Paris again for the initialing then we will definitely settle this question. So that when we come to the signing of the Agreement, then this question will be finally settled already.

Dr. Kissinger: Definitely.

Le Duc Tho: And on the basis of this, when you visit Hanoi we will settle other questions in the wished-for way.

Dr. Kissinger: Exactly, you will see it. We will have a very satisfactory practical solution.

Le Duc Tho: Now that we have completed our agenda, now there is only the schedule to fix it up.

Dr. Kissinger: Should we do it after lunch? Should we see where the photographers are? You brought some photographers too, I understand.

Le Duc Tho: Yes.

Dr. Kissinger: To show you, Mr. Special Adviser, how well we plan and how we are prepared for every contingency: If you had a number that doesn't divide exactly into four, so that you had half a Pole for the Commission, we would have provided Miss Derus who is half Polish.

Le Duc Tho: Dr. Kissinger; what time will you be leaving?

Dr. Kissinger: 7:00. We have got to get the Minister in. He will never forgive us if he misses a picture. Have we got Mr. Loi? Wait a minute we need the Minister.

[The photographers entered at 1:15 for a 15 minute filming session.]

Le Duc Tho: And in these meetings we cannot miss Mr. Loi. So at what time do you expect to reach Washington?

Dr. Kissinger: I will plan to be in Washington around 10 o'clock Washington time.

[The meeting broke at 1:30 for lunch. The two groups ate together, including the principals, for the first time. The meeting resumed at 3:17 p.m.]

Le Duc Tho: Mr. Adviser, please let me now re-expound the schedule, for confirmation, and certain work related to the schedule.

You and I have agreed upon the following: On Saturday evening, January the 13th, 1973, you will leave Paris for Washington. You will state that the private meetings in the past few days have been useful. Briefly. But you will mention about the experts, Ambassador Sullivan and me still remaining here and so forth, and we will also state that the private meetings “are making progress,” are in progress.

Dr. Kissinger: You will say we have made progress and that they will continue?

Le Duc Tho: We will say that the private meetings are in progress.

Dr. Kissinger: And nothing else?

Le Duc Tho: And we will continue to say that the experts are continuing.

Dr. Kissinger: What I want to understand is this: If you aren’t going to say the meetings were useful, I am not going to say it.

Le Duc Tho: It is the same. You will say useful negotiation: we will say that they are in progress.

Dr. Kissinger: Or “progressing.” I have to make clear. “In progress” only means they are continuing, so you have to say they are “making progress.”

Le Duc Tho: You would like me to say that the negotiations are useful?

Dr. Kissinger: “Have made progress.”

Le Duc Tho: So you can say the same thing—“made progress” or “useful negotiations.”

Dr. Kissinger: Yes, I will say one or the other. They both mean the same thing. Good. Go ahead. You read all of your things and then I will confirm.

Le Duc Tho: The two sides will not make any other statement that could divulge the substance of the private meetings.

Second, after you leave Paris on January 13, 1973, the experts will continue their work to complete the protocols.

Third, thirty-six hours after you arrive in Washington, the U.S. will completely end the bombing and mining of North Vietnam. Then you will announce officially—make an official announcement—that the negotiations on Vietnam have made progress and the U.S. Government will completely end the bombing and mining over the entire territory of the DRV as of [omission in the original]¹⁷ hours, 1973 Washington time. Then the DRV side will acknowledge the cessation of the U.S. bombing.

¹⁷ Bracketed insertion by the editor.

Dr. Kissinger: But in a conciliatory fashion. [laughter] You cannot say you forced us to do it, because it is a voluntary action.

Le Duc Tho: We will acknowledge the cessation of the bombing. Then on January 18 the two sides will simultaneously announce that the private meetings between you and us will be resumed in Paris on January 23 so that the two sides may complete the Agreement on January the 23rd, 1973.

Dr. Kissinger: Excuse me a minute, Mr. Special Adviser. I think we should only say "we will resume the meeting on January 23rd so that the Agreement will be completed." We should not say we will complete it on January 23rd. I told you now that we will initial it on January 23, but it is better not to say it will be completed that day.

Le Duc Tho: "So that the text of the Agreement may be completed."

Dr. Kissinger: Period.

Le Duc Tho: Shall we say that "it will be resumed in Paris on January 23 to complete the text of the Agreement?"

Dr. Kissinger: "To complete the text of the Agreement."

Le Duc Tho: On January 23rd before we initial the Agreement, the document, shall we meet before the initialing?

Dr. Kissinger: Yes, I think we should meet to discuss whatever . . . We have to have a session just for public appearances, so that it looks as if there was something left to do. And we can discuss signing problems. We have assured you there will be no substantive issue raised [laughter], nor technical issues, nor even linguistic issues. There will be no negotiations. But we can discuss procedures, we can complete that note to you, but we should have a three or four hour session which concludes with the initialing of the Agreement. Or a two or three hour session. It is just symbolic.

Le Duc Tho: So on January 23rd, at what time shall we meet?

Dr. Kissinger: 9:30?

Le Duc Tho: At the International Conference Center at Kleber Avenue?

Dr. Kissinger: Yes.

Le Duc Tho: Then we will discuss things before initialing. The procedure, the notes, the exchange of notes.

Dr. Kissinger: Exactly, but Mr. Sullivan and Minister Thach will work out the formalities of initialing.

Mr. Sullivan: In the Cyrillic alphabet.

Le Duc Tho: So to sum up, you and I meet at Kleber Avenue to discuss the note on the healing of the war wounds and then what remains to be discussed about the initialing. As to the details of the ini-

tialing, it will be discussed by Ambassador Sullivan and Minister Thach.

Dr. Kissinger: Right, and we will find other things to talk about too. And we will initial it around 12:30, and I want to return to Washington as quickly as possible, so I will not delay you unnecessarily.

Le Duc Tho: So the documents that will be initialed are the following: (a) the text of the Agreement that will be signed by the Foreign Minister of the DRV and the Secretary of State of the United States, then the four protocols attached to this Agreement; (b) the text of the Agreement that will be signed by the plenipotentiary representatives of the parties participating in the Paris Conference on Vietnam, and the protocols attached to this Agreement.

Then after the initialing then the DRV and U.S. will send official invitations to the four countries that should participate in the International Commission of Control and Supervision. On what day should we do that?

Dr. Kissinger: The 24th.

Le Duc Tho: So the two parties will send invitation letters.

Dr. Kissinger: Yes, we will show you next week our invitation letter. The four-party document has only three protocols attached to it, because of the mines. But we will be glad to let the South Vietnamese sweep some mines up there. [laughter]

Le Duc Tho: I agree. You are right. I had forgotten. After the initialing of the Agreement, then the experts of the two sides for the mine clearing in North Vietnam will meet to discuss their program of work. Our people are already in Paris.

Dr. Kissinger: Yes, we agree to that.

Le Duc Tho: Now on the 24th of January, the two parties will simultaneously announce that an Agreement has been reached and has been initialed. The two sides will announce the content of the Agreement which has been reached and the time for the ceremony for the formal signing.

Dr. Kissinger: Now here we have a slight problem—just on the timing. We would like the President to announce it the evening of the 23rd, which is about say 10 p.m., that an Agreement has been reached and initialed, and the time for signing. That is 10 o'clock in the morning, Hanoi time, is that agreeable?

Le Duc Tho: I agree.

Dr. Kissinger: But when should the text be released? At the same time?

Le Duc Tho: After announcing that, the text of the Agreement can be published.

Dr. Kissinger: Right, now which text?

Le Duc Tho: The two copies of the Agreement.

Dr. Kissinger: The two and the four party.

Le Duc Tho: The two party Agreement and the four party Agreement and the protocols.

Dr. Kissinger: That is all right with us.

Le Duc Tho: All right. The two party Agreement; the four party Agreement, the protocols.

Dr. Kissinger: Let me make a suggestion on the release of the documents, which has to do with the success of our explaining it in America. We can announce that an Agreement has been reached and initialed and when the signing will be—the evening of the 23rd. May I suggest that we release the text of the Agreement at 10 a.m. the next morning.

Le Duc Tho: I agree.

Dr. Kissinger: Then we can explain it to the press. Or do you want 9 a.m.? You prefer 9 a.m.?

Le Duc Tho: I agree.

Dr. Kissinger: Frankly, we don't want to explain that night. That night our people should be aware that there is peace, not that there are two separate texts of the Agreement.

Le Duc Tho: I agree. The next day, the 24th, 9 o'clock in the morning.

Dr. Kissinger: 9 a.m. in the morning the texts will be released. The two-party document and the protocols. And you won't be too conscientious and release the understandings simultaneously? [laughter]

Le Duc Tho: In the evening of the 23rd January when you announce the initialing, the conclusion of the Agreement, the initialing, you will announce also the date of the signing of the Agreement—the 27th?

Dr. Kissinger: Exactly.

Le Duc Tho: And then on January the 27th the official signing ceremony will take place also at Kleber Avenue, International Conference Center. What time will take place the ceremony for the signing of the Agreement between the DRV and U.S. and the protocols initialed to the Agreement, and what time will be take place the signing of the Agreement by the parties taking part in the Agreement, will be decided by Ambassador Sullivan and Minister Thach.

Dr. Kissinger: But we are agreed that the four parties should sign first. In the morning?

Le Duc Tho: I agree the four parties will sign in the morning; the two parties will sign in the afternoon. But for both signing ceremonies there should be solemnity. The same degree of solemnity for each one.

Dr. Kissinger: We will let even more press in for the two-party ceremony. There will be even more noise. But no one can match the solemnity of Madame Binh when she sees a member of the GVN. [laughter]

Le Duc Tho: I agree with you. We don't say about the two-party signing, but for the four-party signing I agree with you that we should have propitious atmosphere for that.

Dr. Kissinger: But we have an understanding also of a propitious atmosphere at the other. [laughter] Can we have a moratorium on "wars of aggression" that day while the Secretary of State is in town?

Le Duc Tho: Then on January 28th, 24 hours after the signing of the Agreement, a meeting of the Four-Party Joint Military Commission and of the Two-Party Joint Commission in Saigon to discuss—the Four-Party Joint Military Commission will begin operating and the two South Vietnamese parties will meet to discuss the formation of the Two-Party Joint Commission in Saigon. So how the four-party meeting will operate, how the South Vietnamese will meet, will be discussed by Ambassador Sullivan and Minister Thach.

But now, have you definite views whether the four parties should meet after the initialing in Paris, or shall they meet later?

Dr. Kissinger: No, let us not tempt fate.

Le Duc Tho: I agree with you. I just want to know your views.

Dr. Kissinger: No, we don't want to take advantage of the Special Adviser. I think one of his proudest creations—the Joint Commission—should meet on the 28th.

Le Duc Tho: When the International Commission will enter Vietnam will be discussed by Ambassador Sullivan and Minister Thach.

Amb. Sullivan: And in the notes that we send to the four parties we will tell them when we expect them to be in place.

Dr. Kissinger: Can you share this information with us?

Amb. Sullivan: If our two Special Advisers would read the protocols they would find it in there. [laughter]

Le Duc Tho: So then none of us have read the protocols.

Dr. Kissinger: [reads:] Just as I said, on the 28th.

Le Duc Tho: I have knowledge of it just now.

Dr. Kissinger: He is reassured now. His mind is at ease. I have a secret for you, too. We have to put in the time for the ceasefire [in Article 2]. How about midnight the 27th, GMT?

May I propose a change in the text of the Agreement? Could we make the year in which the ceasefire goes into effect 1973 instead of 1972? [laughter] Oh, we fixed it already.

Xuan Thuy: Then we will make complaint to the International Commission that the ceasefire should have been observed in 1972 and you didn't.

Dr. Kissinger: Midnight GMT, the 27th. That's 7 a.m. in Saigon.

Le Duc Tho: I agree, so in Vietnam it will be 6 in the morning, 7 in the morning.

Amb. Sullivan: Indochina time.

Dr. Kissinger: I think that was one of the biggest concessions you made to us in our renegotiations—to take out that word.

Le Duc Tho: Now on January 31, the two sides will simultaneously announce your visit to Hanoi, "The Democratic Republic of Vietnam and the United States have agreed that Dr. Kissinger, Assistant to the President of the United States . . ."

Dr. Kissinger: My father will thank you for that.

Le Duc Tho: "... will come to Hanoi on February 7, 1973, to discuss with the Government of the Democratic Republic of Vietnam on matters of mutual concern after the war."

This is my draft. If you have any remarks on it. So the 5th or the 7th, it is up to you.

Dr. Kissinger: No, the 7th or the 8th. I would like to check it in Washington. It will be no later than the 8th.

Le Duc Tho: So on the matters to be discussed, I just raise the following. Please give us your remarks. So I propose the following: One, the U.S. contribution to heal the wounds and the reconstruction. Two, the establishment of diplomatic relations. Three, the convening of the International Conference. Four, other matters each party may raise. As to the technical questions regarding your visit we will discuss it when you come here on the 23rd.

Dr. Kissinger: Right. Airplanes and so forth.

Le Duc Tho: So I meet you on that day, January 23rd. It is our meeting preceding your return to Washington and my return to Hanoi.

Dr. Kissinger: All right. Should I comment on this now? On the trip?

Le Duc Tho: I have another question. It is not relating to the schedule.

Dr. Kissinger: May I make a point on the trip? On the announcements. I think we should perhaps phrase it a little bit more to discuss the establishment of postwar relations or something like that—or a new period of relations. We will send you a draft. In principle, the idea of what you have is right. We will send you a draft during the week. It will not differ in principle very much. Secondly, on the topics, I agree the first is the healing of war wounds, specifically the establishment of the economic commission, which we should decide while I'm there. And I will be prepared for that. Secondly, on establishment of diplomatic relations, I would suggest also other steps for normalization,

such as exchanges of experts and matters of this kind, so it isn't only diplomatic relations. Third, on the International Conference.

Le Duc Tho: Please raise all your views.

Dr. Kissinger: My view is that we should study in the interval, both of us, what sort of relations we could develop towards normalization. For example, you mentioned [during the photo break] your agricultural problem. We would be in principle prepared to send educational agricultural experts and matters of this kind. Educational exchanges. We would have to study what specific measures are possible.

Le Duc Tho: No, I just raise a number of problems that will be discussed here. But on January 23 we will meet again and then when we meet again we can discuss any questions we raise.

Dr. Kissinger: On the International Conference, I think on January 23rd we should agree on the location and the invitation, and then in Hanoi we can discuss the substance.

Le Duc Tho: I agree. So I raise these three questions: Healing of the war wounds, establishing of the diplomatic relations, convening of the International Conference, but you can raise any questions. There is no problem at all.

Dr. Kissinger: But do you believe that on the Conference we will discuss the procedural questions on the 23rd—the location and how to extend invitations, the procedural questions and so on.

Le Duc Tho: I agree.

Dr. Kissinger: And we can have a preliminary exchange of views on substance when I am in Hanoi.

Le Duc Tho: I agree. Now we have finished with the schedule. Now there is another question about the Kleber Conference.

Dr. Kissinger: May I just sum up on the schedule. I just repeat. I leave at 7:30. I will say we had a useful meeting. You will make a similar statement very shortly afterwards. You will say we have made progress or you can say whatever you want.

Le Duc Tho: So you will make this statement at the airport at 7:30?

Dr. Kissinger: Yes, 7:30.

Le Duc Tho: So I will make it at 8 o'clock then. But you should remember the way I told you about journalists to call me.

Dr. Kissinger: That is right. I will get some journalist to call you. But if we don't succeed, you will find a way. I am sure the Minister knows and will be able to advise you, Mr. Special Adviser.

Xuan Thuy: Always you make the first step and then I will follow your foot.

Dr. Kissinger: We may have difficulty because of the shortness of time reaching journalists ourselves, but there would be terrible specu-

lation in America if we did and you didn't. I know you don't bother with these special problems, Mr. Special Adviser, but the Minister will be glad to advise you.

Le Duc Tho: I don't know about the procedures.

Dr. Kissinger: I think he will think something up by 8 o'clock.

Le Duc Tho: Please be assured by 8 o'clock we will make a statement.

Dr. Kissinger: Good, and if my departure is delayed I will let you know. Then the experts will continue their work and complete the protocols and we will agree to do this by Wednesday.

Le Duc Tho: I agree.

Dr. Kissinger: At 12 o'clock on Monday, Washington time, noon Washington time on Monday, we will announce that we have suspended—we will use the word "suspended"—all bombing and mining of the territory of the DRV because of the progress made in our talks. For your information, Mr. Special Adviser, we will stop several hours before then, in fact. You said you would acknowledge it. We are assuming you will not acknowledge it in any boastful manner.

Le Duc Tho: [laughs] No we do not. We will say nothing of that kind.

Dr. Kissinger: It would, in fact, be very helpful and would make a good impression if you did it in a very conciliatory manner, because we should begin to create the right atmosphere now.

Le Duc Tho: I agree with you.

Dr. Kissinger: And don't announce it before we have done it [laughter]. You may have some very efficient men in your Foreign Office.

On January 18, at a time to be mutually agreed upon, the two sides will simultaneously announce—probably at noon on the 18th Washington time—that private meetings will be resumed on January 23 for the purpose of completing the text of the Agreement. We will say nothing else. Also, after my departure, except for what we have agreed, neither side will announce, leak, hint or in any way divulge anything about the content of these meetings. Is that agreed?

Le Duc Tho: [laughs] We have always been keeping this agreement.

Dr. Kissinger: Except on October 25¹⁸ and when the Minister goes on television. The Minister will be confined to writing poetry until then.

¹⁸ On October 25 North Vietnam announced the draft agreement negotiated earlier that month despite a commitment by both sides not to speak publicly about it. See Document 72.

On January 19th—you didn't say this but I think we should agree on it—both sides will approach the French to make available Avenue Kleber for the session on January 23rd.

Le Duc Tho: I had forgotten. 9:30. You will do it at 9:30?

Dr. Kissinger: We will meet at 9:30 at Kleber Street; then we will tell the French we will meet at 9:30 at Kleber Street.

Le Duc Tho: Then we will meet at Kleber Street at 9:30.

Dr. Kissinger: Yes, but we will not tell the French anything about initialing or content.

Le Duc Tho: I agree with you.

Dr. Kissinger: The imagination of the French Foreign Minister will supply everything. [laughter]

On January 23rd at 9:30 we will meet at Avenue Kleber. We will initial the two-party Agreement and four protocols, the four-party Agreement and three protocols. We will agree on a formal invitation letter and we will send it—no, the next day, that is. That is all we will initial. We will discuss the location of the International Conference and the procedure for sending our invitations. And we will discuss the technical and whatever other substantive details that have to be discussed before my trip to Hanoi. And we will agree on a final text for the note on postwar reconstruction. And we will initial around 12:30, and I will plan to leave Paris no later than 3 p.m. At that ceremony there will be official photographers, and the pictures will only be released after the announcement has been made.

Le Duc Tho: I agree.

Dr. Kissinger: That evening at 10 p.m. Washington time.

Mr. Thach: After initialing or after publication of the Agreement?

Dr. Kissinger: After publication. Right. The next morning after publication of the Agreement, we release the pictures. At 9:00 a.m. the next morning we release the papers, Washington time.

Le Duc Tho: I agree.

Dr. Kissinger: At 10 p.m. Washington time there will be a joint announcement on the 23rd that the two sides have agreed on the text of the Agreement, that they have initialed it, and that it will be signed on the 27th in Paris.

Le Duc Tho: And at the initialing your group and our group will come?

Dr. Kissinger: That is correct. We will bring also Mr. Aldrich. I mean everyone who is in this building on our side. And you can bring anyone you want except Madame Binh. [laughter]

On the 24th at 9:00 a.m. there will be a joint release of the text of the Agreement.

Le Duc Tho: And the protocols?

Dr. Kissinger: And the protocols, correct. And we will brief about it, in a conciliatory fashion, but our people require some explanation about the subtleties of the Vietnamese mind.

On the 24th also the experts on mining will begin meeting.

On January 27th there will be an official signing at Kleber Avenue—the four-party document in the morning; the two-party in the afternoon, with equal solemnity. Solemnity being defined as the presence of newsmen. [laughter] Or did you want to have the Cardinal of Paris present?

Le Duc Tho: [laughs] But I think he is delighted if he is invited.

Dr. Kissinger: It is my understanding that in both ceremonies and in the surrounding activities the statements to be made by both sides will be conciliatory and not boastful. Did I understand this correctly?

Le Duc Tho: You are right.

Dr. Kissinger: Of course we may differ about what is conciliatory and not boastful [laughter]. So I would put it also on the basis that if the definition of objective reality on the one side should be subjectively wounding to the other side, it will be omitted that day.

Le Duc Tho: [laughs] But this is too philosophical language!

Dr. Kissinger: On January 28 there will be a meeting of the Four-Party Joint Commission in Saigon and a discussion of the organization of the Two-Party Joint Commission.

Le Duc Tho: The ceasefire?

Dr. Kissinger: The ceasefire will go into effect at 2400 GMT, January 27th. The night between the 27th and the 28th. And 24 hours later, or at 6 a.m. Saigon time, the members of the Special Adviser's favorite organization—the ICCS—will meet, according to the protocols.

On January 31st there will be a joint announcement of the visit by Dr. Kissinger, Assistant to the President of the United States of America to Hanoi, to take place either February 7 or February 8, on a day we will communicate to you during the week. My father would like to make this announcement. [laughter] We will send you the text during the week, but it will be substantially what you have proposed. And on January 23rd we discuss the technical arrangements for this trip.

So now I have confirmed this schedule without change. And it will be carried out without change.

Le Duc Tho: And on January 30th a note on the healing of the war wounds.

Dr. Kissinger: You didn't raise it.

Le Duc Tho: I have forgotten it.

Dr. Kissinger: It is too late! I have accepted your proposal. You are renegotiating your own proposal and I don't think this is a technical change which I can accept! All right, on January 30th you will get a note. I will confirm that on January 30th you will get a note on the healing of the war wounds.

Le Duc Tho: So now I completely agree with you on the schedule you have just presented. Shall I put it on paper and it will be confirmed by Ambassador Sullivan and Minister Thach, lest we should forget?

Dr. Kissinger: [laughs] I sometimes have the impression that you trust me only 99%. May Ambassador Sullivan show me the schedule when you send it to him? No, it is a good idea. Give it to him. He will send it to me and we will confirm it to you. It is a good idea.

And both sides will exercise restraint in their remarks about each other from now on. Especially in the adjectives used to describe each other's leaders.

All right, you had one other problem. Article 8(c)? Article 5? [laughter]

Le Duc Tho: We should exchange views now on Kleber Avenue Conference. How shall we do it?

Dr. Kissinger: Thursday we have agreed to have it.

Le Duc Tho: My intention is the following: We privately exchanged the views on that question, and I think your view is right, that after the signing of the Agreement, the Paris Conference should continue for one or two more months so that there will be contact between the two parties, the three parties, and so on, between you and I.

Dr. Kissinger: But do you envision weekly sessions? I don't think so. My proposal is we keep the Conference in session and if any party wants a meeting, they can request it.

Le Duc Tho: In a word, it is not weekly sessions but the four delegations will remain here so that they will get together.

Dr. Kissinger: My view exactly. No problem with that.

Le Duc Tho: Because I think that after the signing of the Agreement, the two South Vietnamese parties should discuss the procedural questions about their meetings, about the implementation of the Agreement, and then the three Vietnamese parties which shall have to meet and discuss things, and the U.S. and DRV will have things to discuss too.

Dr. Kissinger: We will keep the delegations here and we will see what work develops. And we will meet this Thursday, but not meet the following Thursday.

Le Duc Tho: The Thursday after the meeting we will cancel it.

Dr. Kissinger: Yes.

Le Duc Tho: So then after the initialing, then the four delegations will remain in Paris so that the two South Vietnamese may get in contact and discuss the South Vietnamese questions, and from it there will be a three-party meeting, and you and I will keep in contact to promote them.

Dr. Kissinger: Those will be very happy meetings. But we will see each other anyway early in February in Hanoi. You are going to be there? In your native place?

Le Duc Tho: Certainly I will be there. So we have concluded our negotiations today. We have agreed with each other except for some questions regarding the protocols. We will endeavor to complete this work by Wednesday.

Now before leaving let me say a few words.

The progress, the results, we are achieving today are the result of efforts from both sides. We have completed the text of the Agreement. The understandings, we have agreed on the understandings. We have agreed on the schedule. You and I, we have agreed on many big questions of the protocols, and some remaining questions will be discussed by Ambassador Sullivan and Minister Thach.

Though it is only the first step, but it is a very important, very fundamental step to restore peace in Vietnam. We will fully complete our work on the official signing day. Since we have reached these agreements we should stick to them: The agreement on the text of the Agreement, the agreement on the understandings, and the agreement on the schedule. I agree with you that I will not change anything in the Agreement, in the understandings and in the schedule. I will also abide by these documents. This is a serious and honored promise on my part.

I am confident that in a few days time we will achieve peace. So your visit to Hanoi will mark the end of the era of hostility between us, and open up a new period, a new relationship between our two countries, and I am sincerely convinced that with this mutual effort we shall meet our objectives. I have finished.

Dr. Kissinger: Mr. Special Adviser, I agree with the sentiments you have expressed. I also consider the Agreement and the understandings and the protocols completed, and I undertake, on my part, that we will not request any change in them. I consider the protocols completed and concluded in principle, and I know Ambassador Sullivan and Minister Thach will conclude the drafting by Wednesday. I am certain that the schedule will be carried to a conclusion without interruption and that peace will come at last to Indochina and to our two peoples on January 27th as we have said. [Tho nods yes.]

After the Agreement is signed, a great deal will depend on the spirit in which it is implemented.

Le Duc Tho: You are right.

Dr. Kissinger: We will strictly observe the Agreement. But beyond this, there have been many agreements in Indochina that have only been interludes in warfare. This should be an agreement that marks the beginning of genuine peace. The basic guarantee for this peace is an improvement in the relations between our two peoples. We have gone through many painful and difficult years. I want to say that we are determined to dedicate ourselves to the improvement of this relationship. And if we pursue it as energetically as we have pursued our previous period of hostility, I am certain that we will succeed. And if that happens, Mr. Special Adviser, then we will be able to look back on this day as an historic moment in the history of our two peoples, in the history of Indochina, and in the development of peace in the world. [Tho nods yes.]

So there remains only for me to say that the Special Adviser and I have spent many hours together—sometimes difficult, sometimes painful—but always with mutual respect, and if I may say so, I believe this personal respect and confidence can be one of the elements of the realization of the objectives which I have described.

Le Duc Tho: I can also very solemnly tell you that once it is signed, the Agreement will be strictly implemented. And the implementation of the Agreement will create mutual trust and will pave the way for our relationship not only immediately but also for the long-term relationship.

We are parting now in a very successful moment. What I have been telling you today, I will honor it. And actually throughout our negotiations there have been very harsh and difficult moments. But precisely these particular moments will leave a strong memory in us and give us mutual comprehension. Precisely these moments will open up a new stage in our future common path. And I firmly believe in that.

[The meeting adjourned at 4:55 p.m.]

275. Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger) in Paris¹

Saigon, January 13, 1973, 1220Z.

Tohak 130/324. Refs A) WHS 3011; B) WHS 3012.²

1. I met with Thieu at 1700 today and gave him a copy of the complete text of the four-party agreement as transmitted ref A, including Articles 16–18, and said that you had briefed the GVN delegation, including Dr. Do and Bui Diem, last night and had given them a copy of the text.³ I said that we would send the Vietnamese text as soon as it is available. I explained that work was continuing on the protocols, that you will leave tonight and the experts will continue the drafting and conforming of texts.

2. I said that we consider now that work has been completed on the draft agreement and that no further changes are possible. The DRV has shown a more constructive and reasonable attitude during the talks held this past week and in view of the progress that has been made, the President has asked General Haig to come to Saigon again to report on the status of the negotiations. We believe that we have now reached a point where we are in a position to conclude the agreement and, of course, we expect to move along together. General Haig will plan to arrive in Saigon Tuesday morning, January 16.

3. Thieu asked whether the draft which I transmitted to him was final and I replied that it was. He said that it was important to get the Vietnamese text as soon as possible to have in hand before General Haig's arrival, and I assured him that we would get it to him as soon as it is available.

4. Thieu said that he considered the protocols also very important and would like to have the Vietnamese texts of these as soon as they are available. He said that he had put Prime Minister Khiem in charge of the GVN study of the protocols and Khiem has been supervising General Vinh Loc's group which has been developing ideas. (Knowing

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Tohak 67–146, January 7–14, 1973. Top Secret; Immediate; Sensitive; Exclusively Eyes Only. Sent via the White House Situation Room, Guay, and Lord.

² Reference A has not been found. Reference B is Document 273.

³ See Document 272. In Haktó 31, January 12, 2050Z, Kissinger sent the text of the Four-Party Agreement to Kennedy and instructed him to forward it to Bunker. (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Haktó 1–48, January 7–14, 1973)

Vinh Loc I doubt that they are very practical.) They are to give Thieu a briefing Monday morning.

5. Thank you for ref B, especially information contained paragraph 4 which is helpful. I look forward to seeing Al Haig morning of the 16th, Saigon time.

6. Warm regards.

276. Message From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Paris, January 13, 1972, 2003Z.

Hakto 40. Please pass the following report to the President for his information only.

1. We completed all our work with the North Vietnamese today in a session lasting over 7 hours, including a joint luncheon, at our place.²

We confirmed the final texts of the agreement and all associated understandings, and settled all the remaining issues of principle in the protocols.

The experts will finish the drafting of the protocols this coming week, and they will be signed along with the agreement.

2. We also agreed on a detailed scenario along the lines you and I settled on.

3. At lunch and at the end, Le Duc Tho made very warm and solemn remarks about their intention to implement the agreement strictly and his desire for better relations.

4. The problem now of course is in Saigon. I had a very useful session with Thieu's envoys, former Prime Minister Do and former Ambassador to the U.S. Diem, last evening. They had also gotten the right messages from Capitol Hill.³ Diem is returning to Saigon and their report should be of help.⁴ We have also provided Bunker with argumen-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Hakto 1–48, January 7–14, 1973. Top Secret; Sensitive; Exclusively Eyes Only. Sent via Kennedy.

² See Document 274.

³ See Document 272.

⁴ Bui Diem's report to Thieu, reproduced in his memoirs, advised: "we should fight with all our strength until the last minute. Then and only then should we make a choice. That choice is between refusing to sign (and accepting all the consequences of our decision) and signing, with the hope that in spite of the agreement's imperfections, with unity

tation about the agreement, which I used here as well with the South Vietnamese, in order to start paving the way for Haig's mission.

Warm regards.

between all the Vietnamese nationalists, and with the promised aid from the Americans, we can survive our difficulties. Obviously, in the middle of the two choices is a third choice, that is, accepting the agreement without putting our signature on it. But I have to add immediately that if in principle this third choice looks attractive, in practice it amounts to a refusal of the agreement. In such a case the consequences for our relations with the Americans would be the same [as not signing]." Bracketed words added later by Bui Diem. (Bui Diem, *In the Jaws of History*, p. 316)

277. Diary Entry by the Assistant to the President (Haldeman)¹

Key Biscayne, Florida, January 14, 1973.

[Omitted here is discussion unrelated to Haig's trip to Saigon.]

At that point, K and Haig arrived. There was some discussion on the wording on the bombing stop announcement,² and then on the Thieu letter wording.³ The P strengthened the wording that K had drafted—apparently he reviewed it last night—by saying in effect that I have approved every section and so forth. He wants to take out the offer to meet with Thieu—let Haig use that as a bargaining point in discussion, but not put it in the letter. His strategy there is to keep the whole approach with Thieu on our terms, and we don't want to appear to be begging, especially on the record. He wants to be sure that we get people to stop talking about the Inaugural as being a deadline point by which we wanted to have an agreement; we should kill that line. The P made the point that Haig must take a very hard line on Thieu—that he's here only as a messenger, not to negotiate, that the P has been totally in charge of all of this, and he will go ahead regardless of what Thieu does. The only diplomacy that Haig should exercise is to trick Thieu, if it looks like he's not going with us. In regard to shooting his

¹ Source: *Haldeman Diaries: Multimedia Edition*.

² Ziegler made the announcement on January 15 from Key Biscayne. The transcript of the press briefing in which he made the announcement was printed in *The New York Times*, January 16, 1973, p. 12.

³ Document 278.

mouth off before the Inaugural, he's got to work out some way to stop him from doing that. If he takes on K or the agreement, he takes on the P, personally, and he's got to understand that.

[Omitted here is discussion unrelated to Haig's trip to Saigon.]

278. Letter From President Nixon to South Vietnamese President Thieu¹

Washington, January 14, 1973.

Dear President Thieu:

As Ambassador Bunker has already told you, Dr. Kissinger and Special Advisor Le Duc Tho have completed the text of the Agreement in Paris. They have also settled all the principles of the protocols which will help to implement the Agreement. By the time this letter reaches you no doubt these texts will be completed also. I have personally approved at every stage and in final form each provision of the Agreement and the protocols. I am sending you this letter with General Haig, our new Vice Chief of Staff of the Army, in order to present our position and make possible the continuation of our close cooperation.

Let me now sum up my final views very frankly.

I have respected you for defending the interests of your country with skill and determination. Certainly the question of national survival is your most solemn obligation. However the most essential element for the security of South Vietnam, in addition to the courageous efforts of your own people, is the maintenance of unity between the United States and the Republic of Vietnam and with it our continued economic and military assistance. All the actions I have undertaken in recent months have been guided by this consideration of preserving for your country the support which is essential for our mutual objectives. Your Ambassador to Washington, as well as Messrs. Tran Van Do and Bui Diem, must have told you that the only alternative to the pursuit of the course I have followed is the cutting off by the U.S. Congress of all future support to the Republic of Vietnam.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. No classification marking. Haig was to personally hand the letter to Thieu when the two met in Saigon on January 16.

I am proceeding now with all the more assurance because I believe that the three months' period produced in part by your policy, together with our strenuous negotiating efforts, have resulted in major improvements in the Agreement as well as the drafting of satisfactory protocols to implement it. Specifically, the following are some of the major improvements that I think we have gained in the Agreement since October, without granting significant concessions in return.

With respect to the issues of the sovereignty of your country and the illegitimacy of North Vietnamese troop presence, the Agreement now:

- stipulates that North Vietnam shall respect the demilitarized zone.

- refers to the final Declaration of the 1954 Geneva Conference in describing the military demarcation line.

- obligates the parties not to use Laos and Cambodia to encroach on the sovereignty and security of one another.

- contains no reference to "three" Indochinese countries.

- specifies that demobilization of the armed forces in South Vietnam shall occur "as soon as possible."

With respect to the political implications of the Agreement:

- The phrase "administrative structure", formerly used to describe the National Council, has been deleted.

- The role of the National Council has been further diluted by eliminating its functions of helping to maintain the ceasefire and preserve the peace. The limited nature of the Council's role is further underscored by the ICCS protocol where the Council is mentioned only with respect to elections.

- The title of the PRG has been deleted entirely from the document, while your Government is specifically cited in the Agreement.

- The new signing procedure and ceremony will serve to maintain your constant stand with respect to the status of the PRG.

With respect to security provisions:

- The parties are now explicitly obligated to respect the Geneva Agreements on Laos and Cambodia.

- The interval between the Vietnam ceasefire and the Laos ceasefire has been shortened to not more than 15 days.

- The definition of permitted equipment under the military replacement provision has been significantly expanded to include equipment which has been "destroyed" and "used up".

- We have virtually completed the protocols which will bring into effect meaningful control machinery, including provisions for dis-

agreed reports and international inspection posts along the DMZ, to help police the ceasefire.

This listing is by no means exhaustive, as there are many other changes since the October draft which have improved both the substance and tone of the Agreement. In addition to the improvement of the Agreement, these past months have served to strengthen your position in preparation for a ceasefire. The Communist military plans have been disrupted. We have provided you with over \$1 billion in military equipment, accelerating the completion of Vietnamization and increasing the base for replacement aid. And your Government has further solidified its popular support and made preparations for the coming political competition.

Having achieved all of this, however, it is clear that any further delay would be totally counterproductive and have disastrous consequences for us all. We have vigorously presented your positions in Paris and achieved the best obtainable settlement. More crucial now than any particular provisions is the requirement for our two countries to implement this Agreement in unity and with self-confidence.

I have therefore irrevocably decided to proceed to initial the Agreement on January 23, 1973 and to sign it on January 27, 1973 in Paris. I will do so, if necessary, alone. In that case I shall have to explain publicly that your Government obstructs peace. The result will be an inevitable and immediate termination of U.S. economic and military assistance which cannot be forestalled by a change of personnel in your government. I hope, however, that after all our two countries have shared and suffered together in conflict, we will stay together to preserve peace and reap its benefits.

To this end I want to repeat to you the assurances that I have already conveyed. At the time of signing the Agreement I will make emphatically clear that the United States recognizes your Government as the only legal government of South Vietnam; that we do not recognize the right of any foreign troops to be present on South Vietnamese territory; and that we will react strongly in the event the Agreement is violated. Finally, I want to emphasize my continued commitment to the freedom and progress of the Republic of Vietnam. It is my firm intention to continue full economic and military aid.

It is in this spirit that I ask that we join together in peace as we have in war. Let us now consecrate our sacrifices by uniting for a peace with honor.

I would like to invite Foreign Minister Lam to meet with me in Washington on January 24, 1973, the day after the Agreement is initialed, on his way to Paris for the signing ceremony. I look forward, as

well, to the continued friendship and unity of our two peoples and countries.

Sincerely,

RN²

² Printed from a copy that indicates that Nixon signed the original.

279. Backchannel Message From the Vice Chief of Staff of the Army (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, January 16, 1973, 1125Z.

Haig to 7. Ambassador Bunker and I just completed a two and three quarter hour meeting with Thieu and Nha.

I told Thieu that we were now at the final decision point in what had been a prolonged and difficult period for all parties. I noted that the results of our air actions in the North bore fruit at last week's Paris sessions and that you had been able to resolve a sufficient number of the outstanding issues to convince the President that we had arrived at a point of no return. Recalling our earlier discussions, I stated that we were satisfied with the North Vietnamese concessions on the DMZ and the formula devised for signing the agreement as it pertains to the issue of the recognition of the PRG. I also emphasized that we had arrived at agreement on the principles of the associated protocols. For this reason, President Nixon, after careful consideration of all of the ramifications, had decided to proceed with initialing on the 23d and formal signing on the 27th. My purpose was to again serve as the President's personal emissary in urging Thieu to join with us. I then handed the President's letter to Thieu which he read very carefully.²

Thieu noted that he had received both the English and Vietnamese text of the final draft on Saturday³ but complained that the protocols were still far from complete and left many key issues unresolved. He

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² Document 278.

³ January 13. See Document 275.

also complained that he was having serious problems in attempting to coordinate the protocols with MACV which evidently was itself somewhat in the dark with the focus of information having shifted to the technical experts in Paris. (I discussed this problem later with Weyand and he assures me that the problem is with the GVN which refused to coordinate on protocols until the principal agreement had been arrived at.) He stated that he had originally believed that MACV would be the cornerstone for coordinating protocols but it was obvious to him that MACV was not being kept abreast from Paris. For this reason, he had decided to send his military team to Paris where they could be close to Sullivan and Lam and the U.S. technical committee. He stated that he had ordered General Vinh Loc to Paris yesterday. After the meeting, I checked on Vinh Loc's departure time and I have been informed that he has not yet left Saigon.

Concerning the agreement itself, Thieu stated that he had noted some differences in the U.S. and Vietnamese text which might have been the result of typing errors. In substance, however, he stated that he could find no change in the new text on the issue of North Vietnamese troops. He noted some progress on the DMZ but the language was still short of what the GVN had insisted on and he was dissatisfied with the modalities for signature. Thieu stated that it was obvious that the primary agreement is the two-party version in which the PRG is recognized and that the four-party version is actually a secondary document.

He stated that all of the above had been discussed yesterday with his National Security Council and he and his advisers were of the opinion that while the document pretends to be an accord for ending the war and restoring the peace, it lacks balance and equilibrium. There are specific provisions for political obligations and concessions by Saigon which are not matched by balanced security provisions. The agreement provides for no more than a cease fire in place and leaves unanswered provisions for the withdrawal of 300,000 enemy troops in the South. As long as troops are in South Vietnam, it is impossible to implement the political formula. To Thieu, the agreement as it now stands is explicit and detailed on political obligations and vague and unsatisfactory on security provisions. He could accept a solution which provided merely for a ceasefire with the modalities for implementing it, but not one which provides only a ceasefire on the security side but is detailed and explicit on the political side. If a durable peace is the objective, then the agreement should be complete and "in balance."

Thieu next turned to what he called his dilemma. He stated he recognized completely that he cannot fight without U.S. help. He affirmed that he recognized this as do the people of South Vietnam. His dilemma involves how he can take risks for peace with a persistent threat of a new war because of the continued presence of North Vietnamese

troops. Thieu stated his central problem is not a question of honor or of equity but rather it is the reality of the North Vietnamese troops and the psychological impact they will have on the people of South Vietnam. The U.S. and President Nixon had placed him in a yes or no position. He had been hoping for some U.S. assistance in developing language in the agreement which would provide in some specific way for the withdrawal of enemy forces. Now he was faced with the simple formula of no discussion with a yes or no answer as the only alternatives. If the answer is no, U.S. aid is cut off; if yes, Saigon would take all the risks. He could find no middle path.

I told Thieu I could not accept his assessment of the agreement, especially with respect to its lack of balance. I pointed out that his concessions on the political side were really meaningless. It was Hanoi that had made the major concessions by not insisting on his resignation and by substituting powerless advisory committee for their earlier demand for a coalition government. More importantly, I stated that there were few political obligations in the agreement and that in any event Thieu was in the controlling position with respect to the political process. I stated it was precisely this fact which gave us confidence that the troop issue was manageable. The political process, Thieu's control of the release of political prisoners and the formally established principle of demobilization all provided the necessary levers to manage the troop problem.

I then recapped the history of the past three months' negotiating pointing out that while there had been substantial advantages accrued during this period, President Nixon had also consumed all of his remaining flexibility. Therefore, the President is painfully but irrevocably committed to no further changes in the agreement, to a firm decision to initial and sign and to a schedule which I outlined for Thieu. I then covered in detail the improvements which we had obtained since October, reiterating all of the arguments on the issues of manageability of the troops in the South and the firm provision for South Vietnam's sovereignty provided in the agreement.⁴

I told Thieu that he had completely misread the arrangements which had been worked out for the signing of the agreement. I pointed out that he had forced these arrangements upon us but that we were satisfied that they were completely workable from Saigon's perspective and, above all, preserved the principle that Thieu himself had insisted on. I then covered in detail the four-party–two-party signature arrange-

⁴ The improvements are listed and the issues of the troops and South Vietnamese sovereignty are discussed in Haig's "Talking Points for President Thieu," dated January 14. (National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIII)

ment, noting that it was not the two-party but the four-party document which was the central operative agreement. Thieu strongly questioned how we could manage including in the preamble the fact that he concurred in the two-party document, noting that he might challenge this publicly. I pointed out that this would be a grave mistake and that all he had to do was ignore the two-party document and insist that he recognizes only the four-party document as the operative instrument. I then explained carefully how the four-party document stood on its own and the two-party referred to the four-party and was therefore subsidiary to it. I noted that he could claim with credibility that he recognized only the four-party document which did not mention in its preamble or text the PRG and which, in fact, was the only document which the GVN would sign. Thieu finally seemed to understand and to accept this point. I also carefully walked him through the fact that a title alone does not legally imply recognition. I then covered the other changes in the agreement which we had obtained since October.

Thieu repeated that the psychology of the problem is what gave him his greatest difficulty. The crux of the problem was how Hanoi would view and interpret the agreement and how, in turn, the people of South Vietnam would view it. I took this argument on strenuously, listing the achievements and pointing out that this was a subjective, self-inflicted attitude which Thieu could easily remedy with a positive approach which up until now he had demurred on. I noted that any objective observer who analyzed the agreement would concede that Hanoi, not Saigon, had made the major concessions.

After a lengthy exchange, Thieu acknowledged that he could easily handle the security problem and the North Vietnamese troops in the South but remained primarily concerned about the psychology of the situation. I replied that despite Thieu's concerns we could no longer indulge in theoretical arguments for we had, in fact, arrived at a point where a hard decision would have to be made in Saigon. I carefully outlined how Thieu could shift his stance by claiming credit for all of the changes. The simple fact with which he is now faced was that without an agreement there would no longer be U.S. aid. What was now essential was not further debate or nit-picking of the agreement but a return to U.S.-GVN unity which would enable the President to continue crucial U.S. support to the GVN, to react violently in case of violations and to provide those elements in the U.S. who had long supported Thieu with a basis for continuing this support.

I listed the specific assurances which President Nixon was prepared to provide and mentioned our hope that Foreign Minister Lam would visit Washington on the 24th, prior to the formal signing in Paris on the 27th. I noted that on January 18th we would announce your return to Paris on the 23d to complete the agreement and the fact that the

President had decided to initial on that date with or without President Thieu. I also noted that the President would report to the American people via television on the night of the 23d. If Thieu refused to join with us, the President was determined to proceed anyway and to bring to the attention of the American people and world at large that we had arrived at what we considered a fair settlement with Hanoi but that Thieu and the GVN had refused to go along. I noted that the outcome of this action was obvious. I stated that the President had been in constant and continuous touch with his key Congressional leaders and that they were of the unanimous conclusion that if the agreement were not concluded that the President would experience a serious setback in the U.S. legislature which would in any event cut off U.S. aid. For this reason, the President could not risk defeat on an issue which he himself believed to be justly resolved and on an issue on which he had been so persistently challenged during his first term in office. Therefore not only would the President acquiesce in the legislative action which would follow but he would painfully feel compelled to take the lead in this action.

I told Thieu that it was important that I have his answer by tomorrow evening since I was leaving for stops in Cambodia, Laos and Bangkok on the following morning but, more importantly, because if I had no reply by then the President would assume the answer to be negative and would proceed accordingly both in further contacts with Hanoi and in completing his legislative arrangements for Tuesday's initialing and the address to the American people Tuesday night.

Thieu stated that he completely understood the gravity of the present situation and that he would meet with me again tomorrow to give me his response. He stated that for the first time in his position of leadership he was in a genuine dilemma. All other challenges had been transitory and relatively easy to cope with. For that reason, he could take a forthcoming position. On this occasion, however, he felt his decision would be decisive and one that would have the gravest consequences for the people of South Vietnam and one which would be judged harshly by the court of history. He emphasized that he and he alone would decide and pointed out that he would be influenced by no one. He stated that in light of the situation it was obvious that he could be a popular hero for a brief period if he rejected the agreement. On the other hand, as a realist he had to think in terms of the long range outcome for South Vietnam and its people. Thus, his decision would not be a simple one.

I had not received your instructions on the Vice President's trip although I had in fact intended to offer it during the second session after hearing Thieu's decision, using it in conjunction with my return visit on

Saturday.⁵ Throughout the meeting, Thieu was more friendly, forthcoming and intimate than he has been since October. He referred to Bunker as an old friend who had shared many travails with him and Nha was silent and dejected.

As in the past, if I were making an assessment it would be that Thieu will reluctantly join us. Each time he attempted to raise objections, I answered them substantively and then pointed out in crisp fashion that the issues were moot at this point. However Thieu ultimately decides, I am confident that he is completely cognizant of the outcomes with which he is faced and the gravity of the situation. He is completely resigned to the fact that a negative response will result in what he termed his prompt removal or even his death. I told him that while he seemed unwilling to appreciate this fact, the situation was just as grave for President Nixon, while Thieu liked to refer to the U.S. as a giant which could accept blows and South Vietnam as a weak dwarf that could not, the implications for both our governments were equally grave. For this reason, we had absolutely no choice but to close ranks and to do what was necessary in the short term to preserve our long range objectives. Bunker and I left with the impression that Thieu will come along but we have been fooled before.

[3½ lines not declassified]

Reference your Tohaig 19, we will of course proceed to Seoul as the last stop in our itinerary.⁶ I will work out the precise timing with Habib but would prefer to await the outcome of today's meeting before fixing the schedule.

The foregoing merely touches upon the highlights of what was an extensive, frank and I believe constructive exchange with Thieu.

[4½ lines not declassified] Despite this report, however, I think we should wait for his formal reply before popping corks.

Warm regards.

Attachment

Attachment to Haigto 07

16 January 1973

Subject: Summary of President Thieu's remarks before the National Security Council on his conversations with General Haig.

1. At the meeting of the National Security Council (NSC) convened

⁵ January 20.

⁶ In message Tohaig 19/WHS 3023, January 16, 0250Z, Kissinger wrote: "We have a cable from Habib strongly recommending that you stop by on the way home to brief Park on the state of play. I think you should do this as you did on last trip as last stop." (National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV)

by President Nguyen Van Thieu during the early afternoon of 16 January 1973, Thieu jokingly noted in his opening remarks that when a person is about to become angry, he should drink a glass of cold water; he noted that he always has a glass of cold water handy when Dr. Kissinger or General Haig visit Saigon.

2. Thieu then briefed the NSC on his talks to date with Haig. (*Comment*: The briefing appeared to be a straight presentation of the facts as we know them.) Thieu next had Presidential Private and Press Secretary Hoang Duc Nha read without commentary the latest letter from President Nixon.⁷ Nha then summarized Haig's statements on the progress of the cease-fire negotiations in Paris, including Haig's arguments as to why the GVN should sign the new accord. (*Comment*: This was also a straight presentation of the case as we know it.) Thieu next had Nha review the procedures for signing and go over the schedule in this regard; Nha also went over the schedule with regard to what the US would do if the GVN refused to sign. At this juncture, Thieu wondered out loud why this schedule was being followed, and specifically why an announcement of the cease-fire agreement was not being made by the US prior to Nixon's inauguration; Nha replied that it was "just tactics".

3. Thieu then reviewed what Haig had said about the meaning of "with the consent of the GVN" and mentioned that he had raised the question with Haig of what position the US would be in if the GVN failed to give its consent. Thieu quoted Haig as replying that the GVN could always say that it was only bound by what it had actually signed. Thieu inserted a comment at this point to the effect that all the US solutions and proposals were "lame".

4. Thieu went on to speak of the vagueness in the agreement with regard to the presence of the North Vietnamese troops (NVA) in South Vietnam, saying that a "correct balance" was not being maintained in the accord insofar as the GVN was concerned. He said that Haig had told him that this same vagueness in the parts dealing with a political solution could be manipulated to serve as leverage in obtaining NVA withdrawal. Thieu then noted what Haig thinks about the accord personally, most notably that Hanoi does not have the capability to mount a serious attack and that the US will use prospective aid to Hanoi as a ploy to reduce the likelihood of Hanoi resorting to renewed military action. Thieu next reviewed Haig's remarks with regard to US retaliation in the event there were serious violations of the agreement. In this context, Thieu agreed with the American position that it would be better for Nixon to come out with a statement to the effect that the NVA are

⁷ Document 278.

“foreign troops”, as it would represent more of a commitment on the part of the U.S. than to have some allusion to it in an agreement signed “only by the Secretary of State”.

5. Thieu then told the members of the NSC that General Haig had asked for a decision by the evening of 17 January 1973 and added that it was his intention to give him one by that deadline. Thieu said that one of the two choices open to him was to act as a “political amateur” and become a “temporary hero” by not agreeing to sign the accord. If he followed this path, he would be able to go before the people proclaiming that he had upheld the rights and honor of Vietnam by not signing an unacceptable agreement; he would then step down from the Presidency as the “hero of the people”. Thieu went on to say, however, that this was a serious matter, not just some business venture, and if he wanted to approach it seriously, he could not simply accept the idea of becoming a temporary hero. Thieu then said that the decision he must render on 17 January is thus a choice between being an “amateur” and “hero for the hour” on the one hand, and being a responsible leader on the other.

6. Next, after some digressive rambling by Thieu about a “lack of logic” in some parts of the accord and mention of what General Haig had said about Laos and Cambodia, one of the members of the NSC present asked Thieu if he was going to meet with President Nixon before an accord was signed. Thieu promptly replied in the negative, adding that he would not, for that matter, meet with Nixon even after an accord had been signed until he had “some guarantees”. He explained that there could be violations of the accord once it had been signed, and the question then would be whether or not the US would take appropriate retaliatory action and give the GVN the necessary support. If it did not, it would embarrass him in front of his people to have a meeting with Nixon. However, if it became evident that the US really was backing up the GVN after the accord was signed, Thieu could then meet with Nixon and thank him for his determination and for keeping his promise.

End of message.

280. **Transcript of a Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)**¹

January 16, 1973, 9:42 a.m.

K: Hello.

P: I am on, thank you.

K: Hello, Mr. President.

P: Hi.

K: I just wanted to tell you we got a report from Haig² and it went just as we expected. He [Thieu] was wailing around but not with the brutality of before. More telling us his troubles [2 lines not declassified] indicates that unless he has a change of mind that he is going to come along.

P: Uh-huh.

K: He presented the issue in terms of—that only can lead to the conclusion that he's got to take it.

P: Yeah.

K: And he put it in terms—I've got two choices. I can be an immediate hero and ruin my country or I can be a statesman. I'm an immediate [hero], I'll be very popular and the country will go down; if I'm a statesman I'll do the difficult thing of accepting it. This is the right posture for him to say that he doesn't like it.

P: As a matter of fact, I think that he is wrong on being an immediate hero though. I think the people of South Vietnam despite all the jumping around, I'm not there and everything, but I think the people of South Vietnam—I mean you look at their casualties—250 a week—killed every week—when you think of that they may be damn sick of this war, too. What do you think?

K: Well, I think the basic problem, Mr. President, is that this group that is now governing Vietnam cannot imagine peace time conditions. He is a great leader when he is a sort of a dictator.

P: Yeah, yeah.

K: But I have the distinct impression, of course, we have gone this route before of thinking at the first meeting he would do it.

P: Yeah.

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 17, Chronological File. No classification marking. Nixon was in Key Biscayne, Florida; Kissinger was in Washington.

² See Document 279.

K: Getting a feel for the mood in every previous one he raised objections which were really very big. This time he is sort of wailing and I have the impression that he is doing what Le Duc Tho did to me on Monday.³ One more day of toughness and then he is going to cave.

P: Well, we can only hope. That's the point.

K: Mr. President, another indication is that their leakers—the people to whom they leak like Bradsher⁴ from the *Star* are now writing that the ceasefire is getting acceptable. And their semi-official newspaper which is owned by the nephew of Thieu who is his chief aide, that young kid who has been giving us so much trouble, Nha, they are writing now that the ceasefire will come before the end of the month.

P: Yeah, yeah.

K: So, it now looks . . .

P: They are getting out on a hell of a limb.

K: That's right. I mean they are preparing the public horror.

P: Well, we shall see. In any event we are going to have to—I don't think there is any question of Haig just riding him like hell, is there.

K: No, no, I've read the record of that meeting, Mr. President, he couldn't have been more tougher. He has done an outstanding job.

P: Just tell him that . . .

K: Well, he presents our case and then when he starts wailing he says well, that's all very interesting but the President has made an irrevocable decision. Then he will say, well since Thieu will say something about his own political future he will say well, your actions in the last three months has forced the President to spend his entire political capital on Vietnam and the President had no more flexibility left and we have got to face that fact. So, he's done a good job, Mr. President, and I am . . . Of course, the Vietnamese are specialists at breaking your heart. But I cannot see how this thing can screw up now. There is just too much momentum going.

P: Sometimes the war situation becomes—it's almost like mobilization which leads to war.

K: That's right.

P: Once it turns on—World War I even though they tried to stop it it was too late. As so it is in this case—the mobilization leading to peace may be just too great for them to resist.

K: Exactly.

P: But we just got to keep the damn pressure on them.

³ January 8, the first day of six days of meeting with Le Duc Tho.

⁴ Henry Bradsher, a reporter for *The Evening Star*.

K: No question.

P: For all that it's worth.

K: No question and we are doing that. We are still holding up that money.⁵

P: Well, if there is anything else, God-damn it, we've got to do it. Of course, the thing I've wondered about is whether or not people that he believes in here like I mean the Goldwaters and those if they could get ...

K: Yeah but Goldwater made a good statement on television last night.⁶

P: To tell Thieu to shut up? He didn't say that. I know he made a good statement about ...

K: I think now it is too far gone for any outside pressures to work.

P: Yeah, but he always figures, Henry, if the Right Wing will rise up and help him, but God-damn it, it isn't going to happen. It isn't the Right Wing that ever saved him before.

K: That's right. But I had the impression [*less than 1 line not declassified*] and also the way he talked that it's going to work this time. And I think the press play on yesterday couldn't be better. I saw Stennis on television this morning saying your bombing undoubtedly contributed to it and made it possible.

P: Oh, did he. Good.

K: Goldwater was terrific. I don't know whether you ...

⁵ As a way of applying pressure to Thieu to sign the Paris Agreement, the United States decided to stop, at least temporarily, putting money for South Vietnam into the commercial import program (CIP). As tentative implementation began, its impact was hardly noticed. Bunker wrote, in backchannel message 316, January 5, 1010Z: "By next week probably, and by January 20 certainly, GVN officials will recognize that there is a de facto hold up of the CIP program. So far as I know there is no awareness of the delay in releasing CIP funds outside of a small group of concerned GVN economic officials who are themselves growing increasingly alarmed and suspicious about this matter." (National Archives, Nixon Presidential Materials, NSC Files, Box 415, Backchannel Messages, From Amb. Bunker, Saigon thru April 1973)

⁶ According to a program abstract of the ABC Evening News for January 15, Goldwater said: "if everybody will shut up and back President progress will be made." (Vanderbilt University, Television News Archive)

281. Diary Entry by the Chairman of the Joint Chiefs of Staff (Moorer)¹

Washington, January 16, 1973.

1027 Telecon/In—from Dr. Kissinger (Secure)

HAK said that he had a cable from Haig² saying that Weyand is asking for authority to double the B52's (I believe that is double target or double load). I said that I had already talked to Weyand about it and we decided that we are going to let him do that. HAK wanted to be sure that we didn't have any falling off of the effort because we had about a week to go. We have plenty of bombs and the area of the ceasefire is a little shaky (Cambodia), HAK said, so we have to hurt them a little. Give them a warning. Of course we will only hit reasonable targets and we are going to try to avoid flattening villages. Also, maximum tacair effect during the next week, HAK said. We are trying to help out Godley, hit the Steel Tiger area³ and Cambodia. The South Vietnamese are also holding up their share.

HAK mentioned again he didn't want any leaks on this and he wanted to shut up the military briefing officers. I said that we will try, but the reporters figure these things out for themselves. HAK said if there is any hold-up in this, get in touch with me directly. We don't have time to play bureaucratic discussions on this.

I said that I sure need to get ahold of that protocol business and go over my check list. HAK said that I could get it tomorrow. I said that we are going to check over the Chup plantation in Cambodia and see if there are some good targets in it and HAK said that he didn't care if we hurt some of the French Embassy installations in the process.

HAK said after Saturday⁴ you have direct access to the White House and that is laid down by law to Richardson⁵ in my presence. I said that will save us a lot of trouble. HAK said any order to the contrary, you let me know.

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Secret. This diary entry summarizes a telephone conversation between Moorer and Kissinger at 10:27 a.m. Transcript of the conversation is attached to the diary but not printed.

² Haig's backchannel message Haigto 8/331 from Saigon, January 16, 1125Z, to Kissinger. (Ibid., Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV)

³ A reference to the U.S. bombing campaign, 1965 to 1968, to interdict the infiltration of men and matériel on the Ho Chi Minh Trail within southeastern Laos.

⁴ January 27.

⁵ Elliot L. Richardson, Secretary of Defense-designate.

282. Message From the President's Assistant for National Security Affairs (Kissinger) to the Vice Chief of Staff of the Army (Haig) in Saigon¹

Washington, January 16, 1973, 1615Z.

Tohaig 27/WHs 3031. 1. Thank you for the rundown on your meeting with Thieu.² Things seem to have gone about as we thought, and I do not see how you could have handled things any better than you did.

2. You should lock in the visit of the Vice President for January 30 or 31 in your meeting with Thieu tomorrow. It is substantively important to have a move toward Saigon first and even more important to get the Vice President out of Saigon before my own trip to Southeast Asia.³

3. With respect to your questions in Haigto 08:⁴

A. We will take care of DOD with respect to air operations immediately. You should emphasize the importance of maintaining absolute silence in this area.

B. I will also talk to Laird about getting the civilian ceilings changed, and General Weyand can begin to plan accordingly. I want to point out that the civilian ceiling does not apply to foreign nationals and, strictly speaking, not to contractor personnel. Once again, emphasize the importance of silence on these moves.

4. Regarding your points in Haigto 07:

A. With respect to the documents, please call to Thieu's attention the fact that Article 23 of the four-party document makes it stand completely alone. Point out also that the four-party document will be signed first and that, as far as the U.S. is concerned, the two-power document does not stand by itself. Also make clear to Thieu that our statements about North Vietnamese troops will be made to Saigon, where it

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only. Sent via Lieutenant Colonel Frederic J. Brown.

² Haigto 7, Document 279.

³ Agnew visited Saigon January 30–31 and met with Thieu to show the United States' continued support of South Vietnam in the post-settlement era. He departed Saigon on February 1 and, after short stops in Cambodia, Thailand, Laos, Singapore, Indonesia, Malaysia, and the Philippines, Agnew returned to the United States on February 9. (Department of State *Bulletin*, March 12, 1973, pp. 294–297) Kissinger left the United States on February 7 and, after brief stops in Thailand and Laos, arrived in Hanoi on February 10 and departed on February 13. (*Ibid.*, March 5, 1973, pp. 262–263)

⁴ See footnote 2, Document 281.

will be made as a commitment, rather than to North Vietnam where its operational significance would be modest.

B. If it would make Thieu feel better to send a GVN military delegation to Paris, do not interpose objections but point out firmly that the language of the documents is not subject to modification.

5. With respect to your question in Haigto 09⁵ about the initialing ceremony, this ceremony is a two-party function. Lam should represent the GVN at the signing ceremony on the 27th.

Warm regards.

⁵ Backchannel message Haigto 9/332 from Saigon, January 16, 1135Z. (National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV)

283. Message From the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 16, 1973, 1806Z.

1. US and DRV delegations met January 16 from 1030 and to 1700 at golf club. Thach and I led respective groups.

2. During course of day, we resolved all outstanding issues on both cease-fire—JMC protocol and ICCS protocol except for number and location of teams. On this latter subject, he presented his proposal for teams in 44 province capitals. I proposed ours for teams in 42 places near troop concentrations.

3. Thach subsequently presented outline of compromise in which there would be 25 to 30 teams, all in province capitals. I hope to get some variation on this, in which we would end up, let us say, with 26 teams, only 16 of which are in province capitals, plus about fourteen teams at land and sea frontiers, including DMZ.

4. If we wrap this up morning of January 17, sole remaining issues will be (a) termination date for mine clearing (b) release schedule for ci-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Secret; Operational Immediate; Sensitive; Exclusively Eyes Only. Sent via Guay and Scowcroft.

vilian detainees, and (c) Red Cross inspections. I believe we can hold our basic positions on all three of these points and we should, therefore, be able to finish the protocols evening January 17.

5. Separate message will address other issues discussed with Thach in private conversations.

6. Warm regards.

From: Col. Guay

To: General Scowcroft personal

Congratulations on new assignment² and best wishes for continued success. Signed Guay.

End message.

² Scowcroft became Military Assistant to the President on February 12.

284. Message From the Commander in Chief, Pacific (Gayler) to the Chairman of the Joint Chiefs of Staff (Moorer)¹

Camp H.M. Smith, Hawaii, January 17, 1973, 0638Z.

37463. Deliver during waking hours only. Combat requirements for SEAsia (U).

1. (TS) Pending a negotiated settlement, the enemy appears to be doing everything possible to improve his position in RVN, Laos and Cambodia, including infiltration of combat troops and supplies in quantities comparable to previous years. He continues efforts to cut LOC and isolate friendly units and population centers. He is stockpiling ammo and equipment.

2. (TS) Cessation of bombing in NVN provides opportunity:

A. To counter the ongoing NVN logistic drive southward into Laos, RVN and Cambodia. All logistic corridors from NVN into Steel Tiger and the western DMZ area are in good condition and are supporting traffic movement. Major input corridors supporting steadily increasing traffic. Tacair strikes are necessary to interdict LOC and impede enemy traffic.

¹ Source: National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 59, CINCPAC General Service Messages, January 1973. Top Secret; Immediate; Specat; Exclusive. Repeated to Meyer, Weyand, Clarey, and Clay.

B. To blunt the enemy Barrel Roll offensive. A high level of tacair and B-52 support could turn the tide at Boum Long. A superior force equipped with 15–20 tanks threatens Vang Pao's outpost. Additionally, air power can be used to support Operation Sala Pha Koun² and possibly restore this vital area to friendly hands.

C. To assist the FANK at this crucial time. While KI forces gradually assume offensive role in Cambodia, the NVN are moving reinforcements and logistics into base areas in eastern Cambodia and western RVN. A large increase in air power can be used to support FANK and destroy base area stockpiles.

D. To support irregular forces in the Saravane and Boloovens areas. Air power essential to support the irregular forces in retaking Saravane and denying this key logistic hub to the NVN. Previous successes in Boloovens area can be attributed to air support.

3. (TS) With possible cease fire agreements in the offing continued heavy effort required to attain optimum posture throughout SEAsia. Maximum air effort is demanded. For this purpose have 105 B-52 sorties striking 35 targets per day. Will increase B-52 strikes as necessary through dual targeting. I can now bring to bear about 700 tacair sorties daily. With an abundance of enemy targets, available sorties can effectively be employed to support friendly forces, reduce enemy stockpiles and impede NVN infiltration and resupply actions into RVN, Laos and Cambodia. With your concurrence these are my intentions for remainder of January.

4. (U) Warm respect.

² Sala Phou Khoun, a small town in Laos, is strategically located at the intersection of east-west highway Route 7 and north-south highway Route 13. The latter was and is the main highway linking Vientiane with Luang Prabang.

285. Backchannel Message From the Vice Chief of Staff of the Army (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, January 17, 1973, 1435Z.

Haigto 13/336. Deliver immediately upon receipt.

I have just finished one hour meeting with Thieu.² He was emotional and extremely despondent. He explained that he felt this was the most serious period he had faced in his six years as President and handed me a sealed reply to the President's letter of January 14.³ He noted that I would probably open it but when I asked him if I could do so he suggested that I wait until later. He then went through his lengthy exposition to the effect that the agreement would be viewed by the people of South Vietnam as a defeat but constantly repeated the theme that nevertheless he understood he had to maintain U.S. support. Upon reading the letter after the meeting, it is quite evident that Thieu was trying to soften in conversation what was brittle and uncompromising in writing. I am convinced, based on our intelligence readouts of his meetings earlier today,⁴ that Thieu believes that he can afford one more stalling round in an effort to either get further improvements in the agreement or as a minimum to buy more time. We know from his discussion with the NSC today that this was his strategy. We also know that he told the NSC that if the U.S. remains firm he will collapse. In order to underline the seriousness with which I person-

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 45, Geopolitical File, Vietnam, Chronological File, 1969–75. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² In backchannel message Haigto 12/335 from Saigon, January 17, 1140Z, written shortly before the meeting with Thieu, Haig informed Kissinger that while he expected Thieu to push for further delay in signing the agreement pending additional modifications and assurances from Nixon, "I do not intend to tolerate any equivocation or procrastination on time or additional changes. On additional assurances, I will use the Vice President's visit as I had originally planned as a pot sweetener, during which I will tell Thieu the Vice President will make reassuring noises about U.S. recognition of the GVN and its sovereignty. I will also, if pushed, agree to a Presidential meeting after the 1st of March in the United States." (National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV)

³ The sealed reply from Thieu to Nixon is attached below. The January 14 letter is Document 278. In backchannel message Tohaig 34/WHs 3038, January 16, 2242Z, Kissinger warned Haig that Thieu might offer to accept and abide by the agreement but not sign it, and that this would be unacceptable. Kissinger wrote: "The other side will never buy this, and it could wreck everything." (National Archives, Nixon Presidential Materials, NSC Files, Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig 1–105, January 14–21, 1973 [2 of 2])

⁴ See Document 286.

ally viewed the letter, I called Nha after the meeting and told him that I was extremely concerned with the contents of President Thieu's letter and wanted to express this concern before dispatching it electrically to Washington. I pointed out that the letter would have grave consequences for our future relationships and Nha cryptically replied that President Thieu wished the letter sent on to President Nixon.

I now recommend the following. A prompt, unemotional but nevertheless steely, matter of fact response which cites the President's letter of January 14 that clearly points out that we can accept no more changes. The letter should state that the President outlines in the letter of January 14 the consequences of Thieu's failure to join him and the sequence he intends to follow. Finally, the letter should inform Thieu that because of the gravity of the situation and its consequences for the future security of both of our countries the President has instructed General Haig to return to Saigon Saturday morning following his visits to Cambodia, Laos and Thailand, at which time President Nixon hopes that President Thieu will have had an opportunity to reconsider the situation and agree to join with us in signing the current draft.

Recommend response to the attached letter be forwarded as soon as possible to Ambassador Bunker for immediate delivery to President Thieu. Both Bunker and I are confident that Thieu will come along since just prior to meeting with me this evening he, in fact, told his corps commanders that he intended to do so. This last effort is consistent with the strategy he outlined for his NSC today in which he indicated that he would try to get further improvements or at least a delay of three or four more days but that rather than provoke the United States he would ultimately agree to adhere to the schedule and the agreement if this was the only alternative to a termination of U.S. support.

Warm regards.

Attachment

January 17, 1973

Dear Mr. President,

General Haig transmitted to me yesterday your letter dated January 14, and gave to me in further details the U.S. position with regard to the problem of peace settlement in Viet-Nam.

I have weighed with utmost care the various considerations raised in your letter and in General Haig's explanations. I must say however that, in its present form, the draft agreement has not resolved the basic vital issues for the RVN, which I presented to you in my letters of December 20 and January 7, namely the continued presence of the NVA in SVN after the ceasefire, and the pretensions of the Communists to establish a government parallel to the GVN in SVN.

On the other hand, the Communists try to introduce in the protocols many crucial points of substance, especially with the notion of

Communist “areas of control”, and their pretensions to have a police force in SVN, which of course is an attribute of a government. Furthermore, they attempt to paralyze the police force of the GVN which has to remain unhindered in its responsibility to maintain law and order after the cease-fire.

Since this is a matter of life and death for the RVN, I must point out to you that the draft agreement, in its present form, does not materialize any substantial progress. On the contrary, it contains many serious setbacks in comparison with previous texts.

With regard to the issues of the sovereignty of the RVN and the illegitimacy of the NVA presence, the agreement now:

- Stipulates that the DMZ is not a political or territorial boundary between NVN and SVN. Thus, it will be used by Hanoi to corroborate its thesis that it has the right to be in SVN.

- The reference to the final declaration of the 1954 Geneva Agreement is not an advantage to our side, because it contains many provisions which South Viet Nam did not approve at the Geneva Conference. Besides, the declaration has no legal force, as it did not bear the signatures of the participants to the conference.

On the other hand, the present draft agreement has left out the reference to the obligations by the parties to “respect each other’s territory in accordance with Article 24 of the Geneva Agreement”. This is very detrimental to us, because it is crucial for the preservation of the RVN pending the reunification of Viet Nam by peaceful means.

- Concerning the demobilization, the text now leaves out the words “one to one basis” and “return to their native places”. This formula at least would have helped to solve indirectly the problem of the NVA in SVN within a certain time frame.

- With regard to the political provisions of the agreement the text leaves out the very important member of phrase “equally appointed by the two South Vietnamese parties” which follows the words “three equal segments” describing the composition of the CNCR.

Besides, the Vietnamese text still contains many words which imply that the CNCR is a supergovernment after the cease-fire, for instance the word “don-doc”, which means “supervise”, in relation to its relation with the two South Vietnamese parties. In contrast, in the article on the CNCR, the English text uses only the word “promote”, which differs greatly from the Vietnamese text. There are also many discrepancies between the English and the Vietnamese texts which need to be ironed out.

- The name of the GVN is not yet specifically mentioned in the document, while the word “equality” is still maintained in Article 13, regarding the two South Vietnamese parties.

—In another respect, the question has not yet been resolved as to the capacity and the name under which the NLF would participate in the international conference which is to follow the cease-fire. The GVN, of course, cannot participate in an international conference in which the NLF claims to participate as also a “government” in SVN, because this will imply our acceptance of the coexistence of two parallel governments in SVN.

On the question of the control machinery, I consider that the ICCS should be also stationed in NVN, not only for the return of the POW's, but also to control the implementation of Article 15 (d), which prohibits the presence of foreign bases, foreign troops and military personnel not only in SVN but also in NVN.

In SVN, as long as NVN refuses to acknowledge the presence of the NVA and the principle of the NVA withdrawal, I do not see how Hanoi's participation could be justified in the “four-party joint commission”, the responsibility of which regards only the implementation of the agreement in SVN.

In short, Mr. President, there are many important problems which are not yet solved satisfactorily.

Even though the Communist aggressors stubbornly refuse to accept openly our basic principles, I believe that the modalities of application of the agreement should reflect these basic principles. In all frankness, I must say that they do not yet reflect these principles at this time.

For this reason, I am sending today to Paris General Vinh Loc who is the head of our task force on the cease-fire, to work closely with the U.S. experts in dealing with the problems raised by the protocols.

As for the text of the agreement, I think that it is indispensable that further efforts be made in the negotiations with Hanoi, if possible with the direct participation of the GVN in this final stage of the negotiations.

Among the many points disadvantageous to us which I mentioned briefly above, I think that at least the following points must be consecrated in the agreement, as the barest minimum:

1—In the text of the agreement, with regard to demobilization, the wordings “one to one base”, and “return to their native places” must be restored.

Otherwise, an additional clause is necessary whereby the NVA should be regrouped for repatriation to NVN in a schedule parallel with the implementation of the political provisions.

2—Concerning the DMZ, the words “respect of each other's territory in accordance with Article 24 of the 1954 Geneva Agreement”

must be restored. The word “permanent” has to be added to the words “political and territorial boundary”.

3—In the protocols, the notion of a zone under the “control” of the Communist authorities, as well as the idea of a police force of the other side in SVN, are to be emphatically discarded, because they embody the Communist scheme to have a parallel government in SVN.

On the other hand, we absolutely cannot accept that the police force of the GVN would be hampered, after the cease-fire, in its responsibility to maintain law and order.

4—Concerning the procedure for the signing of the agreement and the protocols, we cannot accept the idea of a text in which the NLF is mentioned as “PRG”, to be signed between the USG and the DRVG “with the concurrence of” or “in concert with” the GVN and the “PRG”.

In our view, there should be only a unique document to be signed by two sides, with the mention of “the parties participating in the Paris conference” in the preamble.

I am deeply grateful for your assurance of support after the cease-fire. However, since both our governments will be bound by the agreement, I am still strongly convinced that the agreement should be based on sound principles which would permit the survival of the RVN in freedom.

The declarations you intend to make at the time of the signing of the cease-fire to reaffirm your support of the GVN viewpoints are valued very highly. Hopefully these declarations will be made in greater details and in strong terms. At a summit meeting between you and me following the cease-fire, which you had suggested to me, these declarations are to be reconfirmed more emphatically to cope with the grave concerns in SVN at the various clauses in the cease-fire agreement.

I look forward to your sympathetic response to these statements of our position, for a united stand of our two governments towards peace in freedom.

Sincerely,

Thieu

His Excellency Richard M. Nixon

President of the United States of America

286. Backchannel Message From the Vice Chief of Staff of the Army (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, January 17, 1973, 1510Z.

Haigto 14/337. Deliver immediately.

Attached are two additional reports which you should read in the context of the reply to Thieu's letter of January 17 which I just forwarded to you by separate message.² The first report summarizes the results of a meeting held just before the meeting with me. It confirms that while Thieu is making one more valiant effort with a Duc-like letter, he has already instructed his corps commanders to prepare for the ceasefire. The second enclosure contains a very detailed report of the President's earlier meeting today with the National Security Council. You should read the entire report since Thieu adhered rather closely to it in his meeting with me tonight. In the light of both of these reports, I believe the President should hold absolutely firm in his response to Thieu while avoiding any vitriolic and emotional or threatening language. He should merely state matter of factly that he intends to proceed as outlined in the letter I carried to Thieu.

You will note in the second report that Thieu is very conscious of the President's upcoming inauguration. I am convinced that he believes he has at least until that time for further stalling tactics recognizing that the President would not want a public blowup before that time. One complication which we must consider, however, is the fact that Thieu has committed himself to both an Assembly vote and a public referendum on the agreement. If we are to be postured for the President's address by Tuesday night,³ we will have to force him to bite the bullet not later than Saturday.

Warm regards.

2 Attachments.

January 17, 1973.

1. During the late afternoon of 17 January President Thieu held a meeting with all the top military personnel, including General Vien, Chairman of the JGS, Lt. General Khang, Special Assistant for Operations, Lt. General Quang, Assistant to the President for Military and Se-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² Document 285.

³ January 23.

curity Affairs, the four military region commanders, and one or two others. The President read to the group the letter which General Haig had carried to him from President Nixon⁴ and explained to the group the significance of the various paragraphs.

2. He said that this letter must be viewed against the background of President Nixon's political objectives and economic problems and his relations with Congress. The GVN must not do anything which would make President Nixon's task more difficult.

3. Accordingly President Thieu announced to the commanders he has decided to go along with the cease-fire agreement despite its shortcomings and many disadvantages to the GVN. He felt this was the only responsible course which he could take and said in effect that he had no other choice in view of the pressures brought on him and in view of the continuing necessity to have a basis for continuing U.S. aid.

17 January 1973.

Subject: President Thieu's meeting with the National Security Council, 17 January.

1. A meeting of the GVN National Security Council began shortly after 1000 hours 17 January. As first item, President Thieu announced that he had called the military region commanders to Saigon to let them know personally of his decision with respect to the cease-fire agreement and to give them various directives for implementation.

2. Vice President Huong stated his doubts about provisions for a leopard-skin cease-fire. President Thieu replied (that instead of leopard-skin) that the agreement foresaw controlled zones and areas and he had hoped that there would be provisions to define the limits of each and every unit but the protocols are not yet clear on the point.

3. Developing his argument, President Thieu stated that sooner or later the North Vietnamese troops will have to return to North Vietnam. The in-place cease-fire will permit the NLF to control a few places like Loc Ninh, Dak To, and Tan Canh, and they will be in areas of the U Minh forest, in Quang Ngai, etc. This risk must be accepted and the GVN will certainly lose those places. But by letting the NLF have those spots, the GVN can demand that the principle of the North Vietnamese troops regrouping be established and that the cease-fire in place will be with the NLF and internal solutions will be reached with the NLF. President Thieu said that it wasn't logical to demand that the NLF regroup as well because then they could turn around and demand that the ARVN regroup. Thieu said that one had to be realistic about the situation; by letting the NLF have some spots in a leopard-skin cease-fire, a logical argument can be made that the NVA should regroup.

⁴ Document 278.

4. President Thieu then asked Vice President Huong for comments on President Nixon's letter which was read to the group yesterday.⁵ Huong replied that provisions on continuing U.S. aid should be strengthened and he thought that there will be reactions among the people. Many people actually fear a cease-fire.

5. President Thieu said that there certainly will be a reaction among the people, they will be very moved and there will be a bit of trouble in their reaction. This has to be faced. The President stated he will step forward and explain the situation to the people. He said the relations about to be established with the NLF will cause especially strong reactions, but a week later things will calm down.

6. President Thieu said that he is signing the cease-fire accord strictly to ensure the continuation of American aid. The GVN must continue an attitude of watchfulness. He will not refer to this as a peace agreement because there is no peace. Peace can come only when there is no more threat from the invaders. There will only be peace when the North Vietnamese troops are out of the country and the GVN and the NLF have reconciled a political solution. Up until that time he will say that this is a temporary cease-fire which the GVN is signing as a sign of good will for peace.

7. President Thieu said that he intends to seek a vote of confidence on two levels: (a) one in the National Assembly and (b) as a popular referendum. If the people have confidence in him and if they wish to retain him as President, they will endorse his signing of the cease-fire agreement. He said that if the people understand that any other President would have had to do the same then they certainly will retain him as President. If they feel that he has betrayed the duty of the President, he will step down. But, Thieu said, he will go before the people and explain that the cease-fire agreement is not an ideal solution, but he has done his best. He will show that he had no choice and that President Nixon himself has said this. He will not hide anything from the people but he will not provoke the U.S. The important things are now to assure the continuity of U.S. aid and to preserve the GVN's military strength.

8. President Thieu then emphasized the necessity to maintain determination and a solid morale and spirit among the people. The situation isn't perfect but much better militarily than in October. After three months, perhaps they will be able to take back a few more hamlets.

9. In a general discussion which followed, various questions and worries were surfaced including the problems of Cambodia and Laos, where it was assumed that control will be even less effective than in South Vietnam; on the third segment of the National Reconciliation

⁵ For a report on the January 16 NSC meeting, see Document 279.

Council; the necessity of making sure that GVN police are not ham-strung by the military demobilization provisions of the cease-fire agreement and on the modalities of the signatures. President Thieu handled these questions well, seemingly doing a selling job on the whole package and mostly using General Haig's arguments. At one point he noted with apparent approval that each of the four belligerents is getting a part but not all of what he wants. (The President has also spoken warmly of CIA support and said he had assurances that such would continue.)

10. The final phase of the meeting dealt with the tactics on how President Thieu is going to approach General Haig today. Thieu explained that while he, as the leader, had to take the decision, it was important that the members of the Council understand fully the provisions of President Nixon's Letter. Page four, paragraph ten is where Nixon raises the stick. The second paragraph is the carrot, Thieu said, but that it wasn't enough—it should be strengthened. It was up to President Nixon to find some way to make it stronger. He must put more in to it. We should have it speak of an absolute maximum engagement or "the most formal assurances." The more solemn or formal the promise, the more his prestige will be engaged in the eyes of the world."⁶ Thieu also hoped that some assurances could be included about a specific meeting between the two Presidents, somewhere in the future.

11. Thieu anticipated that the Americans will try to beg off but he felt that the points he was now raising were not difficult to grant, they are just window dressing for the Vietnamese public, but he noted that it is the decorations which make for the appearance of a table. These are points, he said, on which the Vietnamese side can be firm. Compared to the big issues, these are minor matters. What he will try to do, he said, is try to hit these points so as to "caramboler"⁷ into a couple of other points. For example, he said we won't like these modalities of signature. The entire cease-fire accord is technically less than adequate. The protocols should be improved still further. The four nations of the International Control Commission are not really satisfactory. Even Canada, "although they haven't opposed us, what good have they ever done, and what about these Polacks? They are here actually opposing us. What is the good of that? In sum, this International Control Commission has been useless."

12. Presidential Press and Private Secretary Hoang Duc Nha attempted to cut off the discussion and said that there were really three main points to be discussed with General Haig. First, the signature

⁶ The opening quotation mark is missing in the original.

⁷ A reference to the action in the billiard game carambole, where a player aims the cue ball at a second ball intending that it bounce into a third one.

stuff. Second, could President Nixon's guarantees be strengthened? Third, how to set up the cease fire so as to keep it effective. President Thieu agreed with this summary and felt that there should be a explicit statement on U.S. retaliation if the cease-fire is violated. General Vien, Chairman of the Joint General Staff, emphasized this by saying that if there is a violation and the Americans do not react "then we are dead." Nha then suggested that the President would want to be flexible in the discussion with General Haig.

13. President Thieu then outlined the course he intended to pursue with General Haig later in the day. He would start by saying that he was not a professional politician, just a soldier hoping to save his country. He would draw on the need for internal stability in South Vietnam after the cease-fire, the importance of popular morale to this stability and the importance of President Nixon's assurances to popular morale. Then, Thieu continued, he would raise the question of can South Vietnam get something better, or not, or is this the end. "If we feel this is the end of it, then we will just talk very lightly about these matters."

14. However, Thieu continued, he wants to see if he could get three or four more days by saying that he agrees in principle but that he needs several changes and he needs a reply to his suggestion before making a final decision. He said he would propose this but he will not force the situation. He will ask for the U.S. opinion on his demands but to force a U.S. reply would be "provocation". He said he respects the feelings of the other participants, particularly Vice President Huong, that they needed to get more done, but if Haig's reaction was too strongly negative, he would have to go along. He emphasized that he could not provoke the U.S. at this stage and asked the other participants to see the difficult spot he was in.

15. The discussion then turned to President Nixon's relations with Congress. President Thieu said that Nixon could impose his will on Congress just as he, Thieu, had imposed his will on the National Assembly. However, Nixon is a minority President in the sense that the Congress is Democratic and if Nixon puts his head down and charges on Vietnam, he is finished politically. Right now Nixon is aiming his negotiations with Russia and China in preparation for electing a Republican President in 1976. This will be difficult if he were to feud with Congress for the next four years. Kennedy is sure to run in 1976 and his prospects at that time will be affected by whether Vietnam is strong politically or not at that time. So the GVN is buying time for Nixon, Nixon will have more difficulties in the next four years and will have to be more flexible than he was before. But, Thieu asked the other participants rhetorically what would be the South Vietnamese position now if McGovern had won?

16. *Station comment*: It appears to us that this entire session of the National Security Council was used as a vehicle by President Thieu to persuade the other members of the inevitability of his decision to go along with the cease-fire agreement. Although at times Thieu had indicated sympathy with the several arguments that the GVN was making too many concessions, he was obviously in control of the situation. We expect that President Thieu's pressing his demands will depend on General Haig's response. Thieu is determined not to provoke the U.S. He will pursue the demands as a ploy to see how much he can get but the real motivation is to assuage the desires of the other members of the National Security Council.

287. Minutes of a Washington Special Actions Group Meeting¹

Washington, January 17, 1973, 10:26–11:35 a.m.

SUBJECT

Vietnam Planning

PARTICIPANTS

Chairman: Henry A. Kissinger

State

U. Alexis Johnson

William Porter

Marshall Green

Defense

Kenneth Rush

R/Adm. Daniel P. Murphy

JCS

Adm. Thomas H. Moorer

V/Adm. John P. Weinle

CIA

Richard Helms

George Carver

William Newton

NSC Staff

B/Gen. Brent Scowcroft

Richard T. Kennedy

John H. Holdridge

James T. Hackett

SUMMARY OF CONCLUSIONS

It was agreed that:

—The JCS will submit its detailed minesweeping plan to Mr. Kissinger. Some action will be necessary to remove the mines and clear the

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 80, National Security Council, Washington Special Actions Group, June 1972–Mar. 1973. Top Secret; Sensitive. The meeting was held in the White House Situation Room. According to Kissinger's Record of Schedule this meeting took place on January 17. The original is mistakenly dated January 16. (Ibid., Box 438, Miscellaneous, 1968–1976)

channels; it will not be satisfactory to just let them deactivate. However, nothing should be done in this regard until specific instructions are issued. There should be no movement of minesweepers now. When we begin minesweeping we should not move too rapidly to complete the task.

—State will submit its recommendations concerning the International Conference by January 19.

—State will submit its proposals for the economic program. Nothing on this should be put before the Congress until the agreement is signed.

—The ICCS teams should be in place within 24 hours of a ceasefire. They will have three or four days to get in place from the time of the announcement of an agreement. The Canadian and Indonesian teams should be put on a three-day alert when notified by Mr. Kissinger.

—The number of U.S. civilian employees acting as advisors to the military branches of the South Vietnamese Government will be limited to those on duty on the date the agreement is signed. Eventually, all U.S. civilians in these categories will have to leave Vietnam.

—U.S. troop withdrawals should be carefully measured to assure that all troops are not out before all U.S. POWs are released. Withdrawal schedule should contemplate a heavy package toward the end of the withdrawal period.

—Military activity in Laos and Cambodia will not be stopped until we have agreements that cover those countries.

—There will be no limitation on U.S. military activities in Thailand.

—No steps should be taken to prepare for moving North Vietnamese POWs to the North until an agreement is signed.

—We will provide airlift to the ICCS teams if necessary to get them to Vietnam in time for the ceasefire.

—There will be no memoranda prepared, messages to the field issued or debriefings conducted concerning this meeting.

Mr. Kissinger: This is a meeting of principals only. Who are all the others?

Mr. Johnson: This is Ambassador Porter, the new Under Secretary of State.

Mr. Kissinger: He's O.K., and so is Marshall Green, but why do we have so many others?

Mr. Rush: I just have Dan Murphy with me.

Mr. Kissinger: This meeting is just for our own purposes. I want no memos circulated and no messages to the field concerning anything we

discuss here. I don't want a situation like we had after the previous WSAGs, with messages going all over the place. The only purpose of this meeting is for the principals to know what they have to do and to take the necessary action. Can I be sure there won't be any messages around the world following this meeting? There should be no actions taken except those which the principals themselves can take right here in Washington.

Mr. Johnson: Yes, you can. We understand the rules.

Mr. Kissinger: After four years you do. Now do I have to start all over again with Porter?

Mr. Porter: You don't have to worry about me, or perhaps I shouldn't say that until after I've attended some of the meetings.

Mr. Kissinger: Dick (Helms), do you want to give us the situation?

Mr. Helms read a prepared statement (copy attached).²

Mr. Kissinger: Tom (Moorer), what about the military situation?

Adm. Moorer: The South Vietnamese have initiated a number of key actions in recent days. In southern MR-1 they have made pretty good progress moving to the west. They have moved well against the NVN forces there and we have received an intercept ordering the North Vietnamese units in that area to hold at all costs. In MR-3 the highway from Saigon to Song Be is now open; it had been closed for a long time.

Mr. Helms: The highway to where?

Adm. Moorer: (pointing to map) Here, to Song Be. It's an important roadway. We are continuing to press hard in the south with B-52s. In fact, we are conducting heavy air strikes against all suitable targets in South Vietnam, Laos and Cambodia, trying to prevent them from resupplying or building up before a ceasefire.

Mr. Kissinger: Central to this effort is the objective of weakening them as much as possible in Laos and Cambodia.

Adm. Moorer: That's right. We have been taking enemy positions on the Mekong River and there are only two left that have not yet been recaptured. We've been hitting hard at Thakhek (Laos), the town just across the river from NKP (Nakhon Phanom, Thailand), where we plan to establish our new headquarters. (Gen.) Johnny Vogt has really been pouring it on there; he has a special interest in that one. We have been intercepting new instructions that are going out to all enemy commands, which say that a ceasefire is about to be signed. The messages have mentioned two different dates; January 23rd and 27th.

² Helms's briefing, "The Situation in Indochina," January 17, is attached but not printed.

Mr. Carver: Actually, they have mentioned several different dates in their communications, ranging from January 20th to the 27th. Of course, they did the same thing last October.

Mr. Kissinger: How much did they lose in October?

Mr. Carver: It was pretty bad for them. A lot of them thought the ceasefire was about to be signed and then had to fall back and regroup when they learned that it wasn't. They were in disarray for some time.

Adm. Moorer: One South Vietnamese unit caught 200 of them just walking down the road, thinking a ceasefire was in effect. They killed or captured most of them.

Mr. Kissinger: That happened in October?

Adm. Moorer: That's right.

Mr. Kissinger: Did the South Vietnamese do a good job then?

Adm. Moorer: Yes, they killed or captured a lot of them.

Mr. Helms: They're doing much better now, though.

Adm. Moorer: The North Vietnamese are trying to move 200 tanks and a lot of equipment down from Vinh.

Mr. Kissinger: Is this their version of Enhance Plus or do they plan a new assault?

Adm. Moorer: Probably both. Last fall they started sending five regiments down and then reduced that effort. Now they are trying to move two regiments south.

Mr. Kissinger: For what purpose?

Adm. Moorer: Probably to replace losses and get in a good position before a ceasefire.

Mr. Porter: They may want to have forces in place to defend their administrative areas after a ceasefire. That possibility can't be ignored.

Mr. Kissinger: That's true.

Mr. Carver: I think the tanks, or at least part of them, are intended to be used to initiate a new drive if there is no ceasefire. That undoubtedly sounds good in the North, while there's probably not much enthusiasm for the idea among the NVN forces in the South.

Mr. Johnson: Are they going to try to establish a VC provisional capital?

Mr. Carver: They probably will.

Mr. Kissinger: Where, at Dong Ha?

Mr. Carver: I don't know, that's a pretty lousy place for a capital. They'd like Tay Ninh, but they can't get it. They want at least a provincial capital.

Adm. Moorer: The original group of tanks we spotted coming south was about 120 and now they have added eighty more, but they

are still all in North Vietnam. None of them have yet crossed the DMZ. There is no question, though, that they are pressing hard to push everything they can into South Vietnam.

Mr. Kissinger: What is the diplomatic situation?

Mr. Johnson: In Laos, they are having meetings once a week. Actually, they are all postured for a ceasefire; the negotiating machinery between the Pathet Lao and the Lao Government is all in place and ready to go into effect as soon as there is an agreement. Of course, there is nothing like that in Cambodia, although there have been some sporadic contacts between the Cambodian Government and the Khmer Rouge. Marshall (Green), do you have anything to add?

Mr. Green: I would only add the observation that the Cambodians have a great propensity to compromise.

Mr. Kissinger: We have a pretty good idea what will develop in Laos, but not in Cambodia.

Mr. Johnson: Cambodia is a pretty messy situation. Some of these Khmer Rouge are not associated with the North Vietnamese and we don't know what they'll do.

Adm. Moorer: The Khmer Rouge have been active near Odong. They have been attacking the road there, but without any apparent contact with the North Vietnamese.

Mr. Johnson: One question I would like to raise is when and how should we try to arrange for the Indians to begin re-participating in the ICC?

Mr. Kissinger: We can pursue that when the situation on the agreement is more definite after the resumption of talks in Paris. What about the Canadians?

Mr. Johnson: The Canadians were in yesterday and gave (William) Sullivan a list of things they want in order to participate.

Mr. Kissinger: What do they want, the text of the negotiating sessions?

Mr. Johnson: Sure.

Mr. Kissinger: We can give them the protocols when they are announced publicly, but not a day before.

Mr. Johnson: Of course, they are already involved with the ICC in Laos and I don't think there is any question they will continue there, but the Canadians have not yet made a decision on their participation in the ICCS in Vietnam. Before they make that decision they want certain things. So we should decide whether we want them on board and if so, what we can give them to get them there. We had thought about the Dutch as a substitute, but now I understand there is some sentiment against them over here. A better possibility now seems to be the Norwegians.

Mr. Kissinger: Not the Norwegians! Sullivan told me they are not believable friends. I take the State Department at its word on these matters.

Mr. Johnson: No, you're thinking of the Swedes.

Mr. Kissinger: Speaking of the Swedes, do you know that Palme asked for an appointment with me when I was in Paris?

Mr. Johnson: The Norwegians have been friendly and offered to help. In a New Year's statement, the Norwegian Prime Minister offered to participate in the commission.

Mr. Kissinger: Well, why not drop the Canadians if they can't make up their minds?

Mr. Johnson: Because they're good. The Canadian military, who will have to carry out the mission, are very enthusiastic about it. The only problem is the political one. Besides, the Norwegians know what the Canadians have asked for and if we were to switch to them, they would ask for the same things. What is the timing for getting the ICCS members in place?

Mr. Kissinger: We want something in place within twenty-four hours of a ceasefire. The Canadians were on a three day alert but are now on a seven day alert. At the proper point I want to get them back on a three-day alert. There will be at least three days between the announcement and the signing. Once they are on a three-day alert, we will be able to give them at least three days to get in place.

Mr. Johnson: The Canadians already have people there, on the ICC, but the Indonesians don't.

Mr. Kissinger: We can give them four days to get there. Is that acceptable?

Mr. Johnson: We can live with that. When we get an agreement, we can put the Canadians in a position in which they will be obstructing peace if they don't get out there in three or four days.

Mr. Kissinger: We'll have to get them into Laos and Cambodia, too. I'll work on some of those restrictions. So you think it's manageable?

Mr. Johnson: With regard to the Canadians? Oh, yes, I do.

Mr. Green: They will come in at the beginning without much problem, but if things start to go wrong, they may want out.

Mr. Kissinger: Why are the Canadians better than the Norwegians?

Mr. Johnson: For a lot of reasons. They are already there, they have experience in the area, they have been doing this sort of thing for a long time, in the Middle East and elsewhere, and they are very good at it. It has been the main function of the Canadian armed forces in recent years and they are raring to go.

Mr. Helms: There's no doubt about it, they'll be good once they get started.

Adm. Moorer: The Canadian commander, General Dexter,³ is real good. He lost a son in Vietnam, serving there with the U.S. Marines. He's anxious to get going.

Mr. Kissinger: (to Adm. Murphy) What about the POWs? Are you ready to bring them out?

Adm. Murphy: Yes, sir, we're all set to go.

Mr. Johnson: Will it be necessary for us to airlift the North Vietnamese POWs from South to North Vietnam?

Mr. Kissinger: We can worry about that after the agreement is reached. We should take no action now, until everything is settled.

Mr. Johnson: I was asked about this by Defense. They are concerned about taking out all of our resources and then having a requirement they can't meet. It will be up to them to provide transport.

Adm. Moorer: South Vietnam has pretty good airlift capability.

Mr. Kissinger: There will probably be a quota of U.S. prisoner releases every two weeks.

Adm. Murphy: What was that?

Mr. Kissinger: They will set a quota of POWs to come out every two weeks.

Adm. Moorer: I don't want to remove the mines too fast. I assume they will be tied to the release of POWs.

Mr. Kissinger: That's right. You should show plenty of activity, but be sure not to get all the mines out before the POWs. They want a terminal date for the removal of all the mines but we have not given any.

Adm. Moorer: We can't set a date.

Mr. Kissinger: We'll have to give them a date eventually, but it doesn't have to be within two months. Your expert told me the best way to deactivate the mines is to do nothing, just let them deactivate themselves. Is that true?

Adm. Moorer: Yes, it is.

Mr. Kissinger: But we can't do it that way. If we tell them we are going to remove the mines, we have to do something. We can't just sit and show no activity. I'm sure the North Vietnamese don't know a thing about mines. We will have to show some kind of effort.

Adm. Moorer: Oh, we can do that. We will have to clear the main channel at Haiphong, in any case. Actually, we'll have to clear all the channels. We can show plenty of activity and take our time at it. We

³ General Jacques A. Dextraze, Chief of Defence Staff, Canadian Armed Forces.

have three minesweepers standing by at Pearl Harbor. Can we start moving them to Vietnam?

Mr. Kissinger: No, don't do a thing with them yet.

Adm. Murphy: Actually, we have five minesweepers out there now and can show some motion right away, as soon as you give the word. The three in Hawaii will take some time to get there.

Adm. Moorer: Even after all the mines are out, they will have to dredge Haiphong Channel before they can use it. That's the main problem in this exercise, clearing the channel and then dredging it, and we sank their dredge.

Mr. Kissinger: Isn't it possible some of these mines may go off when they start dredging?

Adm. Moorer: Sure, if the dredge bites into them, they'll go off.

Mr. Johnson: Then what will they do?

Adm. Moorer: Well, they'll have to get another dredge. I worked on the minesweeping of the Sea of Japan after World War II. It took us a year to sweep the Sea of Japan and twenty six ships were sunk by mines after the ceasefire.

Mr. Johnson: Now he tells us!

Mr. Kissinger: I notice that the Chairman, who is usually very sedate, lights up when we start talking about mines. Do you have a plan for specific actions in this minesweeping?

Adm. Moorer: Oh, yes, we have a detailed plan.

Mr. Kissinger: Can we see it over here?

Adm. Moorer: Sure, I'll send it over.

Mr. Kissinger: I don't want to just tell them the mines are deactivated.

Adm. Moorer: No, we have to clear all the channels.

Mr. Kissinger: Now, regarding civilian employees, can we keep quiet about them?

Adm. Murphy: Yes, sir.

Mr. Kissinger: As the result of all our leaking, now we can't increase the number of civilian employees.

Mr. Carver: What is the limit, duty strength as of the date of the signing the agreement?

Mr. Kissinger: That's right. We can't increase the number of civilian employees working for the military branches of the government. There is one escape clause we can explore; the possibility of moving some activities from military to civilian branches.

Adm. Murphy: Like communications.

Mr. Kissinger: That's right.

Mr. Johnson: If we are going to have civilians working for non-military agencies, we will need an increase in AID employees.

Mr. Kissinger: Yes, but I don't want anyone to start working on it now. If you start working on this, the word will leak out and then we'll have new problems. I don't want you to work on anything until after we get an agreement.

Mr. Johnson: You're right, we can't keep this sort of thing secure.

Mr. Kissinger: I should make clear that I am talking about Vietnam military and civilian branches, not U.S.

Mr. Carver: We have about 250 people in communications intelligence functions that we have to take care of. I am getting together with NSA and DIA this afternoon to see what we can work out.

Mr. Kissinger: There is no problem concerning AID or USIA, only civilians working for military branches.

Mr. Johnson: We do have a problem with the AID public safety people.

Mr. Kissinger: You're right, they will have to go. We have no limit on intelligence personnel, per se.

Mr. Carver: I don't understand exactly what you mean.

Adm. Murphy: Neither do I.

Mr. Kissinger: What is there to understand? There can be no U.S. civilians working for military branches of the South Vietnamese Government.

Mr. Carver: In other words, there is no problem for American civilians so long as they are not in a direct advisory role to the Vietnamese Government?

Mr. Kissinger: That's right. Does that give you a problem?

Mr. Carver: We have 250 U.S./DOD civilians now out there. Can they legally be in place after the smoke clears?

Mr. Kissinger: Yes, they don't have to go in sixty days, but they will have to go eventually.

Adm. Murphy: We have 900 others in the same situation.

Mr. Carver: Not really, some of the 250 are included in the 900.

Mr. Kissinger: The limitation is in the form of a ceiling effective as of the date the ceasefire is signed. We don't have to cut below the ceiling, but after the signing we can't increase above it.

Adm. Murphy: Shall we determine the number of slots we want before the ceasefire?

Mr. Kissinger: You won't be able to fill a vacant slot after the ceasefire, but you certainly should establish the number you want in advance. On the troop withdrawal plans, we don't want to set a world record on withdrawals. There may be a limit of one quarter every two

weeks, but on every withdrawal date we have set in the past DOD has been proud of beating the deadline. Let's not get them all out so fast. I'd prefer to hold most of them until the end, if we can. I'd like to see a heavy package toward the end of the withdrawal period.

Mr. Carver: Will the release of POWs be tied to the rate of withdrawals?

Mr. Kissinger: Not to the rate of withdrawals, just to the totals. Alex (Johnson), regarding the economic package, we want to consider it in the postwar situation and not get too far ahead on it before these other matters are settled. They have made clear that they prefer bilateral to multilateral aid, and they don't want the World Bank involved.

Mr. Johnson: Do you think they'd be interested in the Asian Development Bank?

Mr. Kissinger: I have never had a detailed discussion with them on this, but they did make clear their preference for bilateral assistance and their strong opposition to the World Bank. I want to talk with Marshall Green about this.

Mr. Johnson: We will have to bring in OMB and Treasury at some suitable time.

Mr. Kissinger: I've talked briefly with Treasury just to let them know about it.

Mr. Green: We will have to go to Congress for the funds.

Mr. Kissinger: I prefer to put nothing before Congress until the agreement is signed.

Mr. Kennedy: We have thought of sending up a completely separate bill on this.

Mr. Green: That may be a good idea, but we have to decide here how to handle it.

Mr. Kissinger: Have you done anything on it yet?

Mr. Green: Oh, yes, we have prepared a draft paper.

Mr. Kissinger: Can we see that?

Mr. Green: Surely, I'll get it to you tomorrow.

Mr. Kissinger: I would like to see you (Mr. Green), Bill (Porter) and Alex (Johnson) about this. What do you think the International Conference should do?

Mr. Johnson: I have a paper on that right here.

Mr. Kissinger: (to Mr. Porter) You see how Alex treats us? He sits here for an hour listening to us talk and then pulls out a paper with all the answers. I hope you treat us better.

Mr. Johnson: Don't worry, I've already briefed him thoroughly.

Mr. Kissinger: Laos should be visibly settled by the time the conference is convened, but Cambodia may be in a messy state. The situa-

tion in Cambodia could be anywhere from the worst to the best. Can we use this conference to bring about peace in Laos and Cambodia? The agreement leaves room for this; it reads in part that the conference is “to bring about peace in Indochina.”

Mr. Johnson: Yes, I think so.

Mr. Kissinger: We need some answers to basic questions concerning the conference. What should the agenda be? How long should it last? What do we want out of it? Can you get me something on that by Friday (January 19)?

Mr. Johnson: Yes.

Adm. Moorer: I have several questions I would like to ask.

Mr. Kissinger: Go ahead.

Adm. Moorer: Can U.S. contractors deal directly with South Vietnamese officials?

Mr. Kissinger: I think so. DOD will have to get their people out of there over a period of time.

Adm. Murphy: We will have to teach the South Vietnamese to monitor the programs. It will take some time.

Mr. Kissinger: You have no problem for at least a year.

Adm. Moorer: Will we have to stop military activity in Laos and Cambodia?

Mr. Kissinger: No, not until we have an agreement in Laos. The situation in Cambodia is much fuzzier. We'll have to see how that develops.

Adm. Moorer: Will there be any limits on our military activity in Thailand?

Mr. Kissinger: No.

Adm. Moorer: What about overflights?

Mr. Kissinger: We discussed that at an earlier WSAG.⁴

Adm. Moorer: I just want to know if there is any change.

Mr. Kissinger: No, the policy we stated then still stands.

Adm. Moorer: Will we be able to inspect crash sites in North Vietnam?

Mr. Kissinger: Theoretically yes, in North Vietnam. That is in the agreement and has not been changed.

Adm. Moorer: The joint military commission will be a sixty day exercise?

Mr. Kissinger: That's right.

⁴ See Document 109.

Adm. Moorer: How many men will be needed for it?

Mr. Kissinger: Under the present plan, about 800.

Adm. Moorer: Where will the International Conference be held?

Mr. Kissinger: I don't know, except that it won't be held in Paris under any circumstances. What do you think about that, Bill (Porter)?

Mr. Porter: I agree. Pompidou brought it on himself.

Adm. Moorer: What will be the lowest level of jurisdiction in which the ICCS teams will operate?

Mr. Kissinger: We have had a lot of discussion about that. They want teams in every provincial capital, but we want them where the troops are. What's the point of having them sit around the capitals? Your general wants them where the communications are best, but I don't care about communications. Let's equip them with their own radios. We need them where the troop concentrations are located. They gave us a list of places they wanted the teams that we didn't like, so Sullivan and (George) Aldrich came up with something so crooked it surprised even me. They simply invented some new places that don't even exist and said that's where we want the teams. Concerning the frontiers, we told them we wanted teams at ten border posts and four crossing points. The next day they told us that was O.K. with them and we could even designate the border posts. All they wanted to do was designate the border crossing points. That was pretty clever, because what's the point in watching crossing points where no one is crossing, while all their troops and equipment come across somewhere else. But that's all settled now.

Adm. Moorer: Have you agreed on the size of the ICCS?

Mr. Kissinger: That's essentially settled.

Adm. Moorer: About 2,000?

Mr. Kissinger: No, it will be about 1,200, but I don't want to read that in the paper.

Mr. Johnson: The ICCS teams will need some organic support.

Mr. Kissinger: We can get into that when the protocols are finished.

Mr. Johnson: Can we provide support for that many on short notice?

Adm. Murphy: We can accommodate 400 right away. Any more than that will be tough initially.

Mr. Kennedy: Would we offer airlift to get the ICCS teams there?

Mr. Johnson: You mean to bring them from their own countries?

Mr. Kennedy: Yes, if we want to get them there in three or four days.

Mr. Johnson: Sure, if it is necessary we can do it. The Indonesians have C-130s, though.

Mr. Green: The Canadians would like to fly over on our planes going in to bring out our troops, assuming that they are going over empty.

Mr. Kissinger: Can I be sure that there will be no memos, no debriefing and no leaking about this meeting? We paid an enormous price for the leaks the last time.

Mr. Johnson: You can be sure we'll send nothing to Saigon. That's where I get my news, from Saigon and CBS.

288. Message From the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 17, 1973, 2059Z.

1. You have asked for my views on Hanoi trip. Following are preliminary thoughts:

2. DRV (and especially Le Duc Tho) obviously place great store by this trip. In good Vietnamese fashion, we should examine what they want and what we can get in return.

3. They obviously want:

(A) Reparations, which they are willing to call reconstruction aid.

(B) Conspicuous U.S. presence, which they can use to flaunt in faces of USSR and PRC for advantage.

4. In these circumstances, we examine what we want. In a strategic sense, this is clear, and our approach is designed to reinforce it. In tactical sense, two things come to mind:

(A) U.S. prisoners

(B) cease-fire in Laos

5. Both these thoughts arise from time schedule for visit, which will end approximately 15 days after signature of agreement. First tranche of POW releases is due at this time and also cease-fire in Laos.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 119, Country Files, Far East, Vietnam Negotiations, Ambassador Porter's File—Paris, June 1972–January 1973. Secret; Sensitive; Eyes Only. Sent via Guay and Scowcroft.

6. Therefore, I suggest, before you firm up your schedule with Le Duc Tho, you say that you wish the first tranche of U.S. prisoners to leave Hanoi by U.S. medevac aircraft immediately prior to your takeoff from Hanoi on February 11. (I haven't yet figured the camera angle for you). Secondly, you say that you will fly to Vientiane and wish the cease-fire to take effect there shortly before your arrival. (I'm thinking of little round-heeled girls spreading flower petals before you as you descend from the airplane.)

7. All PR jazz aside, these are two thoroughly comprehensible by-products for Le Duc Tho's mentality to grant you and will confirm his general view of the way to do business in the Western world, a view he is too old to change.

8. As far as the restrictions we earlier placed on arrival, photography, etc. I think they will be superseded by fact we are no longer creating a surprise event. Therefore, only restrictions should be against our exploitation in "victory celebration."

9. As for general cradle in which to place this trip, I feel it should be a sort of promenade by the creator to see what he hath wrought. Hence, first to Saigon, then to Hanoi, next to Bangkok, on to Phnom Penh, return to Saigon, and home via Seoul. Bunker, however, should be absolutely certain you will get dinner or lunch and appropriate courtesies from Thieu during your first visit. Otherwise, you will visit only after rpt after Hanoi.

10. If you agree with this scenario, greatest caution should be against any inference that we are paying ransom to get prisoners out. Hence, total embargo against any public statements about January 30 note² or subsequent discussions in Hanoi until subsequent meetings of experts (demons?) to establish U.S.-DRV joint economic commission.

11. Warm regards.

² Sullivan was referring to the proposed U.S. note to the DRV on reconstruction aid. See Document 274.

289. Transcript of a Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

January 17, 1973, 4:50 p.m.

K: Mr. President.

P: Hi, Henry, anything new.

K: No, nothing new. We've got some more intelligence reports which indicate that things are still moving despite this operation towards an acceptance.² He told his corps commanders that he would have to accept the agreement and that he was going to try to get three or four days' delay. Now we are setting that off.

P: You say we are setting that off.

K: Oh, yes.

P: Oh, God, yes. But that's what I think his tactic is to push term. I'm afraid—what the hell would three or four days' delay mean to him, Henry?

K: He just can't face it. I'm afraid he can't face it because he can't face peace.

P: You think Ky is the top competitor?

K: No, I think the problem is that none of these military guys there can really face the problem of any free political process.

P: Right. The one thing I think that I—that has occurred to me that I think is very important to do, is to have our alternate contingency plan fully worked out. For example, if on Tuesday,³ and we trust this will not be the case, you have to negotiate with Le Duc Tho with regard to how we sign and what we have to do in the event that he balks, you are not going to be able to get back Tuesday and we may have to reconsider what I do, what I say.

K: I think you should announce the agreement in any event.

P: But I couldn't do it Tuesday if you are still negotiating.

K: Well, you can do it even if I'm still there.

P: You had better give it some thought.

K: I'll give it some thought.

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 17, Chronological File. No classification marking. Nixon was in Key Biscayne, Florida; Kissinger was in Washington.

² The two reports are in Document 286.

³ January 23. Kissinger was to return to Paris on January 22.

P: You see what I mean. I can't, while you're still there, I can say we reached agreement and you are now negotiating to see what—whether or not we can get another device whereby—

K: No, I—

P: Unilaterally, you see my point.

K: I think what you should do, Mr. President, I think I should come back in any event, because I think what we should do then, you should go no further than call on Thieu publicly to accept. I should rather than go over to see how to adjust the situation rather than to admit immediately after initialling that we knew it wasn't going to work.

P: Well, let's call again then. In other words, you would initial, I would announce that basically we have initialed an agreement and then I would say you were going to return—

K: No, you'd say nothing. You'd call on Thieu to accept it.

P: Right. Of course. Then what—then he says no.

K: Then you send me back, then we announce reluctantly we have to make a separate peace and you are sending me back immediately to negotiate it.

P: And then we put off the Rogers signing until later, huh?⁴

K: We'll sign it and attach the documents I'd leave by just taking out the word "concurrence" off. Just sign the two-party document.

P: Uh huh. Well you'd have to have an understanding with Le Duc Tho though on Tuesday that that's what we intended to do. Don't you think you're going to have to—you see what I mean, I think—

K: It won't come to that. I cannot believe it.

P: I can't either, you understand.

K: I will work out a contingency—

P: I just don't know. I personally feel that it can come, and yet what the other concern is, if he had any damn understanding of the situation, he would have come today. In other words, something is going to happen and he wants to develop some relationship. Haig, I assume, went through the drill that it was very important for him to win a few brownie points in my direction by the way he handled this. Did he talk about that sort of—

K: Oh yes. He followed really religiously what we proposed. I told him to say it.

P: Right. And it had no effect though. That's the thing I'm concerned about a bit, aren't you?

K: Yes. I have to say there is some reason for concern, but I would still think the overwhelming indications are in the opposite direction.

⁴ The formal signing had been tentatively scheduled for January 27.

P: Yeah. Oh yes, well we had reasons for being concerned about the situation last week too.

K: We had more reason to be concerned with Le Duc Tho.

P: I would think so.

K: If I had sent you a verbatim report, Mr. President, of the first day's conversation.⁵ You would have concluded that it was exactly like December, but—

P: The only difference there, Henry, is that the report of the first day was followed by a productive second day.⁶ Here we had a first day's conversation followed by a stonewall of the second day as well.⁷ Correct?

K: That's true. It wasn't a complete stonewall, it was—he carefully refrained from turning it down.

P: Even in his letter.

K: Yeah. He's just wailing about changes he wants. So if you tell him these changes are unobtainable—

P: When will my letter be delivered to him. It's gone already has it?

K: No, it will go within the next hour. It will be delivered within four hours.

P: By Bunker.

K: By Bunker.

P: Is Bunker then to deliver it and wait, or deliver it and leave.

K: Deliver it and leave.

P: Yeah.

K: He won't give him an answer. He won't give an answer now until the 20th.

P: What will Haig do in the meantime.

K: He's going to Phnom Penh, Vientiane and Bangkok.

P: Yeah, and what will he have them say or do?

K: He's asking them, especially the Thais, to use their influence with Thieu.

P: Have they tried it before?

K: No.

P: I was just wondering if it would help. You don't think they have.

K: Well I don't think that what the Laotians and the Cambodians do will make a damn bit of difference. The Thais will make a difference.

⁵ See Document 255.

⁶ See Document 256.

⁷ Haig's meetings with Thieu on January 16 and 17; see Documents 279 and 285.

P: Make a difference to Thieu?

K: Yep.

P: And Haig will ask them to put the arm on him damn hard.

K: Exactly.

P: And that there's no choice. I think that talking absolutely fatalistically and in a way that is irrevocable is the only course we can get because that is the truth, now, there isn't any fooling around at this point. He must not feel that. That's why I think the announcement tomorrow—

K: That's a terrific help.

P: Must indicate that you are going back for the purpose of concluding the agreement.

K: That's what it says.

P: I'm going to talk to Ziegler in the morning to be sure that I still feel—but I mean—

K: Well, actually the text of the announcement is agreed to with the North Vietnamese, we can't change it.

P: Does it say conclude?

K: In order to complete the text of the agreement.

P: Complete the text of the agreement. Yes, that's all right. Without indicating how long?

K: That's right.

P: Do you think that will have some effect on Thieu, or is he likely to blow it then.

K: Oh no, he won't blow. At no stage is it in his interest to blow with us, to blow publicly.

P: No, I guess not.

K: I mean, that's the worst thing that can happen to him and that he will do the furthestest down the line.

P: Yeah. And Haig—Henry, well my letter left no doubt, but Haig also left no doubt whatever that there was no delay possible and no—

K: Absolutely, Mr. President.

P: How did you get the word back to him that three or four days' delay was impossible. We are not supposed to have known that.

K: Well, no, we are putting it in the form of your schedule, and no deviation from that schedule is possible.

P: No deviation is possible. Okay.

K: You are not referring to anything he might have—

P: And just say no—there is no deviation whatever is possible. Put it as strongly that under any [no] circumstances is possible.

K: Exactly.

P: All right. Okay. Well I hope, as I say, we don't want to borrow trouble but I do think the contingency plan should be well thought out so that we can put it into effect if necessary.

K: Absolutely, we'll—

P: It would be a great tragedy if we had to put it into effect. You understand that we—the reason is—you see the problem we have here, Henry, which we've got to face, is that not only the events of this week but the way I—I'm not mentioning Vietnam—but I will talk about the whole peace and so forth. I'll be very strong on that. And then when I go on on the 23rd, the problem is that we then will have raised the expectations beyond belief; and then to have it shattered is going to be one hell of a thing.

K: Well, that's why he cannot do it.

P: I know. My point is, even though he cannot do it, if he does do it we've got to know—have a plan and affect [*in effect*] to cut our losses but God damned fast.

K: Mr. President, the fact is that we are now doomed to settle.

P: We're going to settle I know, the point is, when I describe it, Henry, is that peace with honor and all that jazz, then the next day he says, no, I won't go, see? Is that the time he would do it in your opinion?

K: If he does it, that's the time he'll do it. He won't do it.

P: If he doesn't do it, however, what if he decides to go along. Is he going to wait until I speak.

K: No. What the bastard may do is to put the agreement before his national assembly before you speak.

P: And get it turned down? Get it rejected?

K: Well, he may do that. That's how he would do it.

P: Yeah, but he won't do that before the 20th in your opinion?

K: Oh, certainly not, no. There's no chance of that.

P: But you see, he might do it on Monday?

K: He might do it on Monday.

P: All right, suppose he does that, do I still speak? That's another contingency we've got to think about, isn't it.

K: We've got to think about that. If we know he's already turned it down, then we may have to go to another agreement.

P: That's the point, that's the point. Also if we know he's already turned it down, I don't think that it makes—that's the part that I'm thinking, I just can't see myself going on and saying, look—

K: Well, you see, you're compelled to do nothing because all I am hoping is to complete the text of the agreement.

P: Right. In that case, it seems to me, my feeling on that contingency is that if you know he's turned it down, you go right on over there, you complete the text of the agreement, you initial it, you come back and then we meet with the leaders and say that you've initialed it and he's turned it down. Right?

K: Well, if we know he's turned it down—if we don't know he's turned it down, that's what we should do. If it's still open, I initial, go—come back, tell it to the leaders and you go on television with a unanimous leadership behind you.

P: Right.

K: If he has, in fact, turned it down then I think I should go to the—should go over and negotiate another agreement.

P: Right. Then you come back and I announce that that's the agreement.

K: That's right.

P: And that we are going to make it on that basis and that—separate from him.

K: That's right.

P: Well, having thought through the contingency, and he's damned well got to think through it as well, I agree with you he can't allow that to happen, can he?

K: Whatever he thinks may happen under this agreement is certain to happen under any of the other courses.

P: Oh, instantly too. Let's face it, the moment he—his people know and his army knows and all the rest knows, that the support of the United States is gone, for Christ sakes, Henry, they're down the tube.

K: Absolutely.

P: That's the point. They're down the tube. I mean the psychological effect of that would be absolutely cataclysmic.

K: That is absolutely correct.

P: I think that's what he's looking at at the present time. Well, okay, as I—

K: From our intelligence reports, one would have to say the chances are nine out of ten—

P: We won't worry about it, but we will prepare for it in case he does do some insane thing.

K: Exactly.

P: But your thought is that Haig will see him now on the 20th, and we hope to get an affirmative answer at that point, but he may not.

K: Exactly.

P: Does my letter that we are sending to him ask for a response, or what?

K: Oh, yes, it says we must have the answer by the 20th.

P: Then Haig comes back. Well, all right, fine. I guess that other-wise reactions of the Congressmen and jackasses in the press is about as we expect, right?

K: Overwhelmingly favorable.

P: Yeah. (laughter) Well, we've got them worried anyway. Okay, Henry.

K: Right Mr. President.

290. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, January 17, 1973, 2345Z.

WHS 3050. 1. The following is the text of a Presidential letter to President Thieu in response to his letter of January 17, 1973.² You should seek an immediate appointment with Thieu and deliver this letter. You should not repeat not get into extensive discussions but rather let the letter and General Haig's presentation speak for themselves. You should make clear that we must have Thieu's final decision as soon as soon as possible and that the latest possible time would be at Haig's Saturday³ meeting with Thieu. The letter offers a visit by the Vice President. We are not sure whether Haig mentioned this in his second meeting.

Begin text:

Dear President Thieu: I have received your letter of January 17, 1973, and I have studied it with the greatest care.

I must repeat what I have said to you in my previous communications: the freedom and independence of the Republic of Vietnam remains a paramount objective of American foreign policy. I have been dedicated to this goal all of my political life, and during the past four years I have risked many grave domestic and international consequences in its pursuit. It is precisely in order to safeguard our mutual

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² Contained in Document 285.

³ January 20.

objectives that I have decided irrevocably on my present course. I am firmly convinced that the alternative to signing the present agreement is a total cutoff of funds to assist your country. We will therefore proceed to initial the agreement General Haig has brought you on January 23, 1973 and sign it on January 27, 1973. Thus we have only one decision before us: whether or not to continue in peacetime the close partnership that has served us so well in war.

Let me comment on the specific concerns raised in your letter. With respect to the protocols, I am bound to point out that these criticisms come extremely late considering the fact that for two and a half months we have been asking for your government's joint participation in the drafting of these documents and your comments upon them. As late as January 16 your representatives in Paris refused to give any comments to Ambassador Sullivan. In our negotiations on these documents we have protected your interests and ensured that the protocols remain essentially technical instruments to help implement the agreement. We believe the protocols are sound and serve further to strengthen the settlement.

With respect to the text of the agreement, you list favorable provisions which you claim have been deleted from the agreement. In reality, however, these provisions were never part of the agreement; they were changes which we tried vigorously but without success to make in the text on your behalf. I might add that with respect to many of these issues, such as the political provisions, your January 5 letter⁴ had already accepted the outcome.

On the other hand, as you know, we have managed, through very strenuous negotiations, to incorporate many other of your government's suggestions in the October draft. My January 14 letter and General Haig's presentation highlighted these improvements.⁵ Significant changes we have achieved, in part due to your government's policy, include the following:

—In the document that your government would sign, the PRG is not mentioned anywhere in the preamble or text, while the Republic of Vietnam is mentioned.

—Military assistance permitted under the replacement provision has been expanded to include material that has been "used up" and "destroyed" in addition to "damaged and worn out."

—References to the U.S. being required to respect the political self-determination of South Vietnam have been expanded to include all countries.

⁴ Thieu's letter was dated January 7; see Document 254.

⁵ Document 278; for Haig's presentation, see Document 279.

—The phrase “administrative structure” used to describe the National Council, whose Vietnamese translation suggested a somewhat “governmental structure”, has been entirely deleted.

—The role of the National Council has been further diluted by eliminating its role in the maintenance of a ceasefire and the preservation of peace.

—The reduction of military effectives on both sides and their demobilization is now to be accomplished “as soon as possible.”

—South Vietnamese foreign policy is to be conducted on the basis of “mutual respect for independence and sovereignty”, highlighting your country’s sovereign status.

—North Vietnam is now obligated to respect the Demilitarized Zone on either side of the Provisional Military Demarcation Line.

—The ICCS “shall carry out its tasks in accordance with the principle of respect for the sovereignty of South Vietnam.”

—The four parties are obligated to strictly respect the 1954 and 1962 Geneva Agreements.

—The reference to “three” Indochinese countries has been deleted.

—The interval between the Vietnam ceasefire and the Laos ceasefire has been shortened from 30 to no more than 15 days.

—The international control machinery has been fleshed out and will now be able to begin functioning immediately after the ceasefire.

All of these improvements in the October agreement have been obtained without granting any changes favorable to the Communists.

In addition to strengthening the agreement itself, as my January 14 letter pointed out, your overall political and security position has been bolstered in many ways in preparation for a ceasefire.

With respect to modifications you still seek in the agreement, I must point out again that the text of the agreement, the method for signing, and the protocols are the best obtainable. They can no longer be changed. On the signing procedure, General Haig has fully covered this issue with you. Your government would sign a document which does not mention the PRG anywhere in the text. This agreement would be signed first, with separate signature pages for the two sides, and it would make no reference to the two-party document. This is a major improvement over the previous procedure and one that fully protects your position.

In any event this discussion of specific provisions is to a large extent now irrelevant. As I have told you on many occasions, the key issue is no longer particular nuances in the agreement but rather the post-war cooperation of our two countries and the need for continued U.S. support. It is precisely for this support that I have been fighting. Your rejection of the agreement would now irretrievably destroy our

ability to assist you. Congress and public opinion would force my hand. It is time, therefore, to join together at last and protect our mutual interests through close cooperation and unity.

As General Haig has told you, I am prepared to send Vice President Agnew to Saigon in order to plan with you our postwar relationship. He would leave Washington on January 28, the day after the agreement is signed, and during his visit he would publicly reaffirm the guarantees I have expressed to you. Let me state these assurances once again in this letter:

—First, we recognize your government as the sole legitimate government of South Vietnam.

—Secondly, we do not recognize the right of foreign troops to remain on South Vietnamese soil.

—Thirdly, the U.S. will react vigorously to violations to the agreement.

In addition I remain prepared to meet with you personally three to four weeks later in San Clemente, California, at which time we could publicly reaffirm once again our joint cooperation and U.S. guarantees.

Against this background I hope that you will now join us in signing the agreement. Because of the gravity of the situation and the consequences for the future, I have instructed General Haig to return to Saigon Saturday morning, January 20, 1973. This is the latest possible occasion for us to have your final position so that I will know whether we will be proceeding alone or together with you. The schedule is final and cannot be changed in any way. Dr. Kissinger will initial the agreement in Paris on January 23; I will make a brief address to the American people that evening; and the formal signing will take place on January 27, 1973. If you refuse to join us, the responsibility for the consequences rests with the Government of Vietnam.

As I said in my previous letter, I would very much like to meet with Foreign Minister Lam on January 25 on his way to Paris for the signing ceremony, and I look forward to seeing you in the near future.

Let me close by saying that I respect the intensity with which you are defending the interests of your country. I recognize that the agreement is not an ideal one, but it is the best possible one that can be obtained under present circumstances, and I have explained why these circumstances require a settlement now.

It seems to me that you have two essential choices: to continue a course, which would be dramatic but short-sighted, of seeking to block the agreement; or to use the agreement constructively as a means of establishing a new basis for American-South Vietnamese relations. I need not tell you how strongly I hope that you will choose what I am firmly convinced to be the only possible path to secure our mutual objectives.

Sincerely. (*End text.*)

2. At your meeting with Thieu, you should also inform him that the following announcement will be made here at noon Washington time on Thursday, January 18, 1973.

Begin text. Dr. Henry Kissinger will resume private meetings with Special Advisor Le Duc Tho and Minister Xuan Thuy on January 23, 1973 for the purpose of completing the text of an agreement to end the war in Vietnam. *End text.*

Warm regards.

291. Message From the President's Assistant for National Security Affairs (Kissinger) to the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan) in Paris¹

Washington, January 18, 1973, 0600Z.

Deliver at opening of business.

1. Thank you for your messages, whose literary quality seems to be picking up.

2. You should continue your effort to resist the DRV desire to use seaports under their control, but if necessary you are authorized to grant them one repeat one.²

3. For your information only, we do not have final word yet from Saigon. Although we have received various indications that Thieu will go along, so far with us he is going through his usual routine.³ In Haig's

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 119, Country Files, Far East, Vietnam Negotiations, Ambassador Porter's File—Paris, June 1972–January 1973. Top Secret; Sensitive; Exclusively Eyes Only. Sent via Scowcroft and Guay. Written on January 17.

² In his January 17 report on meeting the North Vietnamese, Sullivan informed Kissinger that they had finished work on all four protocols. In the message, he observed: "The hang-up on frontier and points of entry teams revolves around DRV desire to use at least one (and maybe two) seaports under their control. GVN opposes this concept, even though ARVN does not rpt not control the ports. I think we may have to give them one, but will achieve impasse if you prefer." (*Ibid.*)

³ In backchannel message WHS 3051 to Bunker, January 18, 0030Z, Kissinger wrote: "Matters have now reached the point where the Embassy should make a major effort to get across to key South Vietnamese personnel the gravity of the situation if Thieu refuses to go along with us when he sees Haig [on January 20]. There should be no illusions that any further delay is possible or that any bargaining can be entertained. We are at the end of what the American domestic situation can stand." (*Ibid.*, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV)

second meeting he handed him a letter to the President detailing numerous objections to the agreement without in fact rejecting it. Haig will return to Saigon Saturday morning for a final answer.

4. Warm regards. End of message.

292. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, January 18, 1973, 1030Z.

339. Ref: WHS 3050.²

1. I delivered the President's letter to Thieu this morning after encountering considerable difficulty in getting appointment due to fact that Thieu is engaged all day in religious ceremonies preliminary to his daughter's wedding which takes place tomorrow.

2. After reading the letter, Thieu made a few comments on the text:

—He felt the statement regarding the protocols was unfair since General Vinh Loc's group had encountered difficulties in dealing with MACV and it was only on January 12 that the protocol texts had been received from Paris. I pointed out that he had prohibited his people from meeting with us because of the fact that he considered the draft agreement unsatisfactory and considered it pointless, therefore, to discuss the protocols.

—The Communists have tried to gain in the protocols what they have been unable to secure in the agreement itself. The fact that the agreement is vague probably has advantages, but the protocols have the effect of law and must be strictly adhered to. For example, the prohibition against police carrying anything but hand weapons is impossible in a country like South Viet-Nam.

—There are still differences between the English and Vietnamese texts, e.g., in the first sentence of Article 12 b) describing the task of the NCRC the English text uses the word "promoting" whereas the Vietnamese text translates "supervising" (don doc).

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 415, Backchannel Messages, From Amb. Bunker, Saigon thru April 1973. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only.

² Document 290.

—He welcomed the visit of the Vice President and the assurances he was prepared to give, but said that he had understood that the President would give these assurances personally. The effect on people in South Viet-Nam would obviously be greater if the assurances came from the President rather than through the Vice President.

—He noted that the President would “address the American people on the evening of January 23” and wondered what he planned to say.

3. Thieu then went over much of the ground that he had covered with General Haig and me last night³ in a somewhat less emotional and not unfriendly way. He repeated that he had only two choices:

—He could become a “so-called hero”, disavow the agreement, refuse to sign it, and say that South Vietnam had been betrayed by the Americans.

—Agree to go along with us and sign the agreement because American support is essential to South Vietnam’s survival.

4. He repeated that he would never compromise the interests of the South Vietnamese people; if he could not serve their interests he would withdraw. But the time factor (presumably if he is to sign the agreement) is important in gaining the approval of the people. If he acts alone without their approbation, how will he retain their support? He said to me, “How would you tell the people?”

5. I replied that if I were in his place I would say first that after twenty-five years of bitter struggle that I had brought peace to Viet-Nam, the overwhelming desire of the vast majority of the people; that the South Vietnamese people now had the opportunity to determine their future in free, internationally supervised elections; that the country had become strong, powerful, and self-reliant; that through the determination of the people and the courage of the armed forces and with the loyal support of its allies, South Viet-Nam had blunted and turned back the most massive attack the enemy could mount; that the other side had to recede from its demands for a coalition government and the overthrow of the present regime; that the people should not fear the risks of peace, but face the political contest to come with courage and confidence. No doubt he could articulate all this much better than I, for he would know how to address his people. But the important thing is to exhibit confidence, not fear.

6. Thieu again referred to the importance of timing in determining how to present the agreement to the people. (It is clear that he is wrestling with the problem of how to reconcile the decision to sign with the

³ See Document 285.

uncompromising stand he has taken on aspects of the agreement. He said, "I am facing a crisis of conscience.")

7. However, I am confident that, as I said in Saigon 0313,⁴ when Thieu knows that we are determined unequivocally to proceed only repeat only then will he decide to go along. Evidence is mounting that he understands this is now the situation and that he has reached the decision to sign the agreement:

—On the afternoon of January 17, Thieu called a meeting of the commanders of the military regions, General Cao Van Vien, Chief of JGS, General Khang, Special Assistant to the Chief of JGS for Operations, General Quang, General Nguyen Khac Binh, Director of the National Police, and several other high ranking military officers along with the Vice President, the Prime Minister, President of the Senate, and the Chairman of the Lower House for the purpose of briefing them on the text of the President's letter and on his decision concerning the draft agreement. Thieu said that President Nixon was fully occupied with great economic problems which will continue for the next few years and for this reason wanted to end involvement in the war. He could understand the problem and the pressures which the President was experiencing from Congress and friendly governments and was willing to sign the ceasefire agreement. There were several technical points which he would like to see changed prior to the signing, such as a clarification of the DMZ, but these were not of major importance and the signing of the ceasefire did not hinge upon making these changes. Thieu reported to the meeting that the plans call for initialing of the ceasefire agreement in Paris on January 23 and the formal signing on January 27, with a ceasefire to become effective on January 28.⁵

—In confirmation of this report, we received word this morning that Lt. Gen. Truong, MR I commander, informed General Cooksey⁶ of the meeting with Thieu on January 17 and that Thieu has agreed to terms of ceasefire. General Truong reported that agreement to the ceasefire would be announced on January 23, signing will occur on January 27, and the ceasefire will go into effect at 0800 January 28. A similar report has come from General Minh, MR III commander.

—General Dan Van Quang, who was present at the meeting, reported to us that Thieu had called in the military and corps commanders, not to ask their views, but to inform them that he had decided to sign the agreement.

⁴ Document 239.

⁵ For a report on this meeting, see Document 286.

⁶ Major General Howard H. Cooksey, USA, Commander, 1st Regional Assistance Command in northern South Vietnam until January 27, was General Truong's senior American adviser.

8. I think Thieu's most recent letter to the President⁷ was motivated by the desire to gain as much time as possible (the practice he has consistently followed) and to enable him to say, when he announced his decision to sign, that he has done everything possible to defend his country's interests. As I left, he said, "Well, I have two more days". All the evidence points to his going along.

9. Warm regards.

⁷ Contained in Document 285.

293. Backchannel Message From the Vice Chief of Staff of the Army (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

January 18, 1973, 1200Z.

Haigto 18. 1. I saw Souvanna for over an hour this afternoon, reviewing with him status of agreement and associated scenario, emphasizing as I did with Lon Nol that information must be held in absolutely strictest confidence.

2. Souvanna was pleased that ceasefire timing for Laos had been moved up to 15 days from date of Vietnam agreement and also grateful that maximum U.S. air would be available for use in Laos during the interval. I also urged Souvanna to maximize FAR efforts during this period to achieve best possible friendly position on the ground.

3. Souvanna said his principal concern was timing of NVA withdrawal from Laos under terms of agreement asking why we had not fixed specific deadline directly in our bilateral talks with Hanoi. In response, I emphasized that Hanoi's obligation was specific and, despite absence of fixed date for completion of withdrawal, Hanoi would have no grounds for protracting withdrawals. Moreover, we have leverage of U.S. and SGU presence until satisfactory withdrawal modalities worked out between RLG and Pathet Lao. Finally, with permitted resupply points in South Vietnam itself, Laos would no longer be a crucial logistics base for NVA operations in SVN.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only. Haig was likely en route from Vientiane to Saigon.

4. Souvanna seemed reassured by these explanations and was especially appreciative of our efforts to keep him fully informed.

Warm regards.

294. Transcript of a Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

January 18, 1973, 9:40 a.m.

P: Hello.

K: Mr. President.

P: Hi, Henry, are you in the Situation Room or something?

K: No, I was—I had Elliot in my office.

P: Oh, fine.

K: Elliot Richardson. And I wanted to get rid of him before I spoke to you.

P: No, I just didn't want to bother you when you were in something else.

K: No, no, I am . . .

P: Ron is all on salvo for everything today?²

K: Yes, he is all on . . .

P: What is the answer in the event they raise the question about the objections that—Thieu's objections in the protocols and all that sort of thing? What does he say. Frankly, I think this is the key question I think a press man will put. Or suppose they don't go along. What are you going to do, Mr. Ziegler?

K: I think he should say we are discussing with them the outline of what we consider . . .

P: We are not going to comment on what—on that at this point.

K: No, no, we don't comment on the hypothetical situation.

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 18, Chronological File. No classification marking. Nixon was in Key Biscayne, Florida; Kissinger was in Washington.

² At noon on January 18 the White House announced that Kissinger and Le Duc Tho would meet in Paris on January 23 "for the purpose of completing the text of an agreement." See also Carroll Kilpatrick, "Drafting Session Tuesday: All Prisoners To Be Freed After Signing," *The Washington Post*, January 19, 1973, p. A1.

P: On a hypothetical question you don't comment—I will prepare him for that.

K: I think that is better.

P: Well, that's what I intended but I just want him to be sure. That's the kind of question that he is likely to get and I don't want him to get in any muddy ground on that sort. Just say that while our discussions are underway we are just not going to comment on the progress of negotiations.

K: Exactly.

P: We are just making an announcement with regard to the fact that Dr. Kissinger will return to meet with Le Duc Tho for the purpose of completing the text of the agreement. Period.

K: Exactly.

P: And beyond that I have nothing further to say.

K: Exactly.

P: As to hypothetical questions, I am not going to comment on them.

K: On the other hand, Mr. President, when you talk about newspapers, *Washington Post* has a big headline going across the front page saying Thieu ready to accept ceasefire.

P: Yep. You understand I don't pay any attention to, Henry—the only thing I see here is the *Herald Times* this morning. It doesn't bother me any. I just want to be sure that we don't get trapped on one of those questions of that sort so that—and therefore, egg Thieu out in the open before the 20th or before the 23rd for that matter.

K: As I said yesterday, I think it is highly unlikely because it is never to his advantage to be at an open break with us.

P: Yeah, yeah, I agree, I agree.

K: I mean.

P: You know, I am just figuring that what people do when they are not rational and history is rather full of instances when they are not. Right?

K: That's right.

P: Don't we know? (Laughter)

K: We certainly have got plenty of experience . . .

P: Right.

K: Haig had a good talk with Lon Nol who—he's the guy with respect to whom the agreement is least satisfactory because it's a series of indirect understandings.

P: Right.

K: And, nevertheless he's the man, I mean, he's absolutely enthusiastic, he says the North Vietnamese have suffered a shattering defeat

and he thinks he can live with it, a great improvement of the situation, and so on and so forth.

P: Good, good.

K: And I know we know what Souvanna thinks.

P: Yes, he's told us he won't change that.

K: He won't change that, and this new agreement is better.

P: And about the Thais—

K: Well he's going there tomorrow, there'll be no problem with the Thais.

P: No problem, but they are the ones you want to put the arm on Thieu.

K: Absolutely.

P: All right.

K: And we sent the letter off to Thieu, we haven't had a report from Bunker yet.

P: Well, he may not get it, isn't that correct, did you say he's only going to deliver it and walk out, then maybe Thieu will give it to Haig when he arrives. But that's not our trouble, as I said I'm only getting the contingencies ready and getting on with things—you know, at least they don't turn out that way. And we'll just be prepared to go out on the contingency plan if necessary.

K: Exactly.

P: But we might be ready to go on that, that may make it unnecessary to use it. But in the meantime, I'm like you, I cannot see under the circumstances how he could run away from this. Also it's interesting to note the story that is carried here in the papers this morning, that they go on that version, and he says that the agreement is all right but it is the protocols that worry him.

K: But that's what we expected.

P: Yeah, I know you said that, but nevertheless that is a rather significant step from what it was before. Isn't that true?

K: Oh, yes. And again when you speak about—

P: And the letter that we sent off to him answers some of that stuff on protocol.

K: Yes. That's just a delaying action. Now, he, moreover he had 2½ months on the protocols. All last week we were pleading with him for comments and they wouldn't give them to us.

P: Yeah.

K: But the protocols, Mr. President, will in fact turn out to be one of our strong points, because everybody—Rowland Evans I don't know who talked to him, but it is somebody who has access to the agreement

because he has a column today that's very accurate, very favorable to you.³

P: Is that right?

K: Sure, oh yes, saying that your cold blooded decision improved the agreement tremendously, and then he tries reverse from some paragraphs of the agreement. Specifically the protocols.

P: That's good. Would it be useful, the only thing I wonder, would it be useful to have Goldwater take a little—say look, come along boy.

K: I think that might do some good.

P: Well, then, you give Colson a call and tell him that, huh.

K: Right. I had a good talk with Colson yesterday too.

P: Right. Good.

K: Of course, he's enthusiastic.

P: Yeah. What I meant is if—you remember I raised this before—as to whether we wanted some of our hawks and, and you said yesterday you didn't think any breaks from the right would do any good.

K: Well, Goldwater might do us some good.

P: He just ought to say, I think if Goldwater could just come out and say it's time to quit this nonsense, stop all this jabbering and this and that and—

K: And say that the major concern is now to close ranks. That is more important.

P: This or that clause and the interpretation of the agreement that we done and it's time to go forward. You give Colson a call and tell him to—understand, the only one it'll help with—I don't want one of the left to do it, but somebody like Goldwater from the right, should say it.

K: Exactly.

P: And maybe Stennis will say it if he won't. Stennis should be another good one.

K: Right.

P: But I only suggest it, I just have a feeling it might have some effect on people out there.

K: I think you are right.

P: The only other one that could help would be, in terms of the newspaper types, is somebody like Buckley.⁴ But—

K: Buckley has already said it.

³ Rowland Evans and Robert Novak, "A Chance for South Vietnam to Survive as a Nation," *The Washington Post*, January 18, 1973, p. A23.

⁴ William F. Buckley, Jr., editor-in-chief of the conservative political magazine *National Review*.

P: His lead time is so long—

K: And also he's already said it.

P: Yeah, I know. I'm just thinking of saying it now at a time that is more timely. But let me say, let Goldwater take a pop at it. Now the only risk there is that we pop them and they got to answer, but I don't think they are going to answer.

K: No, no, they won't answer Goldwater, certainly not.

P: But my point is that when they were here they saw the likes of the doves, which is good, Javits and the rest scared them to death as to what would happen, and here's Goldwater, their staunch man, and the other one is Hebert—Goldwater, Hebert and Stennis are the three best names I can think of.

K: Let me talk to Colson. Should he make the calls to them or should I?

P: No, no, no I think Colson, well. In this instance I think you could. Talk to him about it, I just, I think actually it would be better—

K: None of them would say they had talked to me, they keep their—

P: Yeah, well you can tell them that it's very important that this not appear to come from the White House.

K: Right.

P: But that you feel it would be helpful if they could just say that, that we think they are going to come along, but it would be helpful if they could say that. The only reason I suggest the—working with Colson is that with these fellows you've damn near got to write it out for them and take it down, or they—you see what I mean.

K: Well what I should do is talk to Colson and then work with him on what should be said.

P: Right.

K: My instinct as to Stennis—

P: I take it you think better of him, I know. And Goldwater will too, they all will. I would try all three though. I would try Goldwater and Stennis, in other words let's have two people get that thing out there two different ways.

K: And keep Hebert in reserve.

P: Well Hebert is in the House, so it isn't going to make that much difference over there. I think you might just let the three of them, you know, and maybe only one of the three will hit. But the point is by having three out there, one of the three damn well will hit.

K: Right.

P: I have a feeling, just a hunch, that that sort of thing coming from here could shake these people a little bit.

K: I think today is the right day for it. Yesterday would have been premature.

P: Yeah, today—the announcement is at 12:00 Noon, right?

K: Right, he should make it a little earlier because the—

P: Oh sure, 11:00 briefing, of course, 11:30.

K: Right.

P: And we'll be prepared. I'm going forward myself, I think we've got—you know you've got to take some gamble—I'm going forward on positive upbeat without going all the way of course, upbeat line in the inaugural.

K: Right.

P: Because failing to do that would be immediately interpreted as a lack of confidence in what was going to happen.

K: I would do it, Mr. President.

P: And I feel, first I think it's going to come out, but second, even if it comes out with Thieu dragging his feet, it's still a peace, right?

K: It's got to end now, Mr. President, and it will one way or the other.

P: It's over, huh.

K: The only thing I would perhaps mention is, but that's more for your speech on the 23rd than for your inaugural, I don't know whether I would nail myself so much to the word lasting peace or guaranteed peace because this thing is almost certain to blow up sooner or later.

P: Well I think rather than lasting and guaranteed in relation to this in the inaugural I'm not going to speak of this specifically, I'm going speak of this in conjunction with our whole policy as being a structure of peace in the world, see my point.⁵

K: No, no, the inaugural is fine. I was thinking more of the 23rd.

P: No, I wouldn't guarantee that this was a lasting peace, I'd, as a matter of fact we've got to say that this will depend upon the intention of all parties to keep this. The fact that we sign an agreement does not mean that peace can be lasting.

K: But one thing the agreement will do is to put Indochina into the perspective of a world wide structure for peace.

P: Yeah, yeah. I agree with you. But you work on that, I will not bother my mind with it. I will not need that, incidentally, I don't want to even see it until about 7:00 Sunday night.⁶ See I will have inaugural

⁵ Nixon opened his inaugural speech on January 20 declaring, "We stand on the threshold of a new era of peace in the world." For text of his speech, see *Public Papers: Nixon, 1973*, pp. 12–15.

⁶ January 21.

affairs all day long, so by 10:00 pm Monday night I want to see the draft of whatever you think we ought to say Tuesday, see.

K: Right, I'll have it.

P: And then—when do you have to take off?

K: Monday morning.

P: Monday morning, oh God. Oh, well, that's all right. I know what to say in that and it's going to be so brief and serious and everything that—

K: Will you send me any draft text. We have a very secure channel.

P: Oh, sure, sure. I will have to do my major modifications of whatever I get in and get it in my own language. I'd do it all day Monday, so I will send you a text Monday night.

K: That would be fine. And then I could get you my comments. On the rhetoric I won't really say I have a great deal to contribute.

P: I don't believe we should actually make a lot of rhetoric. I think it should be more like China. I don't think we should stand up there and say, God isn't this great and so forth, I think it's going to speak for itself.

K: That is my very strong view.

P: I do feel that we should say—to call on all people to adhere and the North, the South, and thank our own people for going through this long and difficult experience.

K: I was very interested—David Bruce whom I saw yesterday—

P: I'm glad you saw him.

K: You acted like a great man. Anyone else would have said let's rush it through by the 20th. You are obviously moving at a measured pace, you don't get rattled toward peace, you don't get rattled in military actions.

P: Yeah. What was his reaction about the whole thing, Henry, did—how did he feel.

K: He says it is the greatest diplomatic feat in American history. I mean, that's a little—

P: He overstates a bit.

K: Well, why did you ask—

P: Why does he—because of the—

K: He says because you have two maniacal Vietnamese parties—you have 2 major communist countries at each other's throat whom we got to bring influence to bear, we negotiated a—

P: Also we got a—enormous opposition in this country. Part of which don't want us to succeed.

K: That's right. And he's after all dealt with these people for a year. He said when he reads the newspapers—he sat across the table with

these men for a year—they are meanest, toughest bastards he's ever dealt with in his long career. He is ecstatic.

P: What does he feel, to go in with him Henry, about the—if Thieu doesn't go along.

K: He says we then better go alone.

P: Uh huh. Well my view is yours. The signs still indicate that they are preparing to go along.

K: Oh, yes.

P: If anything happens, I—

K: Quite different. Anytime we said something positive, they said that's a lie. The first time now, their foreign minister said yesterday peace is very near. Their radio said yesterday every war must end, this one too cannot escape this law.

P: Fine.

K: I think step by step they are entering into it.

P: Yes, but I suppose Henry, the thing we are going to have to roll them on is the inevitable request for delay to work the protocols and I understand it Haig has already told them that my letter clearly says there will be no delay, correct?

K: And so did your first letter and the second one does it even more strongly.⁷

P: Good, good. The second letter put in a little sugar by saying I look forward to hopefully we will get together—

K: And then put in that you'll meet with him in—

P: In March.

K: Yes. That will be weeks after the signing.

P: Well I hope your morale is all right.

K: My morale couldn't—

P: You've been through a lot haven't you.

K: Well we've all been through a lot, but I think—

P: Well that's my job, I mean, you're just a paid hand, you know.

K: Now, Mr. President.

P: I'm the guy that gets all the glory.

K: No, Mr. President, you get—no President has taken such a beating, on the contrary, whenever you do something great, the press is looking for some way to take away the glory from you.

P: Yes, that's right, I know.

K: You haven't suffered from an excess of—

⁷ The first letter is Document 278 and the second Document 290.

P: Did you ever get that book?⁸

K: Yes, I have it.

P: Well, be sure to read chapters 11, 12 and 13, just those three.

K: Right, Mr. President.

P: And, I'd be very interested in your comments. Okay, Henry, I'll tell Ziegler to go forward and to say nothing about the South Vietnamese attitude.

K: Exactly.

P: All right.

⁸ Nixon was referring to *The Kennedy Promise: The Politics of Expectation* by Henry Fairlie (New York: Doubleday, 1973).

295. Transcript of a Telephone Conversation Between Senator Barry M. Goldwater and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, January 18, 1973, 11:13 a.m.

K: I like what you said.

G: Well, we've had very good reaction to that, Henry.

K: Good, very good.

G: I was in New York yesterday and was really surprised to get the reaction to that in the *New York Times* piece they printed of mine.²

K: Well, I like that too.

G: Well, we're going to keep banging away at them; I think we'll making headway.

K: Because what you said about the split between the President and me, it's you know—it's exactly right—that's what our opponents are trying to do in order to reduce my effectiveness.

G: That's right. Well, they're not getting very far with it.

K: Because Jesus, you know, everything—Well, you know the facts; there's no sense talking—Barry, what I called you about is this—I

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 18, Chronological File. No classification marking.

² See "Mr. Nixon's Feelings," in *The New York Times*, January 9, 1973, p. 39.

was wondering whether you would consider making a statement today in effect saying to Thieu, what's important now isn't this or that comma or word or clause; what's important now is to maintain the unity between us.

G: This is directed to President Thieu.

K: That's right. Because we are at a point now where if they keep nitpicking around in Saigon on these abstruse theological points, they are going to get so much opposition to themselves triggered here.

G: Yes.

K: The difference is between them and us. I mean, we shouldn't say that but just for your information—cannot be explained to the American people.

G: No, that's for sure.

K: I mean, they are abstruse points—you take—when the agreement is published, you'll see, for example, that we've got the word sovereignty in there in three or four places.

G: Yes.

K: But we can't make them sign it in blood in a separate sentence, you see what I mean?

G: Yes.

K: So they have to show a little subtlety. But basically what will make this agreement go isn't legal clauses.

G: Yes, that's right.

K: What will make this agreement go is the willingness of the American people and the American President to back them.

G: That's right.

K: And that willingness they are going to jeopardize if they are going to get such a debate started here about themselves that we will be on the defensive right away.

G: Well, let me get something together, Henry.

K: Because it would really be a great help. They take you seriously and we've gotten practically everything we went after.

G: All right. Let me get it together and I'll get it right out.

K: Thank you, Barry.

G: Okay, Henry.³

³ At 11:17 a.m. Kissinger called Goldwater again to say: "Barry, the only thing I wanted to add is you won't say that you and I talked." To which the Senator replied: "Oh, hell, no. No, it's all on me." (National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 18, Chronological File)

296. Transcript of a Telephone Conversation Between Senator John C. Stennis and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, January 18, 1973, 11:30 a.m.

S: Hello.

K: Mr. Chairman. How are you. Mr. Chairman, I was wondering whether I could make a suggestion to you.

S: Yes sir, always.

K: We think given your long-term commitment to Defense and so forth, that if you made a statement saying that you thought that this would be—that this was now the time for Thieu and us to close ranks and that there shouldn't be legal quibbles, that to restore the unity between our two governments, or something like that that puts a little pressure on Thieu, so that he doesn't think that the conservative element in this country is behind him.

S: Yes, sure.

K: Today would be a good day to do it.

S: I heartily agree, matter of fact I issued a little statement you know when you had that other thing going.

K: Right.

S: Well you want as a guideline—would you want to send something up here?

K: Okay, I'll get something over to you.

S: Alright, you do it and I'll be working on it in the meantime, but go ahead and give me any detailed points you want. I think this would be very good indeed. I am more willing to do it.

K: It would be helpful to the country. He is leaning towards coming along and just a little shove might help him.

S: Well, of course, this is the way the President sees it too.

K: Oh yes.

S: To make a statement.

K: No, no, the President and I discussed it and I am calling you at the suggestion of the President. He would consider it very helpful. He doesn't want you to indicate that you talked to us. He would prefer it if you would not indicate.

S: Oh of course that's right I won't do that.

¹Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 18, Chronological File. No classification marking.

K: But you can be sure that this reflects the President.
S: Alright well that's what I wanted to know.
K: You can count on that.
S: Okay well that's fine enough. It is almost time to convene I—you could get that up here rather soon?
K: Within the hour.
S: Alright—just send it to my office is 205 and I'll have someone there to bring it on to me.
K: Terrific.
S: Thank you so much.
K: Many thanks, Mr. Chairman.
S: I'm proud of what you have been able to do.
K: Well, you have been a tremendous support.

297. Transcript of a Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

January 18, 1973, 1:07 p.m.

K: Mr. President.
P: In regard to my suggestion on the Goldwater thing, another possible approach which you could use would be to have Goldwater and Stennis write a joint letter which you could send to Bunker to be delivered to Thieu.
K: I think they've already delivered statements.²
P: Oh good, fine.
K: I talked to Goldwater. He was 100% aboard, enthusiastically in back of you; talked to Stennis and we actually drafted the statement.
P: What in essence did you have him say?

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 18, Chronological File. No classification marking. Nixon was in Key Biscayne, Florida; Kissinger was in Washington.

² A story in *The New York Times* noted that: "The warnings addressed to the Saigon Government by Senator Stennis, who spoke in the Senate, and by Senator Goldwater, who issued a statement, were markedly similar." (David Rosenbaum, "Goldwater and Stennis Tell Saigon Not to Balk," *The New York Times*, January 19, 1973, p. 1)

K: We had him say that as somebody who has always supported the freedom of South Vietnam, he hopes that President Thieu will weigh the fact that we have a peace with honor before us and that what is important now is to continue this close cooperation and that he should not—that if he becomes the obstacle of the peace the Congress will find it very difficult to—

P: Good, very good. There's no problem with that. As a matter of fact, it ought to get the message across and it will look as if they did it on their own. Also that lays the foundation here at home too.

K: We have Bunker's cable now about his having brought the letter to Thieu, and he's now quite convinced—and we also have a—where Bunker—where Thieu called in his Corps Commanders and military commanders and said he would accept the ceasefire.³ So I think—

P: Well Bunker said he was shaking, but my goodness Henry, we've shaken him before you remember.

K: I would say now, Mr. President, the chances are now four out of five.

P: That isn't good enough. It has to be five out of five. We'll hope for the best. Bunker says he was shaking—what the hell is new that shook him in this letter that wasn't in the other.

K: Oh, you know, that you just didn't give an inch.

P: Oh, you mean about delay and that sort of thing.

K: Yeah.

P: Did Bunker stay there while he read it?

K: Yes, and he made a few nitpicking replies. But the nitpicks are diminishing too.

P: Yeah. The other point that occurred to me was to when Haig sees him again, he ought to really urge him on a very personal basis to get a message to the President before his inauguration, what the President has gone through and suffered for him. Not a bad idea. Well, any way, it may not work but—

K: Well, his daughter is getting married tomorrow and he's in seclusion.

P: Oh well, I see.

K: It is a real bunch. He was going through religious rights all day long.

P: Yeah, yeah, yeah. Well, that's all right. We'll go right ahead and say we got an announcement to out, right.

K: Right. And I understand it went very well.

³ See Documents 292 and 286, respectively.

P: Right. And at least Goldwater and Stennis are certainly are fellows to present aboard, huh.

K: It couldn't be more.

P: How did they sound.

K: They sounded enthusiastic, Mr. President.

P: It was very good, incidentally, that you talked to both of those, that will get around, and the fellows will realize you are going to talk to them. Which is damn good from my standpoint, cause it helps enormously with the people we have to depend upon now to back us up.

K: It couldn't have been more—really—I'm

P: What did Goldwater say, for example.

K: He said the President is 100% right, I'm fully behind him, and congratulations to the President, we've got to wrap this thing up now.

P: Right. And Stennis the same.

K: He said—

P: Of course, neither one of them are corresponding about the bombing. Scott, that was a miserable statement of his, wasn't it.⁴

K: Scott is always dancing all over the—

P: That's all right. We will see it through. Okay, Henry, fine. Unless I hear otherwise from you I'll see you on Saturday. I'm sorta toning my inaugural.

K: I think you should.

P: I'm going to play it, not with any idea that everything is easy and all that, but that—as a positive fact. In fact, I'm going to have to for another reason. This announcement today, as you can realize, is going to hot foot this thing like the devil.⁵

K: I think, Mr. President, this thing is done. We can't resume bombing now.

P: Oh I know, but God knows there's no way. I know that. The question is not whether we resume bombing, but whether we quit doing the rest, see what I mean. It's the peace that I'm talking about, it isn't any resumption of bombing.

K: Therefore, we've got to get it wound up now.

P: That's right. That ought to have some effect on him but—

K: Oh, no, he knows this week you've taken some irrevocable steps.

⁴ The *New York Times* article that reported Goldwater's and Stennis's statements also reported Senator Hugh Scott's statement in which he said that he "hoped to persuade the Administration not to oppose" the war powers bill, currently under consideration in the Senate, once U.S. involvement in Indochina was over.

⁵ See footnote 2, Document 294.

P: Yeah. That's the way to do. It was done beautifully too.

K: It was beautifully done. Calmly, deliberately, every day turning the screw a little more.

P: We really felt that this was quite a diplomatic feat knowing how—

K: He says it's the greatest diplomatic feat that is in American history.

P: Well, we'll see how long it works. Okay, thanks, Henry.

K: Right, Mr. President.

298. Message From the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 18, 1973, 2125Z.

1. U.S. and DRV delegations met at golf course January 18 from 1430 to 1830. Language experts met same location 1030 to 1830.

2. We have now reached agreement on all four protocols with exception of points of entry to be authorized under Article 7 of agreement. In separate message, you have asked me, at Bunker's behest, to reopen an article in this prisoner protocol.² It is clear that this request is based on Bunker's misunderstanding of foundation for this article as well as its ultimate effect. I am sending you separate message explaining why I feel strongly this article must remain in pro-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Secret; Operational Immediate; Sensitive; Exclusively Eyes Only. Sent via Guay and Scowcroft.

² In message WHP 366, January 18, 1724Z, Kissinger forwarded to Sullivan Bunker's message, in which the Ambassador explained why he believed the South Vietnamese would not accept the prisoner protocol: "The protocol provides that the detaining parties shall not cause the return of civilian personnel detained in South Viet-Nam to be denied or delayed for any reason including the fact that captured persons may, on any grounds, have been prosecuted or sentenced. As you know, the GVN is detaining some VC terrorists and assassins on criminal charges and they have been prosecuted and sentenced. Thieu will object strenuously to any requirement that detainees in this category be released." (Ibid.)

tocol and why GVN reps, with whom I have discussed it, feel the same way.³ They also feel Bunker misunderstands it.

3. Therefore, there is only one rpt one obstacle to agreement, and that concerns points of entry. I intend to discuss problem at some length in this message because it has complex overtones and I will need your instruction prior to 0900 Paris time January 19 (tomorrow).

4. DRV originally proposed that there should be twenty points on land and sea frontiers (including DMZ) for purposes of implementing Article 7. Ten of these should be in territory controlled by GVN and ten in territory controlled by PRG. They submitted list of proposed points, with which I will not bore you, and about which we have been arguing the past three days. They wished all rpt all of these to be available for legitimate entry of replacement supplies.

5. They have grudgingly backed off this latter position to propose that only seven of the ten be legitimate points. One would be land route across DMZ, two would be airfields, three would be seaports, and the seventh (at the border crossing near Chup) is still vaguely stated. I have naturally rejected this proposal.

6. However, in a very frank interchange, Thach admitted that their purpose is to use up stockpiles currently in Laos and Cambodia, while fervently asserting that they will introduce no new rpt new supplies into Laos and Cambodia. Re seaports, he insists this has always been one of their most important logistics means in clandestine form, and they wish it legitimized for cease-fire purposes.

7. At same time, Thach declines to give me an actual list of seaports which he wishes to use. In fact, his whole method of negotiating this point is unusual, and he seems to have very little flexibility. Today, he stopped at the proposal cited in para 5 and said he would have to consult Le Duc Tho.

8. It seems to me that our dilemma rests on fact that DRV fully intends to supply its forces during standstill in its traditional fashion. If we give them entry points which permit that to happen, they seem perfectly willing to subject their supplies to control and supervision. This would be an unusual, but refreshing, evidence of their willingness to abide by provisions of the agreement. If we refuse to give them usable entry points, they will then violate the agreement rather than starve their troops.

9. My advisers, including the military, suggest I should agree to a compromise which would give DRV five points of entry. One of these

³ Sullivan's position, as expressed in a message to Kissinger sent January 18, 2238Z, was that those incarcerated because of involvement in the political and/or armed struggle against the South Vietnamese Government could be released but those who had been arrested for a common crime could not be. (Ibid.)

would be across DMZ, two would be airfields they control (Lao Bao and Ben Het) and two would be seaports.

10. Aldrich suggests still another approach, which he has written up as follows:

“Following factors strike me as important:

(A) it seems certain that supplies DRV has cached in Cambodia will at some time be sent into SVN, not taken all the way back up Ho Chi Minh Trail to NVN,

(B) PRG areas around Xa Mat and Loch Ninh will be very difficult to supply except by land through Cambodia or air,

(C) if possible, we want to discourage continued dependence on Cambodian land routes for DRV supply requirements.

Conclusion I reach is that our interests would be served by accepting Xa Mat as legitimate entry point, subject to explicit limitation that land entry would be permissible for a fixed time (e.g., 60 days only, and thereafter only air entry would be permissible).”

11. It is clear that points of entry on the Lao/Cambodia border make an apparent mockery of Article 20, unless they are clearly specified as airports, which the DRV chooses to use to avoid seeking air corridors over GVN territory. (They will overfly Laos and Cambodian territory with the approval of the Lao and Cambodian party in administrative control of the territory, just as we will fly reconnaissance missions with the approval of the RLG and GKR.)

12. Agreement to seaports would raise predictable anguish in Saigon, although Communists clearly control great stretches of Binh Dinh, Ca Mau, and U Minh forest littoral.

13. Despite fact I have been seeking GVN guidance on this for four days now, we have no rpt no inkling of Saigon’s attitude. If they accept basic premise of agreement, they should logically accept its implications. If we honestly intend to permit Communist forces to be resupplied during standstill, we must also be prepared write realistic provisions in this protocol. Guidance I need rests on decision concerning how much political traffic will bear the weight of realism. A “mock tough” instruction will be useless, because Thach has already threatened to leave this one completely unresolved until you and Le Duc Tho can handle it. He points out that it merely requires brief list on one blank page of otherwise agreed protocol.

14. I can not rpt not predict method in which Thach will approach this problem tomorrow, since I have no rpt no feel for his latitude. However, I will need some flexible instructions in order to meet whatever tactics he devises.

15. Your 181831Z just arrived.⁴ I succeeded in getting a provision on inspection of civilian detention facilities which not only preserves GVN veto, but also, in separate article, requires PRG to provide list of detention camps. This is precisely what Phuong has been seeking and should make him happy.

16. Warm regards.

End message.

⁴ Regarding the inspection of civilian detention facilities, Kissinger wrote in the message, January 18, 1831Z: "I do not believe we can agree to the right of visitation over which the GVN does not have a veto. Assurance of reciprocity is not adequate. This has always been my understanding and I believe that the DRV will acquiesce." (Ibid.)

299. Message From the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 18, 1973, 2211Z.

1. Thach has proposed that January 19 be our last day of negotiations this week. He wishes use all available language experts for conformity of texts on Saturday and Sunday.² In fact, today, we negotiated in French, not a totally satisfactory exercise, because language experts at work.

2. He feels that, if we can not rpt not solve entry point issue January 19, we should wait for Monday. It is not rpt not clear whether this is pressure tactic, or whether, as he claims, he as yet unable nominate proposed seaports. If latter is case, it may be that he wishes minimize time between their nomination and the cease-fire in order preclude preemptive seizure by ARVN.

3. In any event, I saw no choice but to accept his proposal, especially since January 20 is scheduled to be day of massive demonstrations, which may immobilize Embassy, including its garage.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 119, Country Files, Far East, Vietnam Negotiations, Ambassador Porter's File—Paris, June 1972–January 1973. Secret; Sensitive; Exclusively Eyes Only. Sent via Guay and Scowcroft. A copy was sent from the White House to Haig in Saigon as Tohaig 58/WHS 3064 at 2305Z. (Ibid., Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig 1–105, January 14–21, 1973 [1 of 2])

² January 20 and 21.

4. Given this situation, I have accepted invitation to spend Saturday and Sunday with friends in St. Moritz. Aldrich will remain here to nurse his cold and work with language experts. Unless you have sadistic desire to confine me to Paris, which you express before I buy my tickets morning January 19, I shall take this breather. Before leaving, I will provide telephone number where I can be reached.

5. Warm regards.

300. Message From the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 18, 1973, 2219Z.

1. During side conversations with me January 18, several matters were discussed. I will lump them all in this message.

2. I asked Thach solemnly again for info on place and method of return for U.S. prisoners. He promised to get it for me.

3. We made arrangements for Kleber January 23 and I have instructed our Embassy to approach French Foreign Office tomorrow, January 19.

4. Thach asked for proposed text of announcement to be made at 2200 hrs January 23 in Washington concerning fact agreement has been initialled and will be signed January 27. Please send proposed text for opening of business January 19 Paris time.

5. Thach asked for texts we proposed use in notifying ICCS Embassies January 24. Please confirm that you and State concur in texts I forwarded.

6. Thach raised question of date and locus of international conference. We agreed to propose "mid-February" to our special advisers. As for locus, he proposed Paris which I rejected. I proposed Geneva which he rejected. He then gave Stockholm, Copenhagen, Helsinki, Algiers and New Delhi. I thanked him for excluding Havana and agreed to

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 119, Country Files, Far East, Vietnam Negotiations, Ambassador Porter's File—Paris, June 1972–January 1973. Secret; Sensitive; Exclusively Eyes Only. Sent via Guay and Scowcroft. A copy was sent from the White House to Haig in Saigon as Tohaig 59/WHS 3063 at 2303Z. (Ibid., Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig 1–105, January 14–21, 1973 [1 of 2])

send list to you. He pointed out that DRV was limited to those places where it had Embassies and thus communications.

7. Thach asked for my comments on his note re accommodations and facilities in Saigon. I told him I would reply when I had your comments, which I have now received.

8. Warm regards.

End message.

301. Message From the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 18, 1973, 2240Z.

1. At opening January 18 session, Thach passed me following re-draft of our proposed note to be dated January 30. Once again modesty is transcendent:

Quote

Draft US message to the DRV on January 30, 1973.

The following is a message on behalf of the President of the United States of America to the Prime Minister of the Democratic Republic of Viet Nam.

The President wishes to inform the Prime Minister of the principles which will govern the U.S. contribution to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Viet Nam. As indicated in Article 21 of the Agreement on Ending the War and Restoring Peace in Viet Nam signed in Paris on January 27, 1973 the United States undertakes this contribution in accordance with its traditional policies. These principles are as follows:

1) The Government of the United States of America will contribute to healing the wounds of war and to postwar reconstruction in North Viet Nam without any condition.

2) This United States contribution will be based upon such factors as:

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Secret; Operational Immediate; Sensitive; Exclusively Eyes Only. Sent via Guay and Scowcroft.

A. The needs of North Viet Nam arising from the dislocations of war;

B. The requirements for postwar reconstruction in the agricultural and industrial sectors of North Viet Nam's economy.

Preliminary United States studies indicate that the appropriate programs within the framework of the preceding paragraph will fall in the range of \$4.5 billion of grant aid over five years, the use of which will be left to the discretion of the Democratic Republic of Viet Nam, as well as other aids in amounts and on terms to be agreed upon between the Government of the United States and the Government of the Democratic Republic of Viet Nam.

3) The United States will agree with the Democratic Republic of Viet Nam to establish a United States-Democratic Republic of Viet Nam Joint Economic Commission within 30 days from the date of this message.

4) The function of this Commission will be to develop programs for the United States contribution as envisaged in points 1 and 2 of this message.

5) The Joint Economic Commission will have an equal number of representatives from each side. It will agree upon a mechanism to administer the program which will constitute the United States contribution to healing the wounds of war and to postwar reconstruction of North Viet Nam. The Commission will attempt to complete this agreement within 60 days after its establishment.

6) The two members of the Commission will function on the principle of respect for each other's sovereignty, non-interference in each other's internal affairs, equality and mutual benefit. The office of the Commission will be located at a place to be agreed upon by the United States and the Democratic Republic of Viet Nam.

7) The United States considers that the implementation of the foregoing principles will promote economic, trade and other relations between the United States of America and the Democratic Republic of Viet Nam and will contribute to ensuring a stable and lasting peace in Indochina. These principles accord with the spirit of Chapter VIII of the Agreement on Ending the War and Restoring Peace in Viet Nam which was signed in Paris on January 27, 1973.

Unquote

2. I agreed forward this to you, but doubted I would have your reaction prior to your arrival January 23.

3. Warm regards.

End message.

302. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, January 19, 1973, 0155Z.

WHS 3072. Following is the text of a cable I have sent to Haig for his action when he sees Thieu:²

Begin text:

January 18, 1973

To: General Haig

From: Henry A. Kissinger

1. Ambassador Bunker reports that in his conversation with Thieu January 18, 1973 when he presented the President's letter,³ Thieu seemed concerned about what the President would say on the evening of January 23, 1973.

2. First of all please make sure that Thieu understands that the President's statement will be in the evening Washington time. You should tell him that it would be very helpful if he could speak simultaneously or shortly afterwards. This would be the morning of January 24 Saigon time.

3. You should inform Thieu that according to present thinking the President's speech will run no longer than ten minutes and will contain the following elements. He will announce that an agreement has been initialed and will be signed on January 27, 1973. He will state that the settlement fulfills our consistent objectives, as outlined in the President's May 8, 1972 speech, i.e. ceasefire, return of prisoners, withdrawal and free choice for people of South Vietnam. He will not repeat not go into the specific provisions of the agreement. He will reaffirm that we recognize the GVN as the only legitimate government of South Vietnam and that we have a continuing obligation to supply it with necessary assistance. He will include some warm words for the Government and people of South Vietnam and call on the American people to remain vigilant so that the agreement is observed.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Secret; Operational Immediate; Sensitive; Exclusively Eyes Only.

² The message was sent to Haig as Tohaig 64/WHS 3073, January 19, 0158Z. (Ibid., Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig 1–105, January 14–21, 1973 [1 of 2])

³ See Documents 290 and 292.

4. The Vice President would then repeat the assurances contained in the President's letter to Thieu and the President would renew them once again when he and Thieu meet around March 1, 1973.

5. The text of the agreement will be released at 1100 Washington time on January 24 repeat January 24 and we would release the four-power agreement as the principal document.

Warm regards.

End text.

303. Message From the President's Assistant for National Security Affairs (Kissinger) to the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan) in Paris¹

Washington, January 19, 1973, 0205Z.

WHS 3074. 1. I agree with your approach to the issue of the Vietnamese term for "unanimity," so long as you make a very strong record that we could surface if necessary.²

2. With respect to authorized points of entry for Article 7, I don't see how we can specify authorized crossing points on Lao and Cambodian borders without making a mockery of the agreement, both with respect to withdrawal of North Vietnamese forces from these countries and with respect to their non-use as base areas. For this reason your approach in paragraph 9 of your message³ is acceptable. However, the most honest and therefore most desirable approach is the Aldrich posi-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only. Sent via Scowcroft and Guay. Also sent to Haig as Tohaig 65.

² In message WHS 3057, January 18, 2248Z, Sullivan informed Kissinger that the word for "unanimity" in the Vietnamese text of the settlement could mean either a unanimous decision or a "more amorphous unanimous feeling." Sullivan wrote, "I will pass a message in strong terms from you to Tho to this effect, stating that we demand firm assurances from him that the Vietnamese term will in fact be interpreted as meaning 'unanimous decision.' If he is unwilling to do this, then we should reconsider whether we should make a formal demand for changes in both the Vietnamese and English texts." (Ibid., Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig 1–105, January 14–21, 1973 [1 of 2]) Sullivan's message to Kissinger, January 19, 1609Z, reported that the North Vietnamese that day had agreed to the "unanimous decision" interpretation and would put it in writing if necessary. (Ibid., Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV)

³ Document 298.

tion in paragraph 10 which gives them a 60-day grace period. All things considered, I favor this approach. The seaport entry issue doesn't bother me too much as long as the seaport location is clearly in PRG territory such as the Qua Viet River.

3. With respect to notifying the French on Kleber, tell Thach that we wish to avoid any leaks that this is only a one-day meeting.⁴ It is important for our domestic purposes here to keep open how long the meeting will last.

4. I am puzzled by your request for the proposed text of the announcement to be made here at 2200 January 23. I sent this text to you for relay to the DRV, together with the text of our announcement today, on January 17 in my message 171601Z.⁵ The following is the same text again.

Begin text:

At 1230 Paris time on January 23, 1973, the Agreement on Ending the War and Restoring Peace in Vietnam was initialed by Dr. Henry Kissinger on behalf of the United States and Special Advisor Le Duc Tho on behalf of the Democratic Republic of Vietnam, with the concurrence of their allies.

The agreement will be formally signed by the four parties to the Paris Conference on Vietnam on January 27, 1973. The ceasefire will take effect at 2400 GMT January 27, 1973.

The United States and the Democratic Republic of Vietnam express the hope that this agreement will usher in a new era of peace in Indochina and a new relationship between their peoples.

End text.

5. Your draft text for notifying the ICCS Embassies January 24 is fine and you can give it to Thach. On both this text and the January 23 announcement we could save time at our January 23 meeting if we can get the DRV's reaction before then.

6. We decided not to give the Canadians the protocol text tomorrow as you suggested several days ago. We will furnish it after initialing. Secretary Rogers will ask the Canadians and Indonesians to put their forces on a three-day alert on this Monday, January 22. My colleagues prize secrecy.

7. I concur in your St. Moritz weekend. It would be very helpful to have from you before my departure from here a complete checklist of all the issues for the January 23 meeting and recommended positions

⁴ See Document 300.

⁵ Message from Kissinger to Sullivan, January 17, 1601Z. (National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV)

on each of them.⁶ Please also have Aldrich prepare for me to take back to Washington a summary of each of the protocols, including any significant fine points, so that I will be well prepared for my briefing sessions back here. The Secretary has indicated that he may wish to have Aldrich return with me on my plane on January 23, so he should plan accordingly.

8. With respect to the DRV redraft of the January 30 note,⁷ I will discuss this issue with Le Duc Tho but you should give to Thach the following preliminary and illustrative reaction. The \$4.5 billion sum is totally unacceptable. \$3 billion is the maximum we can agree to. We also will want changes in tone. For example paragraph 3 should read that the U.S. “proposes” instead of “will agree with.”

9. I think you did well on the question of inspection of civilian detention facilities.⁸ We will inform Bunker on this and all other protocol changes. However, I am still worried about Article 9b since I think the GVN should have the right to veto individual visits. This provision should be exactly according to the Geneva Convention.

10. With respect to your message 182238Z on the release of civilian captives,⁹ on the basis of your argumentation and the GVN position there, I agree with your position and I am relaying your message to Bunker.

Warm regards.

⁶ The checklist is included in Document 308.

⁷ See Document 301.

⁸ See Document 298 and footnote 3 thereto.

⁹ See footnote 3, Document 298.

304. Message From the Vice Chief of Staff of the Army (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Bangkok, January 19, 1973, 0521Z.

Haigto 19. Thank you for Tohaig 64² which will be most helpful to me in my discussions with Thieu on Saturday morning. My reading of Bunker's Saigon 0339³ further confirms my conviction that Thieu will go along. We cannot, however, discount the possibility that he will even at this late date try for one more stalling session and run the crisis right up until Tuesday.⁴ I would hope to tell him that were he to continue to procrastinate that we will be forced to communicate with Hanoi and start down the road which would foresee a solution that does not include the GVN's cooperation. This is somewhat of an idle threat but I know of no other way to hold Thieu's feet to the fire should it be necessary. I have in fact hinted at this problem and believe that he recognizes that he has to give a yes or no response on Saturday. Nevertheless, we must all consider the possibility that he will not do so.

I have just completed a two hour session with Thanom which was extremely successful and cordial. I will send you a separate reporting telegram but I am completely confident that the Thais will be fully supportive of the settlement and will urge Thieu to join with us. They are going to be fully cooperative on additional bases for our air and rescue units and also understand the short term paucity of funds available for Thailand under the continuing resolution which we are operating. I stressed the essentiality of the agreement for the future of U.S. assistance to Southeast Asia and Thailand in particular and I believe that Thanom is especially sensitive to the fact that Thieu cannot be permitted to gore Thailand's ox.

Because of possible press speculation, I will hold up here in Bangkok tonight and proceed early tomorrow morning to Saigon. From there, if all goes well, I will proceed directly to Seoul with the hopes of meeting Park late Saturday evening and returning immediately after to Washington. This is still tentative pending the outcome of the discussions with Thieu. On balance, you can be assured that the Lao, Cambodians and Thais are fully supportive of the agreement and will meet all

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Brown.

² See Document 302 and footnote 2 thereto.

³ Document 292.

⁴ January 23.

aspects of our overall game plan. The sole difficulty now is in Saigon. I remain optimistic, however, that Thieu will come along although it is evident that the protocols are posing additional difficulties because of their specificity in certain areas.

Warm regards.

305. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, January 19, 1973, 0900Z.

344. Deliver OBB. Subject: Protocols.

1. I have just received from Nha a memorandum of the GVN concerning the most recent texts of the protocols and questions they raise in connection with them.

Begin text:

Memorandum of the Republic of Viet Nam on the Question of the Protocols Raised by the United States Government.

1. In his letter dated January 18, 73 answering President Thieu's letter of January 17, 73 and which Ambassador Bunker transmitted to President Thieu on January 18, President Nixon said the concerns of the Government of the Republic of Viet Nam about the protocols "come extremely late considering the fact that for two and a half months we have been asking for your government's joint participation in the drafting of these documents and your comments upon them. As late as January 16 your representatives in Paris refused to give any comments to Ambassador Sullivan".

2. The South Vietnamese National Security Council has read carefully the part of President Nixon's letter with regard to the protocols, as mentioned above, and was briefed by Prime Minister Khiem who concurrently is the Minister for Defense and General Vien, Chief of JGS who are charged with the specific task of working on the protocols with MACV. Consequently, in order not to be accused of bad faith and with the purpose to dissipate any bad impression President Nixon might

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only.

have about the GVN on this particular matter, President Thieu and the National Security Council deem it necessary to point out the following:

—The GVN first got copies of the protocol on the ICCS and Four-Party Joint Military Commission on November 10, 72 when General Haig was in Saigon.

After receiving those protocols, the South Vietnamese NSC had entrusted Prime Minister Khiem, also Minister for Defense and General Vien to work on those protocols with MACV in Saigon, before submitting their ideas to the NSC. The NSC deals with the peace agreement and sends instructions to the task force headed by Ambassador Lam in Paris.

—On December 12, 72, the GVN received copies of the protocols on the ICCS and the Four-Party Joint Commission. These protocols differ somewhat from the ones we received in November. However, and most importantly, they did not take into consideration the points raised by our military staff with MACV. Prime Minister Khiem and General Vien once again instructed their staff to work on these new protocols with MACV. However, they found that MACV was then not in a position to offer or take comments. Meanwhile the meetings between the US and DRV experts continued in Paris.

—The GVN then instructed its task force in Paris to seek copies of the protocols as the meetings proceeded so as to be informed on all the details of the discussions.

—It was not until January 10, 1973 that our task force in Paris received copies of the protocols revised as of January 7. The South Vietnamese National Security Council received them on January 11 in Saigon.

—The new protocols not only differ from the previous ones but include many points of substance, such as the notion of a zone under the “control” of the Communist authorities and the fact that the GVN’s police force be hampered in its responsibility to maintain law and order.

—Most importantly, the protocols we received are in English, and to this date there are no Vietnamese texts. The GVN wants to work on the Vietnamese texts of the protocols so as to avoid misuse and misinterpretation of English and Vietnamese vocabulary.

3. The following [*preceding*] chronology points out that the GVN did not lack cooperation in the discussions of the protocols, rather it had found it difficult to discuss when MACV in Saigon could not make comments and when the points of substance in the basic agreement have not been solved.

January 19, 1973

End text.

2. As mentioned yesterday (paragraph 2, Saigon 0339)² I called Thieu's attention to fact that when we proposed to start discussions on the protocols he had prohibited his people from meeting with us because he considered the draft agreement unsatisfactory and considered it pointless, therefore, to discuss the protocols.

3. Warm regards.

² Document 292.

306. Message From the Vice Chief of Staff of the Army (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Bangkok, January 19, 1973, 1025Z.

Haigto 21. Refs: A. Tohaig 64, B. Haigto 19, C. Tohaig 65.²

I will be sure President Thieu is apprised of the provisions of paragraphs 1 through 5 of reference A. The inclusion of recognition of GVN as the only legitimate government and specific reference to U.S. obligation to continue support, combined with cautionary words, should be most helpful for Thieu. As you know, this was an issue discussed with his NSC and prompt assurances of this kind should ease his problem in going along with us. The sequence outlined for the Vice President's visit to Saigon and subsequent Thieu-Nixon meeting around 1 March is equally helpful. It may be that Thieu would prefer to delay on the meeting with President Nixon as he indicated in his discussions with the NSC. Despite these discussions, however, I believe that by the first of March sufficient controversies will have been faced and hopefully met that the meeting will be both timely and helpful.

Concerning paragraph 5 of reference A, has there been any change in the time of your briefing on January 24th?

Reference paragraph 2 of Tohaig 65 which contains instructions to Sullivan, I agree completely with paragraph 2 concerning points of entry. This issue came up in discussions with Cambodians, Laotians and

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Brown.

² References A, B, and C are, respectively, Documents 302, 304, and 303.

Thais and only a brief grace period as suggested by Aldrich would be understood by them.

Reference protocols worked out by Sullivan and Aldrich, I am glad you are giving these close attention. While Sullivan may be concerned about being mock tough,³ these protocols might well upset the complete game in Saigon. Rather than let that happen, it would even be preferable to leave key issues unresolved through initialing period so as to be sure we do not impose clearly unacceptable conditions on Thieu. Our Irish cohort [Sullivan] stepeth quickly indeed.

Warm regards.

³ See Sullivan's use of the phrase "mock tough" in his discussion of the protocols in paragraph 13, Document 298.

307. Transcript of a Telephone Conversation Between the Chairman of the Joint Chiefs of Staff (Moorer) and the Chief of Naval Operations (Zumwalt)¹

Washington, January 19, 1973, 9:25 a.m.

0925—Telecon/Incoming—Adm Zumwalt, USN (CNO)—Fri, 1/19/73

CNO—Is it possible with the change in affairs to do anything to let our minesweeping people start getting ready?

JCS—No, I just asked HAK that question yesterday and it is only . . . in the first place, we want to go very, very slow. In other words, he said the last thing he wanted to do was rush down there and start sweeping like mad. In fact, we don't want to do anything effective. We might go there and go through the motions but not effective sweeping until our POWs are back. He said absolutely not—he wanted me to work up a plan where I could drag this out and even through the motions of sweeping but dragging our feet to the utmost.

CNO—That'll be pretty easy in just trying to get ready.

JCS—I told him that we had it built in. I explained to him that we are not ready and haven't be able to train, etc. He said that's fine so I think one of the problems here we always try to do something to the

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Top Secret.

best of our ability and charge out but in this particular instance we shouldn't pursue it with vigor in fact I have my people in here now trying to figure out some artificial means of dragging our feet.

CNO—It'll be a pleasure to screw this one up.

JCS—We can, to our heart's content, according to him he didn't want us to be efficient and hasty.

CNO—Good luck!

308. Message From the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 19, 1973, 1718Z.

1. You have asked for a checklist of issues for January 23 meeting.² Herewith my first cut, which may be updated before your arrival.

2. January 30 note.³

Le Duc Tho will clearly push this hard. I believe you should be prepared to give him some papers which indicate the possibilities we see in PL 480 food and other commodities on a basis which amounts to grant, and which may add substantially to the \$3 billion over five years. You may wish to check with legislative experts about need to include "constitutional processes." My own recommendation is that you stick to it.

3. U.S. prisoners.

If we have yet had definitive word on place and method of prisoner return, you should insist on this prior to initialling. We want them picked up by aircraft (preferably U.S.) in Hanoi and flown to Vientiane.

4. International conference.

You will need a date and place. I suggest February 19 and would accept Copenhagen.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Secret; Operational Immediate; Sensitive; Exclusively Eyes Only. Sent via Guay and Scowcroft.

² See Document 303.

³ See Document 301.

5. Your visit to Hanoi.

You have my recommendations this subject by previous cable.⁴

6. Arrangements for signature.

There will be certain details to be worked out for January 27 session at Kleber. If you have Charlie Bevans⁵ with you, he can wrap them up.

7. Aerial reconnaissance.

At one stage, Thach indicated that Le Duc Tho might wish some understanding re aerial reconnaissance in SVN. This has never been surfaced again, but you may wish be prepared with strong stand re U.S. intentions.

8. That is all I can think of for the moment. My head may be clearer in the Swiss Alps where I'll think of you constantly. My telephone number in Switzerland, incidentally, is area code 082, dial 66292.

9. Aldrich is preparing check list for you on protocols, will fly back with you and then return with Secretary Rogers.

10. Warm regards.

End message.

⁴ Document 288.

⁵ Charles I. Bevans, Assistant Legal Adviser for Treaty Affairs, Department of State.

309. Backchannel Message From the Vice Chief of Staff of the Army (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, January 20, 1973, 0300Z.

Haigto 22/345. Have just arrived Saigon 0900 January 20 local. Thieu is in a meeting with his NSC preliminary to the session with Bunker and myself. This is encouraging if it connotes Thieu's recognition of the fact that this morning is bullet biting time.

I have just completed a review of all the most recent intelligence here with Polgar and there is no doubt that all echelons within the

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

South Vietnamese military have been told that there will be a ceasefire on the 28th. The general theme seems to be that there are some changes which Thieu hopes to get in the protocols but that in any event he is committed to proceed with the agreement and the ceasefire. There has been a rash of intelligence from enemy sources which confirms that the enemy has disseminated specific instructions concerning the ceasefire on the 28th. The general approach is similar to that in October. The enemy is to launch all out attacks starting from the time that the ceasefire has been announced Wednesday² Saigon time and will be continued up through 48 hours after the ceasefire is to go into effect. The enemy has then been instructed to lay down its arms and submit to international supervision for a period of 60 days. Most people are confident here that the enemy's instructions are far more ambitious than its ability to deliver. I am sure Thieu will be equally honorable in his implementation of the provisions of the agreement.

One report given to me by Polgar suggests that Thieu was quite disturbed by the President's response to his letter, especially the charge that he had been intransigent on the protocols. There is evidence that he was also very shaken by my call to Nha on the night of the 18th. While it made them mad, it also confirmed that Washington is no longer in the mood to be strung along and in hindsight I think it was a good thing to do.

I will Flash you immediately after this morning's meeting which it now appears may not occur until after 11:00 am or even beyond then. This is, of course, where the business must be done and the ongoing schedule in Korea will be adjusted to assure that I have done all that can possibly be done here in Saigon before proceeding. If we are able to depart here by 1:00 pm this afternoon, I will probably go ahead and meet Park tonight and proceed back to Washington, not because I feel any sense of urgency but because it is the most convenient schedule to follow. On the other hand, if the meeting with Thieu is extended into the afternoon or there are subsequent constructive chores which I can do here in Saigon, I will delay the Seoul leg even if necessary holding up return to Washington until just before you leave for Paris.

At this juncture, I think Thieu is postured about as well as he can be although the last minute flurry on protocols has been anything but helpful. I am not sure that I agree with Sullivan's judgment that the Vietnamese text should be withheld from the South Vietnamese until all the bugs are ironed out. The worst thing we can do is to treat Thieu's emissaries in Paris in peremptory fashion. It is significant that all of the intelligence, gossip, etc. reviewed by Polgar this morning suggests that

² January 24.

Thieu is completely on board with respect to the agreement and that all of his residual concerns are focused on the protocols, especially the provision which requires that his police be armed only with sidearms or hand weapons except in exceptional circumstances. I am not sure I understand why Sullivan accepted this provision when everyone knows that South Vietnamese police are armed with carbines and M16's. If Thieu raises this concern this morning in an effort to get further delays, I will emphasize that there is flexibility in the current language and that for this reason we believe this provision is completely manageable.

Warm regards.

310. Backchannel Message From the Vice Chief of Staff of the Army (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, January 20, 1973, 0825Z.

Haigto 23/346. For immediate delivery.

Attached is the text of Thieu's reply which was delivered to me at approximately 3:00 pm this afternoon Saigon time. After being informed that I would see the President at 11:00 am, we heard nothing until around 1:00 pm at which time we were informed that the meeting would be at 2:30 pm or thereafter. We then received a call to the effect that President Thieu was furnishing a written reply to the President. The question was asked whether or not it would be necessary to have General Haig meet with the President. I told Ambassador Bunker to inform Mr. Nha, who made the call, that I had been instructed by the President to convey a message to President Thieu. We were then told to wait. Shortly thereafter, we received another call to the effect that the meeting would be sometime after 2:30 pm. Finally, at 2:45 pm, we re-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip Haigto 1-26 and misc. memos, January 14-21, 1973. Top Secret; Flash; Sensitive; Exclusively Eyes Only. In Tohaig 72/ WHS 3081, January 19, 1630Z, Kissinger informed Haig: "I have just talked to the President and he has asked me to tell you that you must be sure to tell Thieu that no delay is possible. The President will definitely go ahead and initial the agreement. If he cannot say that he is going ahead together with the South Vietnamese the Congressional actions foreshadowed in the Stennis and Goldwater comments which we sent to Bunker may start Wednesday, January 24, and the President would not be able to give assurances that he now plans to make in his speech." (Ibid., Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV)

ceived a call that the meeting would be at 2:50 pm, all this despite the fact that the Palace was well aware that I had scheduled an appointment with President Park for late Saturday afternoon in Seoul. When I saw President Thieu along with Ambassador Bunker and with Mr. Nha in attendance, I informed him that the President asked me to convey to him general outlines of the speech he planned to give on Tuesday evening following the initialing which would take place on Tuesday morning. I then carefully touched upon each of the themes contained in your instruction.² I also touched upon the themes which the Vice President would touch upon during his meeting with President Thieu and noted that the President would be willing to meet with him sometime around the first of March.

Thieu listened and then stated that he wondered why we selected the scenario we had with an initialing on Tuesday and a release of the text of the agreements and protocols on Wednesday—four days before the formal signing. He stated that this gave him considerable difficulty but that he understood that we were probably influenced by the fact that it was important to explain the agreements before misinformed speculation took place. I told Thieu that this was precisely correct. I also pointed out that this was almost the same schedule that had originally been discussed with him in October. I said it was most important that we positively and precisely outline the provisions of the agreement as well as publish the text as soon as it was known that agreement in fact exists and it had been initialed. Otherwise, the Communist propaganda machine might portray it in inaccurate terms and forever more we would be in a position of trying to correct false initial impressions. I mentioned to Thieu that the President was anxious to have him make a parallel statement with respect to the settlement on the morning of the 24th in Saigon. I then mentioned to President Thieu that I was somewhat concerned about the manner in which I, as an emissary of the President of the United States, had been personally treated and noted that while I recognized that this was a difficult period for all of us, I nonetheless would be remiss not to point out that an emissary of the President should be more carefully handled. Thieu pretended not to understand and asked Nha in Vietnamese for elaboration. He then replied that he regretted the delays in our meeting which were occasioned by the extension of the NSC meeting that morning. I then added that this was certainly understood but it was less easy to understand the message that our meeting would not be necessary at all. I told Thieu that I thought it was quite important that matters of protocol not be permitted to influence vital substance which at this time required the most intimate communication between our two governments. I then

² For the instructions, see paragraph 3, Document 302.

told President Thieu that I understood he had a response prepared to President Nixon, noting that I was prepared to deliver it and convey any other additional messages which President Thieu might have. Thieu then stated that he was exceedingly grateful from the bottom of his heart for President Nixon's assurances on what he would say on Tuesday night and with respect to what the Vice President would convey while in Saigon. He stated that despite this fact he had to deal with his conscience and there were still matters of grave concern. He noted that he had written a very lengthy letter which I may want to send electrically to Washington. He said he had to make this additional expression of his views to the President. As the meeting adjourned, after some 15 minutes, Ambassador Bunker commented on the previous day's wedding ceremonies and I noted the unfortunate timing of all these events which coincided in a way which further complicated an already difficult task. President Thieu smiled at me and said, "You are very fortunate to be a General."

From the attached letter it is obvious that Thieu intends to play the situation right to the wire. There is no doubt in either Ambassador Bunker's mind or mine that Thieu is using these exchanges so that he can demonstrate to his own constituents that he has done absolutely everything possible to improve the agreement. You will note that he states in the letter that he intends to dispatch Foreign Minister Lam to Paris, departing Saigon on Sunday,³ with the view towards meeting with you in an effort to achieve the improvements outlined in his letter. I see no alternative than to permit Lam to proceed if Thieu insists. Although Thieu did not want us to read the letter in his presence, it was made categorically clear to him during the meeting that we were going to proceed with the schedule as outlined with or without him and I am convinced he knows this. Given the current state of play, I do not believe it will be of any value for me to talk to Thieu again. He knows our position. I believe he has made up his mind to join us since intelligence confirms he has so stated to both his civilian and military advisers but I am equally convinced that he is going to play every card until the last minute so that he can tell his constituents he has made every effort to improve the agreement. I will proceed to Korea tonight with the view towards seeing Park tomorrow. Should you wish me to return to Saigon, I will be prepared to do so. However, I think from this point on the best procedure is to deal with Thieu via Bunker. Both Bunker and I recommend that we stay absolutely firm and give Thieu no basis for encouragement that he could change the schedule or the realities with which he is faced.

Warm regards.

³ January 21.

Saigon, January 20, 1973.

Nguyen Van Thieu

President of the Republic of Viet-nam

Dear Mr. President,

I received on January 18, through Ambassador Bunker, your reply⁴ to my letter of January 17,⁵ and appreciate greatly the promptness with which you gave me your response to the statements of the position of the Republic of Viet Nam on the restoration of peace.

The basic principles which, in our view, should be taken into consideration in the agreement, and which are a matter of life or death for the Republic of Viet Nam, have been known to you for a long time.

With respect to the protocols, you said that the GVN observations came “extremely late” as we allegedly have been asked to make comments on them for two and a half months but have not done so earlier. On this, I am obliged to point out that this was an inaccurate assumption, because in fact we received the latest draft of the protocols, in English, only on January 11. As for the Vietnamese text, it has not yet been communicated to us at the time of this writing. By a memorandum dated January 19 to Ambassador Bunker, we have provided to your government substantiated information on this question, with detailed facts and specific dates.

The latest draft of the protocols contains many important innovations, especially those relating to the police force and Communist areas of control. These points had not been mentioned in earlier texts, and actually are matters of substance. Also, the latest text has only a tentative outlook because many clauses still contain different U.S. and North Viet Nam versions.

As for the Vietnamese text of the document which we have not yet received, we consider that it is important for us to have it, because the Communists used to insert to their advantage, in the Vietnamese texts, words the meanings of which differ from those in the English text. As I mentioned in my letter of January 17, there still exist in the principal agreement a number of important discrepancies between the English and the Vietnamese texts which have not yet been ironed out.

In recent months, in our discussions with your government on the negotiations, we concentrated on the basic principles only because we consider that it is important to have first agreement on large principles. Then it would be easier to adapt various clauses to these guiding principles. Since the protocols are supposed to implement only the prin-

⁴ See Document 290.

⁵ See Document 285.

ciples laid down in the agreement, logically the discussions on the protocols have to await prior accord on the basic principles.

In the course of the negotiations with the other side through your government, I would not attempt to list in this letter all the successive very important concessions which the GVN has made for a prompt restoration of peace.

In comparison with the positions which our two governments have held together for many years, and emphatically stated on various occasions, and the large number of clauses which the GVN had strongly opposed in recent months, I hope that you have noticed the extreme good will of the GVN when we have drastically reduced our reservations to only 4 points, in my letter of January 17.

I have weighed very attentively the considerations you raised in your reply of January 18. I understand your view that the present circumstances seem to make it necessary for our two governments to build a new basis for continued U.S. assistance to the RVN in our struggle to defend and preserve freedom. However, I must confess that I do not comprehend why the paraphing⁶ and the signing of the agreement have absolutely to be done on January 23 and January 27, while there are many vital points which leave much to be desired.

With this in mind, in case you consider that it is too difficult to obtain satisfaction on all four points I mentioned in my letter of January 17, I accept to reduce them, as the last resort, to only two points, each of which will also be reduced in its substance, as follows:

1—With regard to the NVA, the words “one to one basis” and “return to their homes” are to be added to the clause on the demobilization of the Vietnamese armed forces.

2—In the protocols, we insist on leaving out the wordings which would hamper the GVN police force in its responsibility to maintain law and order. This is a very reasonable demand, the more so that it relates to an innovation made by the Communists in the latest draft.

Concerning the point 1 above, relating to the NVA, if Hanoi adamantly turns down the suggested wordings on demobilization, I propose a mutual understanding, even without formal changes in the present text, on the following three alternatives:

A—The NVA will be regrouped immediately after the cease-fire, and will withdraw at the conclusion of the political solution in SVN.

B—The NVA units will remain in place following the signature of the cease-fire, to be regrouped later at the conclusion of the political solution in SVN, and will withdraw from SVN before the elections are held in SVN.

⁶ Initialing.

C—De facto withdrawal of the NVA by mutual understanding, according to a schedule agreed upon, but not later than the day before the elections to be held in SVN in the framework of the political solution between the two South Vietnamese parties.

One of the major reasons why I propose various alternatives on the question of the NVA presence in SVN is that it will be impossible to implement a political solution based on the principle of self-determination of the South Vietnamese people, while the South Vietnamese people have to remain under the latent threats of the NVA.

I deeply believe that these proposals are most reasonable and are the very strict minimum indispensable to give the RVN a chance for survival, and therefore they deserve a last supreme effort vis-à-vis the Communist side.

Given the importance of the matter and the fact that the protocols have not been adequately discussed and we have not yet received the Vietnamese texts of the protocols, and there is still the question of discrepancies between the English and Vietnamese texts in the principal agreement, in order to speed up a peace settlement by the participation on the scene of a fully competent member of our government, I am sending Foreign Minister Tran Van Lam to Paris tomorrow, for him to cooperate closely with Dr. Kissinger in these crucial negotiations.

In the name of the long standing and very close friendship and solidarity of our two nations, sealed in blood, sweat and tears of our soldiers and citizens for so many years, I look forward to your favorable response.

Sincerely,

Thieu

His Excellency Richard M. Nixon

President of the United States of America

The White House, Washington, D.C.

311. Backchannel Message From the Vice Chief of Staff of the Army (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, January 20, 1973, 1045Z.

Haig to 24. In conjunction with Haig to 23,² I wanted you to have the following considerations. Both Bunker and I are in full agreement with following assessment. Thieu will unquestionably sign the agreement. We know he has so informed his entire bureaucracy and the word has now been disseminated down through division level that a ceasefire will take place on the morning of January 28. A careful reading of Thieu's letter forwarded in Haig to 23 clearly indicates Thieu's intention to do so while he at the same time makes a final effort to improve the agreement and protocols. It is important that we view Thieu's response in the context of Oriental pride and face. Thieu has up until now dug in firmly against the agreement, especially with the GVN Assembly—both the House and the Senate. He now seems principally concerned about his ability to reverse field in those bodies. It is already apparent from intelligence that the military, the NSC and other personal advisers are having no problem with the prospect of Thieu's signing.

The General [*National*] Assembly could be another problem because it contains political opponents. It is for this reason that Bunker and I believe that Thieu is going to make a fight right up until the last possible minute so that he can take the position with factual evidence to support it that he has done his absolute utmost to get the best possible deal for South Vietnam and its people. It has been evident to Bunker and to me as well, in our personal assessments of Thieu's demeanor, that he has made up his mind to proceed. Since my first meeting with him this week, he has become relaxed and confident and reflects none of the tenseness you observed in October and I saw first-hand in December. I believe it is important that you bear this in mind in reading Thieu's latest letter but, more importantly, in developing a response. Both Bunker and I believe that we should answer Thieu in a reasonable, sympathetic and understanding way while holding fixed to our decision to proceed. Thieu's decision to send Lam to Paris should also be considered in the context of his own face saving. I am confident that he does not expect any changes because of Lam's trip but it will be less dif-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only.

² Document 310.

ficult, if Lam is in Paris, once he decides to formally notify us of his acceptance. For this reason, I do not think we should challenge his decision. I, therefore, recommend the following.

We should respond promptly to Thieu, patiently advising him that the chances for changes are slim if not impossible but agreeing to meet with Lam in Paris Monday night³ and further agreeing to make a final effort on remaining issues. You may wish to make it clear that the agreement itself is firmly locked although I would recommend doing so through Lam. I would also include in the response the essentiality of having a firm reply from Thieu one way or the other by 3:00 pm Paris time Tuesday. If by that time Thieu has not formally concurred via Flash message either through Bunker or Lam, the President will pinpoint the GVN as the sole obstacle to peace in his Tuesday night television address. You may also wish to refer in the reply to Thieu to his concern about next week's sequence of events, i.e., the bilateral initialing on Tuesday and the release of documents Wednesday, with the signature occurring four days after the initialing. Thieu is obviously uncomfortable with the prospect of a U.S.–DRV initialing and subsequent announcement, together with the release of details, before the GVN has formally initialed or signed. This, of course, is another of the reasons why he is sending Lam to Paris. Again, Oriental face is a key factor. This is also another reason for not objecting to Thieu's actions. You may wish to draw upon what I told Thieu and reported in Haigto 23 concerning the sequence in Paris. In my view, this affair has been brought to a successful conclusion even though we will need a degree more effort, patience and understanding before Thieu is finally fully on board. Despite the irritation caused by his performance, we must not lose sight of the fact that what is important now is to get him there, whether smiling or kicking and screaming. I suspect we will have to put up with the kicking and screaming until the very last moment when the smile will finally break through.

Habib informs me that I will see Park early Sunday morning. Both his Ambassador and senior military representative in Saigon were at planeside at our departure. I will finesse the Thieu issue with Park and merely suggest that I am confident Thieu will join us, without giving him any details. I will also touch upon the bilateral issues contained in your instruction to me. These will be very welcome by Park since I am highly suspicious that Habib has been making worrisome noises on all three (internal affairs, U.S. presence and future U.S. assistance).

Warm regards.

³ January 22.

312. Transcript of a Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, January 20, 1973, 9:35 a.m.

K: Mr. President.

P: Did you enjoy it, Henry.²

K: I think it was really very nice.

P: Which one did you go to?

K: I went to the Symphony Concert and—

P: Yes, I was—I saw the last part of it. It was very nice. Boy, that Ormandy knows how to play up to a piano doesn't he.

K: Beautifully, that is really hard to do.

P: The thing of course is a famous—every pianist loves to play it, but orchestras usually overwhelm it, and of course, this was never better, Cliburn, and Ormandy, they are both great actors.

K: It was done with great—very beautiful.

P: And I thought that all the choral groups, and then that—

K: Yes, I thought it was a great evening. I liked the spirit of the people who were there, they were our people.

P: Yeah. Actually, I compared with four years ago, I went to the symphony down at the Constitution Hall, and they were all, they were caring and everything, but this time there's more shouting.

K: And when tremendous pride when people walk through these halls, people come up—

P: I bet you really needed your Secret Service guys last night. But they were nice, I mean, all the people.

K: Oh, it was really moving, because—

P: Yeah, they see through a lot of this stuff.

K: Oh, God, I mean everyone says tell the President Thank God, and really it's a very moving thing.

P: What is the word from Haig?

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 18, Chronological File. No classification marking. All blank underscores are omissions in the original. All brackets, except those describing omitted material, are in the original.

² Reference here is to the President's second inaugural concert, performed January 19 at the Kennedy Center by the Philadelphia Orchestra directed by Eugene Ormandy.

K: Well, he's had a session and Thieu has written you another letter,³ but—

P: Oh, God.

K: But it's important I think that we are patient because what the guy is doing, he's obviously posturing himself step by step, he's now at the—in his last letter he made four conditions, now he's reduced them to two. And, one we can't even consider, and one we can probably get him. He's also sending his Foreign Minister to Paris to meet with me.

P: Oh, God.

K: Well, Mr. President, it has an advantage. My first reaction was exactly like yours. I've been in now for two hours, analyzing it, because—together with my staff, and we all have come to this conclusion—the problem with him is if we initial an agreement on Tuesday without physical participation by them, it's a great loss of face, if he has his Foreign Minister there then he can claim he participated.

P: Yeah. The Foreign Minister's his nephew?

K: No. The nephew is that little bastard who is the Minister of Information. The Foreign Minister's an ass, and he won't be able to do anything.⁴ Now what I thought, Mr. President, that we should do is this, we should send him a letter by you in reply. You are delighted his Foreign Minister will be there, and of course, I'll talk to him and brief him fully, but you have instructed me to proceed with initialling. I will try to get that one change in the Protocol that they want, and on this they are not wrong. I think Sullivan goofed on that, it's not a major point, but the problem is Sullivan put into the protocol and I didn't watch that, that the police should carry only pistols. They point out that their police carry carbines, and M-16 rifles. Now I think we can probably get something done, but even if we can't, at least we can tell him we are going to make the effort. But what we should put in the letter from you is that you must have an answer from him by Noon tomorrow whether, even though you have instructed me to seek that change, he will concur in letting us initial it—I mean he will concur in our initialing it. Because, if not, you will have to initial it unilaterally.

P: Yeah.

K: And you would then have to call the Congressional leaders in Sunday night⁵ prior to my departure and inform them of that fact. I mean, you don't have to do it, I just want to give him an explanation why he has to answer tomorrow.

³ Included in Document 310.

⁴ The nephew referred to was Hoang Duc Nha; the Foreign Minister was Tran Van Lam.

⁵ January 21.

P: Yeah.

K: But once the Congressional leaders are informed, aid will become difficult even if he then still finally comes along.

P: Yeah. That the Congressional leaders will, in my opinion, be adamant. Then we should go unilaterally and not seek further cooperation.

K: My worry is if we don't give him an absolutely unshakable deadline, he will yield, I will not bet it, I would say the chances are 99 out of a hundred.

P: It's a question of which day. Guess we all thought he'd yield Tuesday, and now we thought he'd yield Saturday.⁶

K: No, I never thought he'd yield Tuesday, I thought—

P: No, I mean some did.

K: I thought he'd yield either today or next Tuesday.⁷ What we have to bring home to him is that Tuesday is too late.

P: That's right. Yes.

K: But Haig and Bunker and our intelligence people there, all their units have already been informed that the ceasefire will go in effect—

P: Why don't you say this, that before you leave for Paris on Sunday evening, I have to meet with Congressional leaders, that at that time they are going to ask whether—that I will have to tell them yes or no whether or not he will concur in the initialing. That we will do our best, but I cannot guarantee, but in any event we will try. But if I tell the Congressional leaders he will not concur, then it is my judgment, I am convinced after having talked to Sen. Goldwater and Sen. Stennis, who are his major supporters in the Senate, that they will throw up their hands, they will in effect inform me that the Congress will not go along with further aid unless he goes along on Tuesday.

K: Right.

P: How about putting it that way.

K: Exactly.

P: Tell him I'm going to have a meeting with Congressional leaders. You see, he doesn't know whether we have it or not.

K: I think—we'll say you'll have a meeting and at that time we'll have to tell them on what basis we are proceeding.

P: Tell him I'm going to have a meeting on Sunday with Congressional leaders before you leave. We should say with selective Congressional leaders before you leave. At that time the question will be—I

⁶ Tuesday was January 16, Saturday was January 20.

⁷ January 23.

have been informed that the question will be raised as to whether or not he will concur to our initialing of the agreement. If his answer is that he will not concur in initialing of the agreement, that the Congressional leaders without question will move to cut off assistance. Is that going too far?

K: The way to put it, Mr. President, is to say that even if he should later come along, our assurances will do him no good because it will look as if they've been exploited.

P: Yeah. The problem is that if he waits, then I feel it is imperative that when I meet with the Congressional leaders, tell him that I'm going to meet with the Congressional leaders, that I am going to inform them then that I have been in consultation with President Thieu, that Dr. Kissinger will go to Paris Tuesday, that he will initial the agreement on Tuesday. At that time, unless I can tell, they will inevitably ask whether or not President Thieu despite some differences he has mentioned, whether or not he will concur. If I'm unable to tell them he will concur, his going on later will appear to them to have been an extortion and will, I think, without question result in Congressional cutoff of aid. How's that sound.

K: That's right, that's what we should do.

P: And without question, I feel it is imperative that confidence that I be able to tell the Congressional leaders that he has objections, that we will do our best on them to try to get those objections dealt with. We will raise his objections, but we are going to initial, but I must have a private assurance from him that I can pass on to them in total privacy, selected leaders, that he will concur. Otherwise, the aid which I very much want for Vietnam will be in very, very deadly jeopardy.

K: Right. I completely agree.

P: Well, whatever it is, I—we've had so many disappointments in this thing—

K: Well, nothing comes easy, but let me find here what Bunker is saying.

P: That Bunker, I'm not much in touch with him anymore.

K: Oh, this is from Haig.⁸ He said it is important that we review Thieu's response in the context of Oriental pride in face. Thieu has, up until now, dug in formally against the agreement. It is already apparent from intelligence that the military and other personal advisers are having no problem with the prospect of Thieu signing. Bunker and I believe that Thieu is going to make a fight right up until the last possible minute so that he can take the position with factual evidence that he has

⁸ See Document 311.

done his absolute utmost. At the same time, it has been evident to Bunker and to me as well in our personal assessment that he has made up his mind to proceed. Since my first meeting with him this week he has become relaxed and confident. I believe it is important that you bear this in mind in developing a response.

P: I see. How do you want to go then with the—

K: Then he says, I'm confident that he does not expect any changes because of Lam's trip to Paris, but it will be less difficult if Lam is in Paris once he decides to formally notify us of his acceptance. For this reason I do not think we should challenge his position. I completely agree with him on this.

P: All right. Just say that I would say that I believe that Lam's going to Paris is a very good idea, that it will be a message to the world and to the North Vietnamese that we are in the closest of cooperation. It will also be a very salutary message to the members of our Congress and to the American people, as well, of course, the Vice President's trip at a later time, and his and my meeting this spring. Let's say on the other hand, I think that we must not wait until Tuesday for his—I'd like for him to convey to me in the most secret channel, through the back channel, his assurance that we are going ahead and sign on that day. We will make an effort, after your conversation, to work out—but I must have his understanding that after we have made every effort and after—we agreed to initial and we must go along, and I must be able to tell the selected Congressional leaders, those who are particularly his supporters like Sen. Stennis and Sen. Goldwater that we are going ahead. Otherwise I feel if we wait until then that it will appear that he went along unwillingly and that would give basically his enemies and the Congress a chance to slow aid to Vietnam which is, of course, something that I'm desperately trying to save. Something like that.

K: Exactly. I agree completely.

P: Okay, if you can get the tone of that, that's fine.

K: Right, Mr. President. And I think it is on course and it will go through. That's nothing with these bloody Vietnamese works simply.

P: Well, at least though, Henry, the North Vietnamese you knew damn well were coming along on the 9th,⁹ Tuesday, it took you four more days. This fellow doesn't let you know anything.

K: Well, we know about as much from him as we knew from the North Vietnamese on the 9th. It's just with the North Vietnamese we couldn't [*could*] meet 10 hours a day, and with this fellow we have to do it by cable. It's about the same process, once they agree in principle then they start hackling over petty—

⁹ January 9; see Document 256.

P: Well, he has agreed in principle hasn't he. In fact, you pick up the morning paper, even the *Washington Post*, and they say agreement in principle has been reached—ah, there is agreement on the agreement but they still have some objections to the protocol.

K: Exactly.

P: You and I know the protocols don't mean a God damned thing. I agree Sullivan did goof on that, but how the hell, Henry, can we watch everything, I mean, I would have known that, but he's a good man, but I would have known that you cannot—let me put it this way—Sullivan, was he ever in the Service?

K: He was in the Navy.

P: So was I, let me tell you something, the point about the pistols, do you realize that you have the problem with any police force that where you have a police force which is Army based, then an enlisted, it's only officers that carry pistols, they don't even issue them to enlisted men. They carry carbines. That's what this is all about. Thieu's got a hell of a point there. You'd have to give every one of the men pistols and of course that's a dangerous damned thing. A pistol can be concealed, it can be used to rape—

K: For riot control, you can't really use pistols.

P: I know that. I was sort of raising an esoteric point, which anybody could raise and say, look, the guy is carrying a carbine at least you know it's out there in the open where you are not going to see somebody with stealth, with a pistol that only is the prerogative of an officer.

K: Exactly.

P: Well, that was a mistake.

K: Well, I think we may be able to do something, but if not, we can't hold up the agreement on that point.

P: Yeah. What's the other point he wants.

K: All North Vietnamese leave, but he's now made a number of—that we can handle, I've figured out a way—we can't change anything in the agreement, but we can—

P: Well you can't even change anything in the protocols as I understand it, you're just going over there to initial it.

K: Well the protocols we have a little more flexibility with because those were still being negotiated last week and we can still say that I had never put my thumb print on those.

P: Well, you can be very positive about it, and say, look we've got a lot of objections to the protocols, you could talk to the North Vietnamese and the President just said the hell with them all, but there is one here that we feel is, it's fair enough, we ought to have.

K: Right. That we can do. We probably won't get it but at least there we have a chance. On the North Vietnamese troops I won't even

raise it. The way to handle it is to give Thieu a note saying we do not construe anything in the agreement that gives them the right to have troops there.

P: Right, then we will so state at the proper time.

K: Right. After the agreement is signed. But I wouldn't say it before.

P: Yeah. Just say that we will make that position public after the agreement is signed.

K: Right.

P: Without equivocations.

K: Right.

P: Right and that is it. The key thing is that we do not recognize that right and that when we don't recognize it—well I have a feeling, I don't know, I've always said that he's got to go along apart from all these intercepts and the rest. One thing that sort of got into my mind last night which perhaps has occurred to you, I'm not sure how much you can rely on these intercepts. After all, these people are not stupid and I remember when I was in Moscow and Peking, knowing the rooms were bugged, I use to say outlandish things sometimes just for the purpose of putting them on the wrong trail. These characters may be doing this in order to set us up for a fall, has that occurred to you.

K: Well, if it were only one bugged room, Mr. President, I would agree with you and I thought that for a long time, but when corps commanders, regional commanders, other people have been given instructions, if it were only one source, but when you get five or six sources all coming together saying the same things, what you would then have is a massive deception campaign which is not totally impossible but which is totally suicidal.

P: And tells all his corps (end of tape)

K: I mean if he now tells his corps commanders that he has decided, he the man who has prided himself on his friendship with America, that he has now decided to kick America in the teeth, to cancel his orders, it would be impossible.

P: Can he not be unaware of the enormous expectations that have now been raised here. Can he not be aware that not only is his _____ jeopardized but that there's no way that we can reverse this course. You remember I never did like and neither do you Rogers' constant use of the word irreversible, remember.

K: Yeah.

P: On Vietnamization, but now it is irreversible. You and I both know it.

K: No question.

P: You can carry a country just so far. And, understand, it isn't irreversible if there was a horrible rate on the other side, but here when the rates themselves have been irreversible.

K: But then the other side has been very restrained this week.

P: Well, even so, but you do see what I mean.

K: Oh, yes, yeah.

P: We can do anything if there's an invasion or that sort of thing. Then we can always send up people. But if on the other hand, simply for the sake of fighting for a word in the protocol to the effect that police could carry carbines and also that the principle, an esoteric principle that the North Vietnamese have no right to be in the South, do you think people are going to want us to bomb Hanoi for that? Hell, no, they don't give a damn about it.

K: Well.

P: There's no use to rationalize and kid ourselves about it to convince ourselves. We're all convinced. I think it should be a rather soft answer that will turn away wrath, but very firm that I have to have an answer by Sunday that I can convey. Shall we say that I will convey this to Congressional leaders or do you want to say that I need an answer or I will have to call _____, call in the Congressional leaders. And then if I don't get an answer, it's more of a threat calling them in, you know a couple of selected ones. Which do you think is the better way to play it?

K: I think your suggestion is the better way of playing it.

P: Just to say that before you go that I have to call in some selected Congressional leaders, a very small group who are his best friends, including men like Senator Goldwater and Senator, uh, that I need to inform them that, at that point, and will, of the problem. But I also will tell him that we are going ahead to initial. If he's going to meet with the Foreign Minister, I'm delighted if he's coming because I think it's important that we have a consultation, which we have had, we've had a public fill of it right up til the last, up til the time of the _____ but I needn't tell them that, or they will not be able to stop the irresistible tide of these enemies who would say that South Vietnam did not go along. That they were forced to go along and that therefore are not dependable allies. Okay, well, you know, just work the language out. I think if you want me to look at it I can.

K: Mr. President, considering your schedule today, I think I have your thoughts very well now.

P: Yeh, well, you know, it's just a question of . . .

K: I think it's more important . . .

P: Oh, sure, sure, sure.

K: I'll show it to you right after the . . .

P: Oh, no, no, I really don't need to see it unless you think I need to.

K: I think that we discussed exactly what we put in there.

P: Well, fine, you go right ahead and send it off then. The important thing is to get the darn thing over there, Henry.

K: Right.

P: And I realize, uh, don't worry about me. I read the thought across. And when you finally come down to it, it's more the mood than anything else, and the deadline. Now, just to go down the road on the contingencies, suppose he wires back and says no, if he says that he cannot agree until we see what the final . . .

K: Then we can still give them until noon on Tuesday.

P: All right, until noon on Tuesday. Then we would have to go . . .

K: I would still announce the agreement.

P: In other words your view is you'll come back and say, uh, you wouldn't say that he wasn't going along. You would say that he was. And the other contingency we have to have in mind. This I know you have always ruled out. Suppose . . . are we inviting him to come out and make a public statement before TV that he won't . . .

K: No, he will never be worse off. This will be so much the worse for him, Mr. President.

P: Yeh.

K: That he will never be better off making it early rather than late.

P: Yeh. In other words you believe that his interests will require him to put his objections in private channels, at this point.

K: That is right, until we absolutely force him to go public by some irreversible action on our part.

P: Oh, that's going to be Tuesday, isn't it.

K: It will be after Tuesday. He won't do it.

P: Oh, no, no, but I have to go public Tuesday, that's my point.

K: That's right.

P: And your initialing of course will go and then I announce it publicly and then I would just put it coldly that you will go there. You will meet, you'll do the best you can. You'll meet with his Foreign Minister. You will work on the protocols. And then that I have directed you to initial it, at that point and I will announce it Tuesday night.

K: Right.

P: Fine. OK. Any other wars in the world you've started?

K: [laughs] No, I thought we should get the Inauguration behind us before starting another one.

[Omitted here is discussion of when senior members of the government and allies should be informed of Nixon's speech to the nation scheduled for January 23.]

313. Backchannel Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, January 20, 1973, 1912Z.

WHS 3098. 1. Following is letter from President Nixon to President Thieu. As we have told you we must have an answer by noon Sunday² our time. If any sentence strikes you as particularly offensive please feel free to edit it before delivery.

Begin text:

Dear President Thieu:

Thank you for your January 20 letter,³ which I have carefully read.

No point is served in reviewing the record of our exchanges regarding the agreement and the protocols. While it may be true that the latest texts of the protocols did not reach Saigon until January 11, it is also true that your representatives in Paris were continually without instructions during the various negotiating sessions in November and December. We were thus forced to proceed according to our own best judgment. During this process we kept your representatives fully informed, while continually asking in vain for your government's suggestions.

In any event, all these considerations are now beside the point. The essential fact is that the situation in the United States makes it imperative to put our relationship on a new basis. It is obvious that we face a situation of most extreme gravity when long-time friends of South Vietnam such as Senators Goldwater and Stennis, on whom we have relied for four years to carry our programs of assistance through the Congress, make public declarations that a refusal by your government of reasonable peace terms would make it impossible to continue aid. It is this situation which now threatens everything for which our two countries have suffered so much.

Let me now address the specific proposals you have made in your letter. We have made innumerable attempts to achieve the very provisions you have proposed with respect to North Vietnamese forces, both in the text of the agreement and in formal understandings. We have concluded that the course we have chosen is the best obtainable: while

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² January 21.

³ Contained in Document 310.

there is no specific provision in the text, there are so many collateral clauses with an impact on this question that the continued presence of North Vietnamese troops could only be based on illegal acts and the introduction of new forces could only be done in violation of the agreement. It seems to me that the following clauses in the agreement achieve this objective:

—The affirmation of the independence and sovereignty of South Vietnam in Articles 14, 18 (e), and 20.

—The provision for reunification only by peaceful means, through agreement and without coercion or annexation, which establishes the illegitimacy of any use or threat of force in the name of reunification (Article 15).

—The U.S. and DRV, on an equal basis, pledging themselves against any outside interference in the exercise of the South Vietnamese people's right to self-determination (Article 9).

—The legal prohibition of the introduction of troops, advisers, and war material into South Vietnam from outside South Vietnam (Article 7).

—The principle of respect for the Demilitarized Zone and the Provisional Military Demarcation Line (Article 15).

—The prohibition of the use of Laotian and Cambodian territory to encroach upon the sovereignty and security of South Vietnam (Article 20).

—The fact that all Communist forces in South Vietnam are subject to the obligation that their reduction and demobilization are to be negotiated as soon as possible (Article 13).

In addition, we are prepared to give you a unilateral U.S. note which sums up our understanding on this issue. Ambassador Bunker will show you a draft of a note which we will deliver in Saigon on the day of signature of January 27.

With respect to your concern about the protocols, it seems to us that Article 6 in the ceasefire/joint commission protocol would permit your police forces to continue carrying carbines and rifles since the continued presence of North Vietnamese forces obviously constitutes "unusual circumstances." Nevertheless, I shall instruct Dr. Kissinger to seek a change in this Article in an attempt to remove its ambiguity. I cannot, however, promise success.

The key issue is different, however. We have now reached a decisive point. I can no longer hold up my decision pending the outcome of further exchanges. When Dr. Kissinger leaves Washington Monday morning, our basic course must be set. As I have told you, we will initial the agreement on January 23. I must know now whether you are

prepared to join us on this course, and I must have your answer by 1200 Washington time, January 21, 1973.

I must meet with key Congressional leaders Sunday evening, January 21 to inform them in general terms of our course. If you cannot give me a positive answer by then, I shall inform them that I am authorizing Dr. Kissinger to initial the agreement even without the concurrence of your government. In that case, even if you should decide to join us later, the possibility of continued Congressional assistance will be severely reduced. In that case also I will not be able to put into my January 23 speech the assurances I have indicated to you, because they will not then seem to have been a voluntary act on my part. Needless to say, I would be most reluctant to take this fateful step.

Let me therefore sum up my position as follows: first, I welcome your decision to send Foreign Minister Lam to Paris, and I will instruct Dr. Kissinger to have the fullest and frankest discussion with him. Dr. Kissinger will see him both before and after his meeting with the North Vietnamese to make clear your government's full participation in our actions. Secondly, I have instructed Dr. Kissinger to seek the change in the protocol regarding police forces. Thirdly, with respect to North Vietnamese forces, I can go no further than the draft note that I am asking Ambassador Bunker to transmit to you and which we will hand over to you officially on January 27, the day of signing. Fourthly, if you join us we shall announce the Vice President's visit to Saigon before the date of signing though he could not leave Washington until January 28.

Finally, and most importantly, I must have your assurances now, on the most personal basis, that when we initial the agreement on Tuesday we will be doing so in the knowledge that you will proceed to sign the agreement jointly with us.

This agreement, I assure you again, will represent the beginning of a new period of close collaboration and strong mutual support between the Republic of Vietnam and the United States. You and I will work together in peacetime to protect the independence and freedom of your country as we have done in war. If we close ranks now and proceed together, we will prevail.

Sincerely,

s/Richard Nixon

End text.

2. When you talk to Thieu you should add your own strongest recommendations to him to give a favorable reply. You can also assure Thieu that we would announce between the initialing and the signing that Agnew is going to Saigon, leaving Washington on January 28. You should also tell Thieu that the President's speech will make clear that we have proceeded in full consultation with the GVN. You should also

call Thieu's attention to the three references in the President's inaugural address concerning the imminent end to the Vietnam war. We are absolutely committed to our course of action.⁴

3. When you deliver this letter to Thieu, you should also give him the following draft U.S. note on North Vietnamese forces. We would give this to the GVN officially on January 27.

Begin text of note:

Draft Note to the GVN Regarding North Vietnamese Armed Forces in South Vietnam

The following statements were made by DRV Special Adviser Le Duc Tho in the course of the negotiations with Dr. Henry Kissinger:

—South Vietnamese who return to South Vietnam and a number of North Vietnamese volunteers organize themselves into units and go south to fight the Americans. (September 15, 1972)

—The Regular Army of North Vietnam is in North Vietnam. (September 15, 1972)

—Over half a million of South Vietnamese regrouped to North Vietnam, and now these South Vietnamese go south as volunteers and organize themselves into units. (September 27, 1972)

—Literally they are children of the South Vietnamese regroupes. These people are organized into units and go south. These forces now belong to the People's Liberation Forces of South Vietnam. (November 21, 1972)

—These are voluntary troops and these are the children of South Vietnamese regroupes. They have been organized into units and go and fight in South Vietnam. Now these troops are under the command of the PRG of the Republic of South Vietnam (November 23, 1972)

—Now if the war is ended, all countries shall undertake not to introduce armaments, troops, etc., into South Vietnam.

—The PRG will no longer accept the introduction of troops, war materials and weapons into South Vietnam. This is the greatest respect of the DMZ. (December 7, 1972)

—We put down a provision saying that the way to reunify the country is through peaceful means and step by step restoration,

⁴ In backchannel message WHS 3100, January 20, 2140Z, Kissinger sent the following additional instruction to Bunker: "When you see Thieu with the President's letter you should make clear to him that we want his concurrence even if we cannot get the change [regarding the right of South Vietnamese police to carry carbines and rifles] we are trying for in Paris. You should make clear that we will attempt to get the change but we need his concurrence now in any event. He must realize that no further delay or evasion is acceptable." (National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV)

through agreement between the two sides. Then how can there be a use of military means by one side against the other side? (September 27, 1972)

The United States considers these statements by the DRV to have the following consequences:

First, the DRV's claim that all Communist forces in South Vietnam are southerners or volunteers and are under the command of the so-called PRG confirms that all Communist forces in South Vietnam are subject to the obligations of the agreement: for example, the ceasefire in place (Article 3), the prohibition of reinforcement and resupply (Article 7), and the requirement that their reduction and demobilization be negotiated as soon as possible (Article 13).

Secondly, the DRV's assertion that there are no North Vietnamese forces in South Vietnam confirms that the DRV is claiming no right to maintain armed forces of its own in the territory of South Vietnam. The United States has made clear to the DRV in the course of the private negotiations that no provision of the agreement confers or implies any such right. The United States, in any event, does not recognize any such right derived from any source.

End text of note.

4. Warm regards.

314. Message From the Vice Chief of Staff of the Army (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

Seoul, January 21, 1973, 0500Z.

Haigto 25. I have just completed a two hour and fifteen minute meeting with Korean President Park. The meeting on which I will report separately was highly satisfactory and we can count on Park for full support. He is skeptical of some of the provisions of the agreement but recognizes the necessity to proceed and will join in a supportive statement following the announcement Tuesday evening. He stated he welcomed the agreement and was particularly laudatory of President

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only.

Nixon's strong leadership in bringing it about. He said at an earlier date he had been very skeptical of the U.S. and its conduct of the Vietnam conflict but that President Nixon, through strength and incisiveness, had brought us to the present point in which the character of the struggle will change. He said all Asian leaders are grateful for President Nixon's strong leadership, especially his willingness to take forceful action when circumstances required.

I have just read Tohaig 93 containing instructions for Bunker and the text of the letter.² I believe the letter is excellent and should do the job. It is especially helpful that you expressed a willingness to make one more effort on the police issue. The rationale contained in the letter on the troop issue is precisely that that I used repeatedly with Thieu. You should be aware that I also mentioned the Goldwater-Stennis attitudes in my meetings with Thieu. The vehicle you used for setting a deadline is credible and hopefully will serve to finally get the formal answer we seek. On the other hand, we must not lose sight of the fact that Thieu may continue to play it right up to the wire. In any event, I remain totally confident that he will come along. Careful review of all press reporting from Saigon confirms that this is so. Your agreement to meet with Lam is also helpful because I am convinced that this is merely a face saving way of getting Lam on the scene for subsequent events.

All of the issues contained in the instructions to Bunker in paragraph 2 of Tohaig 93 were covered by me with the exception of reference to the inaugural address. The special note, the text of which is contained in paragraph 3, was of course handed to Thieu earlier by me. Turning it into a note to the GVN is an especially helpful additional step. You will recall I gave this summary to Thieu under the title of the Question of Vietnamese Armed Forces in South Vietnam so Thieu already holds this document although I note some very minor typing changes. Putting this in the form of a specific *démarche* to Thieu cannot help but be most reassuring to him.

Thus far, I think we can assume that all of our Asian allies, with the exception of Indonesia who we must not forget, are fully supportive of the draft agreement. This includes Souvanna, Lon Nol, Thanom and Park. The extensive discussions I had with each of them confirms that they are fully behind proceeding with the agreement, not because it will bring a lasting peace, but because it will provide the basis for continuing the search for peace in a new and more constructive frame work.

² Document 313.

I have just read Tohaig 98 containing your instructions to Sullivan.³ This is also an extremely effective additional step. I am in full agreement with all of the provisions contained therein, especially those dealing with the equipment for police and entry points. On this issue, I have been puzzled as to why Sullivan accepted equal numbers of entry points. I am especially pleased with your firm instructions as they pertain to Cambodia and Lao border entries. It is also helpful that we have now got the Vietnamese text of the protocol to Thieu via Bunker. Before departing Saigon I impressed upon both Bunker and Weyand and, while in Seoul impressed upon Habib and President Park, the essentiality of not instituting any preliminary steps prior to the formal announcement on Tuesday evening Washington time. They all understand and will comply. In Park's case, he is holding up the overdue shipment of 1500 Korean replacement troops under the guise of the unavailability of troop transport.

Despite remaining chores, I return home with full confidence that everything is on the track and that the additional steps you have just taken will further guarantee Thieu's formal notification to us prior to the President's speech.

Warm personal regards.

³ In message WH 30138 to Sullivan, January 20, 2343Z, repeated to Haig as Tohaig 98, Kissinger directed Sullivan to insist in the negotiations that South Vietnamese police should normally be armed with individual weapons but that no specific weapon should be mentioned, and that the points of entry reflect the reality on the ground. That is, since South Vietnam received most of its supplies by sea it should be allowed several sea ports of entry, while the PRG, receiving almost no supplies by sea, should be allowed at most only one sea port of entry. Moreover, Kissinger also instructed Sullivan to insist that there be no entry points at the Cambodian and Lao borders, except during a 60-day grace period. (National Archives, Nixon Presidential Materials, NSC Files, Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig 1–105, January 14–21, 1973 [1 of 2])

315. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, January 21, 1973, 0735Z.

347. Deliver at opening of business.

Refs: A) WHS 3079; B) WHS 3098; C) WHS 3100.²

1. I thought the President's letter excellent and, therefore, delivered it to Thieu unchanged together with the draft note to the GVN³ regarding North Vietnamese armed forces in South Viet-Nam at 1000 this morning. Thieu read the letter carefully and reviewed the scenario, i.e., your departure for Paris, the initialing January 23, the President's statement evening of January 23 Washington time, and the signing January 27.

2. Pending his reply, Thieu has asked me to transmit the following message to the President:

He recognizes the President's problems, is confident of the President's support, and understands that if the President rejects his latest proposals it is because he cannot do otherwise. He recognizes that the President has been frank with him and has been loyal in his support of Viet-Nam and the cause for which we have been fighting together. He hopes that the President will understand, however, that there are some things in the protocols which are compromising and difficult for the GVN. While the agreement is vague and subject to interpretation, the protocols have the effect of law, are not subject to interpretation and must be strictly adhered to. In some ways, therefore, they are more important than the agreement itself. It is because of the importance of the protocols that he is sending Foreign Minister Tran Van Lam to Paris and hopes that Dr. Kissinger will work frankly with him. The Foreign Minister has been working with the Prime Minister and General Vien on the protocols and is fully aware of the GVN's concerns regarding them. He (Thieu) appeals to the President "to save the face of his ally" and not to reject flatly the Foreign Minister's proposals.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 415, Backchannel Messages, From Amb. Bunker, Saigon thru April 1973. Top Secret; Immediate; Sensitive; Exclusively Eyes Only.

² Reference A, WHS 3079, is wrongly numbered and should be 3097. In the message, January 20, 1524Z, Kissinger told Bunker a Presidential letter was on its way to him for delivery to Thieu. (Ibid., To Amb. Bunker, Saigon thru April 1973) Reference B is Document 313, and for Reference C, see footnote 4 thereto.

³ See Document 313.

3. Thieu asked whether it would not be possible for the GVN to accept the draft agreement, agreeing to go with us on the initialing January 23, but to continue talks on the protocols on the points which are of great concern to the GVN. He pointed out that the Vietnamese texts had been received only this morning and, as with the agreement itself, there is no doubt that the English and Vietnamese texts will need to be conformed. (He cited again the difference between the texts in Article 12(b) of the agreement in describing the task of the NCRC.)

4. Thieu made the following additional comments:

—Draft note to the GVN regarding North Vietnamese forces in South Viet-Nam: Thieu considers that the draft note as it stands will not be helpful as far as the South Vietnamese people are concerned. While it may represent the U.S. view (or a “global view” of the situation) it does not represent the view of the South Vietnamese. The statement that the troops are children of the South Vietnamese regroupees who have organized themselves into units and have volunteered to go South is not true and will not be credible to the South Vietnamese people. Neither will the statement that the regular army of Viet-Nam is in North Viet-Nam be believed since it is clear that the vast majority of North Vietnamese troops are outside of North Viet-Nam. The statement that these forces belong to the People’s Liberation Forces of South Viet-Nam is a recent ploy by the North Vietnamese to legitimize these forces in anticipation of a ceasefire. Thieu concluded, therefore, that it would be preferable to leave the problem of NVA troops in the South pending rather than to attempt to cover it in the terms of the proposed draft note.

—Problems posed by agreement to sign: Thieu said that he was facing an extremely difficult decision, i.e., how to explain to the country adherence to an agreement which will be considered in many respects unsatisfactory. The difficult problem he will have to face is how to consolidate the people’s morale and to prevent its deterioration. They will know that a political solution must come within a few months either through a Presidential election or in some other form of election. The problem he will face is how to maintain national discipline; strong measures will be needed to achieve the kind of discipline necessary if the people’s freedom is to be protected.

5. I replied that it was obvious that there would be problems, but that he had the resources to cope with them and there was no one better able to do it than he. He should approach the problem with confidence in his ability to succeed; his past performance and achievements over the past five years have demonstrated his ability. He should say to his people that after a quarter century of bitter struggle he had brought peace to Viet-Nam, the overwhelming desire of the vast majority of the people. The South Vietnamese people now have the opportunity to de-

termine their future in free, internationally supervised elections. Through the hard work of its people and the courage of its armed forces the country has become strong, powerful, and self-reliant. Because of the determination of the people and the fighting qualities of the armed forces, with the loyal support of their allies, South Viet-Nam has defeated and turned back the most massive attack the enemy could mount. The other side has had to recede from its demands to which it had adhered stubbornly for four years for a coalition government and the overthrow of the present regime. They should not fear the risks of peace, but face the political contest to come with courage and confidence.

6. I appealed to Thieu in the strongest possible terms to give a favorable reply to the President, for only thus could the President be in a position to provide the kind of support so essential to Viet-Nam and to the cause for which we had both struggled together so long, so painfully, and so courageously. If we held together now, all that we have striven for could be brought to a successful conclusion. Through Thieu's own determination and untiring efforts he had brought the country to the point where it could determine its own destiny and he must not turn back now.

7. Warm regards.

316. Message From the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 21, 1973, 1519Z.

1. You have asked several questions about our agreement on points of entry. I have said it is best we can get and wish to explain why.

2. First, we should recall that agreement says nothing whatever about points of entry. If they disagree on any article and fall back on agreement, they can accept replacement supplies anywhere, so long as they ask for supervision and control. This whole concept, therefore, is

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Secret; Operational Immediate; Sensitive; Exclusively Eyes Only. Sent via Guay and Scowcroft.

one we have introduced into protocol, in considerable extension of agreement provisions.

3. Second, we must realize that DRV/PRG controls extensive coastal areas, not only in U Minh, Ca Mau, and Kien Hoa, but also in Phu Yen and Binh Dinh. There is not a question of “seizing a coastal town and building it into an enclave.” They already hold a number of “enclaves.”

4. Next, any place we are likely to name for PRG, other than land route at Gio Linh, will produce screams from GVN. If our current concern is to grease this package through Saigon, we had better avoid any point of entry designations.

5. The system of leaving it to the two South Vietnamese has much to merit it. First, Saigon needs fewer points than the PRG and can therefore limit the points chosen. Second, Saigon will have to make the hard decision on seaports, not the U.S. Third, since the U.S., as supplier, will not cheat, choice of some points is inevitable.

6. The list of border teams for GVN deliberately omits Saigon, Cam Ranh, and Danang, much to Thach’s loud complaints. They are the ones most likely to be picked by GVN as points of entry; and they are all rpt all Saigon really needs.

The three omitted from the DRV list are obviously going to be seaports. However, DRV needs Gio Linh land route for its forces in MR I. Therefore, if GVN picks only three entry points for itself, PRG will have Gio Linh, plus two seaports. Whether Saigon considers that formulation pleasant or not, it is nevertheless realistic.

7. I argued this around with Thach this morning and I sense, from his temper, that he has been criticized for making a bad deal. In fact, he said so, in the course of arguing against Ap An Thuan. I have reserved on that point (which is not important) and will be willing to trade it off for Bien Hoa in furtherance of a deal on Article 6 re police equipment.

8. Perhaps what is confusing in the language is the assumption that points on the list of frontier posts will actually be designated as points of entry. Except for Gio Linh, which DRV needs to supply Quang Tri front, I would expect none rpt none of points on that list to be actually agreed by the GVN.

9. For foregoing reasons, I believe we should let this one lie as being better than we seriously deserve.

10. Warm regards.

317. Message From the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 21, 1973, 1530Z.

1. Aldrich, Engel and I spent from 1030 to 1400 at Gif with Thach, Phuong and Thai January 21.

2. With minor modifications, they have accepted your revised language on statement and ICCS note. Texts being forwarded by separate message.

3. We wrote following understanding on "unanimity," which they accepted ad referendum to Le Duc Tho:

Quote

It is understood between the United States and the Democratic Republic of Vietnam that the word "unanimity" in Articles 12 (a), 16 (b) and 18 (f) of the Agreement on Ending the War and Restoring Peace in Vietnam and in the protocols to the Agreement means "unanimous decision."

Unquote

4. We had hour and one half discussion on police equipment, which was very testy, very sterile, and very discouraging. Thach claims DRV has intelligence that Thieu intends to convert police into paramilitary organization and bypass cease-fire. He is terribly suspicious of our motives.

5. In absence any background from Saigon or argumentation provided, I took position that most civil police were currently armed with carbines, and that Article 6 would disarm them, since they did not possess pistols. I made several other passes, from other angles, but to no apparent avail.

6. He finally agreed to discuss with Le Duc Tho following two sentences, which would be inserted between sentences one and two of existing Article 6.

Quote

They shall not be converted, either by arms or organization, into a force capable of combat operations. They shall be permitted to carry weapons for self-defense in the exercise of their functions.

Unquote

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Secret; Operational Immediate; Sensitive; Exclusively Eyes Only. Sent via Guay and Scowcroft.

7. If these sentences accepted, it would be further understood that shortage of pistols constituted “unusual circumstances” which would permit continued use of carbines by GVN police until pistols available. He is very bearish about all of this, and stresses that his willingness to discuss with Le Duc Tho in no sense constitutes acquiescence.

8. Discussion of border posts opened up new hornet’s nest. He insists that there be an equal number at all possible PRG entry points and GVN entry points. Obviously, he does not accept Cambodian border post as realistic GVN control post. Net result of this whole discussion was Thach’s insistence that we shift team from Ap An Thuan to some point which GVN might really use as point of entry, such as Bien Hoa.

9. It is not clear whether this is set up as a tradeoff on Article 6 on general principle of “you make big change, we make big change,” or whether they really feel they were had on our frontier post exercise. In any event, I will explain in separate message why I think we are in good shape on whole point of entry exercise and why I recommend against further pursuit of this subject by our initiative.²

10. In addition to these subjects, our language experts turned up new issue in their work yesterday with respect to understanding on Article 8(c). One problem concerns our old friend “promote” which DRV wishes to translate “don doc” and which we are resisting. Do you want to substitute a new English word for “promote”? Second problem concerns word “envisaged” in last sentence of understanding. They translate as “provided,” claiming our word too vague. Thach agrees this problem could be eliminated by terminating the sentence at “ninety days.” Do you have views?

11. Apart from these subjects, Thach raised following points re establishment of four-party JMC in Saigon:

(A) Can U.S. send officer to Paris to meet bilaterally with DRV from 24 to 27 January, to be later joined by GVN and PRG MilReps January 27?

(B) While agreeing delay Saigon advance party until January 27, they will increase it from 7 to 9 members.

12. On these subjects, recommend you signal General Woodward to send Major Miles here tomorrow to be prepared rpt prepared meet with DRV beginning January 24. Actual decision will depend on GVN reaction, which I hope to have January 22.

13. Although those four hours of Alpine sun cleared my brain and helped dry up my cold, it was obviously prudent for me to return Paris.

14. I am not, however, totally clear in my mind what it is you need on Article 6 to make Thieu satisfied. The language you proposed in

² See Document 316.

your message will never wash because it is broad enough to include tanks and cannon. Thach waved it away immediately. If you can give me some more precise guidance, I will go have another try.

15. As matters now stand Thach is standing by for another session with me either this evening or tomorrow morning. I am standing by at residence and have asked Scowcroft to call me when you wish to react.

16. Warm regards.

318. Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, January 21, 1973.

Nixon: Hello.

Kissinger: Mr. President?

Nixon: I wondered what the latest report was?

Kissinger: Right. We haven't had the Thieu answer; we just have his reactions as he received your letter.²

Nixon: The second letter? The third letter—?

Kissinger: The second letter—

Nixon: The third letter—?

Kissinger: The letter we discussed yesterday.

Nixon: Yeah.

Kissinger: And he said, well, he understands that if you'd make these requests, that there must be a very grave situation here. And he's now, practically, agreed to the agreement. Now, he's yakking about the protocols.

Nixon: Yeah, he's been doing that for all week, of course.

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, The President's Residence at the White House, Conversation 36–30. No classification marking. According to the President's Daily Diary, Nixon and Kissinger spoke from 10:33 to 10:37 a.m. (Ibid., White House Central Files) The editors transcribed the portions of the conversation printed here specifically for this volume.

² The letter is in Document 313. In backchannel message 348 from Saigon, Bunker noted that when he gave the letter to Thieu, "Thieu made no comment except to say that he had done his best and all that he could do for his country. He appeared resigned but not unfriendly." (See footnote 1, Document 320)

Kissinger: Well, no, he was still—he's now given up on his objections to the agreement. I am certain, now, he's coming along.

Nixon: Um-hmm.

Kissinger: And he is, just now, making the record of having fought every step of the way.

Nixon: Um-hmm. Um-hmm. Well, do we expect an answer from him—?

Kissinger: We expect some answer today, yes. Which, in my view, will still leave a little crack open. What he would like to be able to say, for domestic reasons, is that his Foreign Minister talked to me in Paris and got one crappy little concession.

Nixon: Um-hmm.

Kissinger: Now, I have sent Sullivan in to see the North Vietnamese.

Nixon: Um-hmm.

Kissinger: And it's just possible that we'll get one.

Nixon: Um-hmm.

Kissinger: And I'll know that tonight.

Nixon: Um-hmm. Um-hmm.

Kissinger: But, even without it, I'm certain he'll come along, now.

Nixon: He doesn't have any choice. I mean that, as we all well know. Well, in any event, what—you said you're planning to leave tonight?

Kissinger: No, tomorrow morning.³

Nixon: Tomorrow morning? Um-hmm. Well—

Kissinger: And Haig will be coming back this afternoon.

Nixon: Well, what time tomorrow morning?

Kissinger: I'm leaving at nine.

Nixon: I mean, what time we should get together?

Kissinger: Oh, any time you say.

Nixon: Well, what time—you see, I meant what time [unclear]—well, when everything will be in the bag. That's what I want to know. Maybe it would—maybe we'd better wait—

Kissinger: Well—

Nixon: —wait 'til tomorrow morning.

Kissinger: Tomorrow morning, we'll have all the facts.

Nixon: Yeah, there's no use—

Kissinger: And I can put off the departure by—

³ Kissinger was to depart for Paris on January 22 to meet Le Duc Tho the next day.

Nixon: Um-hmm.

Kissinger: —a half an hour.

Nixon: No use to meet before that. Suppose that we plan to meet at, say—say 8:30 tomorrow morning? That gives us a time to—for you to have—you—I mean, you—are you supposed to depart at 9:00?

[Omitted here is further discussion of the President's and Kissinger's schedules.]

Kissinger: I think, Mr. President, at the very worst, if I would—could recommend, if he has not given his formal agreement, then, I would just ignore him. I would not make—and he will, then, the next day, certainly come along.

Nixon: Um-hmm.

Kissinger: He cannot afford to break with you publicly once you've committed yourself.

Nixon: Um-hmm. Well, we've told them—him that in the letter, haven't we, Henry?

Kissinger: We've told him that, but he hasn't broken with you once he realized—once he accepted the fact that you meant business.

Nixon: Yeah. Yeah—

Kissinger: Every exchange, he moves closer to you.

Nixon: Um-hmm. Um-hmm.

Kissinger: He is not acting like a man digging in.

Nixon: Right. Good, well then, we'll plan—as a matter of fact, we'll meet, then, at 8 o'clock in the morning. Let's just make it certain.

Kissinger: Right.

Nixon: And then, that way, we can get the whole thing fired out of the way.

[Omitted here is discussion about meeting Haig when he returns and closing remarks.]

319. Message From the President's Assistant for National Security Affairs (Kissinger) to the Vice Chief of Staff of the Army (Haig)¹

Washington, January 21, 1973, 1620Z.

Tohaig 102/WH 30143. Thank you very much for your message (Saigon 0347).² With regard to the points raised in your discussion with Thieu:

1. While it will not be possible to keep the protocols open as Thieu suggested, there will be a number of provisions that will require additional negotiations, e.g., entry points, two party joint commission. I believe that the GVN position can be adequately protected.

2. You can be assured I will make a maximum face-saving effort with Foreign Minister Lam. I expect to spend considerable time with him Monday evening following my arrival. I plan to have breakfast with him on Tuesday morning and will meet again with him following Tuesday session.

3. With regard to Thieu's point on the legal effect of the protocols, there is no legal difference between the effect of the agreement and that of the protocols.

We assume we can still expect a reply from President Thieu by noon (Washington time).

Warm regards.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig 1–105, January 14–21, 1973 [1 of 2]. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Lieutenant Colonel Brown. Haig was en route from Seoul to Washington.

² Reference is apparently in error; message 347, Document 315, is from Bunker to Kissinger, not Haig to Kissinger. The reference presumably should be to message 346, Document 310.

320. Letter From South Vietnamese President Thieu to President Nixon¹

Saigon, January 21, 1973.

Dear Mr. President,

Ambassador Bunker transmitted to me earlier today your letter of January 21,² in which you requested me to let you know by 12:00 noon, January 21, Washington time, whether the GVN will join you in the paraphrasing and signing of the Agreement on January 23 and January 27.

I must say however that I cannot accept your accusations on our supposed delay in communicating to your government our comments on these protocols, since we received the latest version of the protocols only on January 11, and the points the GVN objected to in my previous letters related precisely to the innovations contained in that latest version. As for the Vietnamese text of the protocols, we received them from the US Embassy only today. In this regard I refer you again to the GVN Memorandum transmitted to Ambassador Bunker on January 19 and my letter of January 20.³

At this stage, there is little that I can add to all the explanations I have given you with regard to our principal reservations, because I have developed them in detail in my previous letters.

In view of your statements that US aid to the RVN will be cut off if I do not join you and your observations that the situation in the United States makes it imperative to put our relationship on a new basis, I have reached the following decisions.

Concerning the refusal by Hanoi to withdraw its troops from SVN at the conclusion of the cease-fire, I must say very frankly that I do not find that the collateral clauses you mentioned constitute an adequate remedy to this situation. However, for the sake of unity between our two Governments, and on the basis of your strong assurances for the continuation of aid and support to the GVN after the cease-fire, I would

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1041, For the President's Files—China/Vietnam Negotiations, Original letters from Thieu to RN, November 1972–January 1973. No classification marking. Bunker sent the letter to Nixon through Kissinger in backchannel message 348 from Saigon, January 21. (Ibid., Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig 1–105, January 14–21, 1973 [1 of 2]) Kissinger retransmitted it to Haig, en route to Washington from his Asian mission, in Tohaig 103, January 21, 1727Z. (Ibid.) Shortly thereafter, he also sent it to Sullivan in Paris. (Message WHP 379, January 21, 1955Z; *ibid.*, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [1 of 3])

² Contained in Document 313.

³ See Documents 305 and 310.

accept your schedule for the paraphing of the principal Agreement on January 23, subject to the ironing out of the discrepancies between the English and Vietnamese texts I mentioned to you in my previous letters.

With respect to the USG draft note to the GVN regarding the NVA in SVN, which Ambassador Bunker transmitted to us today,⁴ I consider that many quotations of Le Duc Tho will be disadvantageous to us because they tend to consecrate and justify Hanoi's pretensions on this subject. In our view the only useful part in this draft contains the following statements of Le Duc Tho and the positions of the US Government regarding these statements:

—"The PRG will no longer accept the introduction of troops, war materials and weapons into South Viet-Nam. This is the greatest respect of the DMZ. (December 7, 1972)

—We put down a provision saying that the way to reunify the country is through peaceful means and step by step restoration, through agreement between the two sides. Then how can there be a use of military means by one side against the other side? (September 27, 1972)

The United States considers these statements by the DRV to have the following consequences:

First, the DRV's claim that all communist forces in South Viet-Nam are southerners or volunteers and are under the command of the so-called PRG confirms that all communist forces in South Viet-Nam are subject to the obligations of the Agreement: For example, the cease-fire in place (Article 3), the prohibition of reinforcement and re-supply (Article 7), and the requirement that their reduction and demobilization be negotiated as soon as possible (Article 13).

Secondly, the DRV's assertion that there are no North Vietnamese forces in South Viet-Nam confirms that the DRV is claiming no right to maintain armed forces of its own in the territory of South Viet-Nam. The United States has made clear to the DRV in the course of the private negotiations that no provision of the Agreement confers or implies any such right. The United States, in any event, does not recognize any such right derived from any source."

These positions of the USG will be more useful if they are made known in public statements.

With regard to the Protocols, we shall wait for the results of the forthcoming negotiations in Paris on the restrictions imposed on our police force after the cease-fire. It is for these important negotiations that I am sending today Foreign Minister Tran Van Lam, after the ar-

⁴ See Document 313.

rival there of General Vinh Loc a few days ago, to work closely with Dr. Kissinger in seeking necessary changes in the Protocols.

In case no satisfactory solution is found our considered position is that the paraphing and signing of the Protocols could not be done on the same dates as those scheduled for the principal Agreement, and should wait until a reasonable solution could be reached.

Sincerely,

Thieu

321. Message From the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 21, 1973, 1734Z.

1. Thanks for sending me Bunker's 0347² to give me some feel for current GVN attitudes.

2. My general reaction is that effort to "discuss" protocols is one last stalling tactic which they know will cause breakdown of signing schedule. It is of course impossible both from our viewpoint and DRV viewpoint, to handle protocols as separate, subsequent event.

3. GVN has had our original drafts of protocols for three months. They have never once commented on them. They have received full briefings as we negotiated. They have not only not rpt not commented; they have declined to answer specific questions put to them.

4. Even in this démarche, they give no rpt no clue about their "points which are of great concern." Therefore, their tactics are all the more transparent.

5. Both Bui Diem and, through Lam, Vinh Loc, have suggested this same step with me and I have flatly refused. By moving it up a notch to Tran Van Lam with you, they may think they have a greater prospect because "greater face" is involved.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1020, Alexander M. Haig Special File, Gen. Haig's Vietnam Trip, Tohaig 1–105, January 14–21, 1973 [1 of 2]. Secret; Operational Immediate; Sensitive; Exclusively Eyes Only. Sent via Guay and Scowcroft. Also sent to Haig as Tohaig 105/WH 30146.

² Document 315.

6. Fortunately, Tran Van Lam is a weak man and not a very clever one. Also, he is one whom Thieu would be quite happy to disown and discredit. I suggest you take him into camp, wheedle his signature on everything, and then light candles for his future. I know this sort of thought has never occurred to you.

7. Warm regards.

322. Message From the President's Assistant for National Security Affairs (Kissinger) to the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan) in Paris¹

Washington, January 21, 1973, 1957Z.

1. Thank you for your messages.² We have just received a letter from Thieu in which he in effect accepts the agreement, and, so far as we can tell, the protocols except for the issue of police forces.³ We are sending you the text separately.

2. What is clearly needed in Article 6 is some flexibility on the type of weapons the police can carry. There is no problem about excluding such items as cannons and tanks, but there should be the possibility of carrying carbines and rifles. Given the foreseeable dangers of uprisings I don't see how one can ask the police to engage in riot control solely armed with pistols. The two sentences you suggested will help, but the remaining sentence on pistols must be weakened. In negotiating this you can say that we are prepared to make clear the exclusion of heavy weapons such as tanks and cannons.

3. As for the understanding on Article 8c, we cannot under any circumstances accept the Vietnamese word "don doc". We are prepared to substitute the English word "encourage" for "promote" assuming the Vietnamese translation is harmless. As for the last sentence, we can accept the phrase "according to the terms of the agreement" or "in accordance with the terms of the agreement".

4. With respect to entry points you make a rather cogent case. Is the

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Flash; Sensitive; Exclusively Eyes Only. Sent via Scowcroft and Guay.

² See specifically Documents 316 and 317.

³ Document 320.

GVN fully aware of the solution you have worked out? If they are and they have not protested, I am prepared to let matters rest.

5. Reference your paragraphs 11 and 12 on the four party commission, the US will send an officer to Paris, and we will ask General Woodward to send Major Miles tomorrow. The increase in the DRV advance party for Saigon is acceptable.

6. Haig informs us that another objection that Thieu has to the protocols is the reference to “zones of control”. We assume he is referring to the Vietnamese text of the ceasefire protocol. Whatever the precise issue, just make sure that Vietnamese translation in the protocols conforms to that of Article 3 of the agreement. Whatever the DRV tactic, I believe they have no option but to accept our position of consistency with the agreement.

7. Please ask Aldrich to have his memoranda on the protocols, which I will require for Congressional briefings, ready for me when I arrive.⁴ Also as I told you, the chances are good that the Secretary will want Aldrich to come back with me.

8. If you have the time, I would appreciate your putting in memorandum form your ideas concerning the Hanoi leg so that I may hand it over.

9. I agree to the understanding you have worked out concerning “unanimous agreement”.

10. We accept the DRV changes in the ICCS note and the January 23 announcement.

Warm regards.

⁴ See Document 324.

323. Backchannel Message From the Vice Chief of Staff of the Army (Haig) to the Ambassador to Vietnam (Bunker)¹

Washington, January 21, 1973, 2115Z.

WHS 3105. Deliver at opening of business.

Have arrived in Washington and have been following with great care the exchanges between you Kissinger on one hand and Thieu on

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only.

the other. I have told both Henry and the President that tough patience will bring us to a successful conclusion. I want to again thank you for your hospitality and counsel during our stay in Saigon. We are now on the verge of what we have sought for so long.

I would be very grateful if you would pass on to Fred Weyand and John Vogt the following operational guidance which was raised with me at the airport at the time of our departure for Seoul. "We should continue to operate carrier based air south of the DMZ into Laos and Cambodia in the post-ceasefire situation even though this requires overflight of South Vietnam. There should be no sorties flown over Cambodia and Laos from US air bases in South Vietnam. During the 72 hours following the initiation of the ceasefire in South Vietnam we should plan to withhold US air action over Cambodia unless a serious tactical emergency develops. We will do this in order to assess the effect of Lon Nol's unilateral declaration of the cessation of all offensive operations by Khmer forces. He will make this announcement immediately following establishment of the ceasefire in Vietnam. For this reason we should avoid US air activity unless the other side launches serious attacks during the 72-hour period."

Warmest personal regards.

324. Memorandum From the Department of State Deputy Legal Adviser (Aldrich) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 22, 1973.

SUBJECT

Summary and Analysis of the Protocols

The four protocols constitute the necessary advance implementation of the Agreement. In particular, they work out the necessary arrangements for the International Commission of Control and Supervision (Article 18), the Four-Party Joint Military Commission (Article 16), and the Provisional Two-Party Joint Military Commission (Article 10). They also define the cease-fire, determine in greater detail than the

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 109, Country Files, Far East, Vietnam Negotiations, Rationale. Secret.

Agreement the obligations of the parties concerning return of prisoners, and specify certain arrangements for the clearance of mines.

Positive Elements. In my judgment, the protocols do the following important things:

1. They provide personnel for control and supervision totalling 4,460 for the first 60 days and at least 2,810 thereafter.

(a) International Commission—1,160

(b) Four-Party Joint Military Commission—3,300

(c) Two-Party Provisional Joint Military Commission—1,650

2. They ensure that these supervisory personnel will be scattered around South Vietnam at various points of strategic and political significance, including points on or near infiltration routes from North Vietnam, Laos, and Cambodia.

3. They require the International Commission to make investigations when requested by any one of the four parties to the Agreement (U.S., DRV, GVN, PRG).

4. They require the International Commission to report separate and minority views of its members.

5. They ensure that both the International Commission and the Joint Military Commissions can be equipped with adequate communication and transportation facilities.

6. They require the two South Vietnamese parties to permit freedom of movement for all persons except combat forces throughout South Vietnam after the cease-fire.

7. They define the cease-fire in such a way that aggressive and hostile actions are prohibited, but other movements of military personnel and units are permitted.

8. They place no restriction on the movement of ships, except for the movement of warships into areas of South Vietnam controlled by another party.

9. They require legitimate imports of armaments, munitions and other war material (for replacement only) to enter through agreed points of entry and under the control and supervision of a team of the International Commission.

10. They ensure that both the International Commission and the Four-Party Joint Military Commission will be able to control and supervise the release of American prisoners in North Vietnam.

11. They establish minimum standards for the treatment of prisoners during the period prior to their release.

12. They ensure that a Four-Party Joint Military team will remain after the Four-Party Joint Military Commission ends its operations in 60

days to finish the tasks of accounting for the missing in action and locating graves.

13. They provide for North Vietnam's cooperation in the clearance of mines from North Vietnamese waters and assure protection for U.S. personnel engaged in this mine clearance activity.

14. They avoid establishing any fixed date for the completion of mine clearance operations in North Vietnamese waters.

15. They provide that mines may either be destroyed, deactivated, or removed. The United States cannot be committed to removal without its consent in a specific case and we made it clear in the negotiations that removal will almost never occur. The DRV accepts that fact.

Negative Elements. Some difficult questions, such as designation of points of entry, were left for the two South Vietnamese parties, but, by and large, the negative features of the protocols reflect unavoidable problems which are also evident in the basic Agreement, particularly political problems inherent in the concept of two "areas of control" in South Vietnam.

1. They provide that the International Commission and the Joint Military Commission work on the principle of unanimity, which could prevent them from acting effectively in a crisis.

2. The large size of the Four-Party Joint Military Commission, however desirable in other respects, inevitably results in spreading the legitimate presence of the Communist members of the Commission to many cities and towns throughout South Vietnam where they could not otherwise openly appear.

3. The definition of the cease-fire makes it clear that control by the PRG of certain, as yet undefined, areas of South Vietnam is recognized in principle and is not to be challenged by armed force.

4. The definition of the cease-fire will prohibit the Vietnamese air force from flying *armed* combat aircraft over South Vietnam.

5. Under the protocols there will be large stretches of South Vietnam's border which will be inadequately patrolled either by GVN forces or by the International Commission or the Joint Military Commission to detect and deter infiltration of men and arms.

6. The protocols postponed for subsequent agreement by the two South Vietnamese parties the designation of the legitimate points of entry for replacement armaments, munitions and war materials. This may be a political advantage as far as our relations with the GVN are concerned, but operationally it's a disadvantage.

7. The protocols leave for subsequent agreement in the Four-Party Joint Military Commission the designation of places to which prisoners will be returned.

8. Protocols limit normal police armament to pistols, except in “unusual circumstances.” The flexibility in this quoted phrase seems adequate for practical purposes, but it may still have some negative political effect.

9. The protocols make U.S. mine clearance operations in North Vietnamese waters subject to concurrence by the DRV.

[Omitted here is a detailed analysis of the protocols.]

325. Backchannel Message From the President’s Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

Washington, January 22, 1973, 0203Z.

WHS 3107. Deliver immediately.

1. Please deliver following letter to President Thieu from President Nixon as soon as possible.

Begin text. Dear President Thieu: Thank you for your letter of January 21, 1973² and the promptness of your response. I want you to know that, despite all the difficulties and differences between our two governments in this recent phase, I have great respect for the tenacity and courage with which you are defending the interests of your people in our common objective to preserve their freedom and independence. I look forward to continuing our close association.

I shall now tell our Congressional leaders that we are proceeding on our course with your essential concurrence. With respect to the issue of North Vietnamese troops, we will send you a note in conformity with the language contained in your letter. Ambassador Bunker will give you a draft. In addition, we will find an occasion within a week of the initialing of the agreement to state our views publicly along the same lines.

With respect to the issue of the police force, I have instructed that Ambassador Sullivan resume his meetings with the North Vietnamese immediately to seek some modification in the protocol. Dr. Kissinger will pursue this question further with your Foreign Minister and in his

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President’s Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

² Document 320.

meetings with Special Adviser Le Doc Tho. In any event, however, we will have to proceed to initial the agreement and the protocols on January 23 and sign them on January 27. If we fail to obtain the proposed modification, we will have to interpret the phrases in the protocol “unusual circumstances” in a way that gives us the latitude that we require.

On the general subject of the protocols, we do not agree that these documents are more legally binding in their obligations than the agreement itself. Furthermore, you will note that we have purposely left many major issues in the protocol, such as points of entry and the status of South Vietnamese parties, thus reflecting your basic approach of leaving questions to be negotiated among the South Vietnamese themselves.

Thus I am proceeding to prepare my January 23 speech along the outlines that General Haig gave you.³ It will include a strong reference to our essential unity and will also point out that your Foreign Minister personally participated in the final phase of the negotiations. As I mentioned in my previous letter, Dr. Kissinger will consult closely, and visibly associate himself with, your Foreign Minister while they are in Paris.

Our overwhelming mutual concern now must be to strengthen your government and people as we look toward implementation of the agreement. From here on the emphasis must be on our close cooperation and a confident approach to implementing the settlement. With your strong leadership and with continuing strong bonds between our countries, we will succeed in securing our mutual objectives. Sincerely.
End text.

2. As indicated in the letter you should also give Thieu the following draft note.

Begin text. The following statements were made by DRV Special Adviser Le Duc Tho in the course of the negotiations with Dr. Henry Kissinger:

—The PRG will no longer accept the introduction of troops, war materials and weapons into South Vietnam. This is the greatest respect of the DMZ. (December 7, 1972)

—We put down a provision saying that the way to reunify the country is through peaceful means and step by step restoration, through agreement between the two sides. Then how can there be a use of military means by one side against the other side? (September 27, 1972)

³ See Document 310.

The United States considers the DRV statements to have the following consequences:

First, the DRV's claim that all Communist forces in South Vietnam are Southerners or volunteers and are under the command of the so-called PRG confirms that all Communist forces in South Vietnam are subject to the obligations of the agreement: for example, the cease-fire in place (Article 3), the prohibition of reinforcement and resupply (Article 7), and the requirement that their reduction and demobilization be negotiated as soon as possible (Article 12).

Secondly, the DRV's assertion that there are no North Vietnamese forces in South Vietnam confirms that the DRV is claiming no right to maintain armed forces of its own in the territory of South Vietnam. The United States has made clear to the DRV in the course of the private negotiations that no provision of the agreement confers or implies any such right and that the United States does not recognize any such right derived from any source. *End text.*

326. Backchannel Message From the Ambassador to Vietnam (Bunker) to the President's Assistant for National Security Affairs (Kissinger)¹

Saigon, January 22, 1973, 0850Z.

349. Ref: WHS 3107.²

1. I delivered the President's letter and the draft note to Thieu at noon today. Thieu seemed pleased with the letter and with the revisions in the note conforming to points made in his letter of January 21, especially with the President's offer to state our views publicly along the same lines.

2. In response to my question whether he would make a statement at the same time or immediately following the President's speech Thieu said that what he would say would depend in part on what the President planned to say and what FonMin Lam reported from Paris. He asked whether we could supply an outline of what the President pro-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Operational Immediate; Sensitive; Exclusively Eyes Only.

² Document 325. This message included the President's letter and the draft note mentioned in paragraph 1.

posed to say which would be helpful to him in planning his own statement; he would appreciate having this as soon as possible. I informed him that present plans called for the President to speak at 2200 January 23, which would be 1100 January 24, Saigon time.

3. Thieu said that there were two important points in connection with the protocols on the Joint Military Commissions on which he had asked FonMin Lam to concentrate:

1) Police force: Thieu said that as far as he was aware no police force anywhere was prevented from having weapons necessary to maintain law and order. He believes that in the case of the protocols the limitation should be only on the use of police weapons, i.e., a prohibition on their being used to provoke hostilities or violate the ceasefire. I called his attention to the statement in the President's letter that if we failed to obtain the proposed modification we will interpret the phrases in the protocol "unusual circumstances" in a way that gives us the necessary latitude.

2) VC cadre having diplomatic immunity: Thieu suggested that some limitation be placed on the number or eligibility of those entitled to diplomatic immunity or restricting diplomatic immunity to certain rank levels. In any case there should be a prohibition against using diplomatic immunity to spread propaganda. Perhaps some wording along the following or similar lines might cover this point: "Members of the Joint Military Commission are explicitly barred from undertaking any political, proselytizing or any other activity intended to influence, change or otherwise alter the political situation of the area in which they are stationed by virtue of their membership in the Joint Military Commission."

4. I said that Dr. Kissinger planned to meet with FonMin Lam this evening on his arrival in Paris and would see him both before and after the meeting tomorrow.

5. Thieu appeared more cheerful and relaxed today than last night when he seemed rather discouraged and resigned. He has clearly crossed the bridge.

6. More power to you. My prayers are with you. Warm regards.

327. Transcript of a Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Vice Chief of Staff of the Army (Haig)¹

Washington, January 22, 1973, 9:20 a.m.

H: Hello.

K: Hello.

H: Yes, Henry.

K: Al, I just spent some time with the President and I urged him and he agreed to work with on his speech.²

H: Good.

K: Now, you look at the text that we have here—now, under no circumstances let him drop out the reassurances to the South Vietnamese.

H: No, no, God!

K: I mean tell him that this thing is precarious, tell him that it is promised and tell him Thieu might just collapse if it isn't in there.

H: That's right.

K: I mean just scare the pants off him.

H: Yeah. Okay, good. Is there any other problem with him that . . .

K: No, except of course he doesn't want to do any reassurances.

H: Well, that's essential, Henry. I can understand because he read that Goddamn *Post* editorial.³

K: Well, I told him we will take a little slack [*static*] now for it but that's nothing compared to what we'll take when the whole thing comes apart.

H: That's right.

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 18, Chronological File. No classification marking.

² Kissinger was referring here to the next day's speech in which Nixon would announce the agreement as Kissinger and Le Duc Tho initialed it.

³ The January 20 editorial stated: "the American combat involvement may be ending but the administration's acceptance of a certain implied responsibility for the general state of affairs in South Vietnam and even for the fortunes of one political faction in Saigon, the Thieu government, is apparently not going to end. This is implicit in Mr. Nixon's insistence on continuing to provide aid to the Thieu regime, on trying to negotiate with Hanoi the framework within which formal politics in South Vietnam will be conducted; on seeking to organize international participation in supervising the cease-fire and reconstructing Indochina; and especially in Mr. Nixon's decision to keep bombers on hand in Thailand and offshore." ("The Hope of Peace," *The Washington Post*, January 20, 1973, p. 14)

K: You have no problem with me but I need somebody here who can speak with authority. And you can do it just having been there. Tell him all our allies need it.

H: That's right. That's right. And it is essential.

K: And it must be a stern and not sappy speech.

H: All right, fine.

K: Well, he wants to cut down the speech I've got. Now, that isn't bad.

H: Yeah, but it isn't too long now. It's quite short.

K: It's about a thousand words.

H: The last paragraph repeats something that's in the earlier part.

K: Well, he wants just to start with the announcement. I mean a lot of the stuff he wants to cut is crap and I wouldn't bleed but you must insist that the South Vietnamese portion stay in.

H: That's right.

K: And the warning to the Chinese and Russians must stay in.

H: Absolutely.

K: And it should be a somewhat stern, matter-of-fact speech.

H: There is another reaction building anyhow to this Goddamn left wing crap after McGovern yesterday . . .

K: What did McGovern say?

H: Oh, in London, he just tore down the United States, tore his own party apart, tore the Republicans apart.⁴

K: Well, what did he say?

H: He said there is no moral fiber left in the Democratic Party. The Republicans are evil. It is inconceivable that any leader could have usurped all of the power as Nixon has done and bombed ruthlessly—you know, just absolutely demagogue. And that before a foreign audience.

K: Where did you read that?

H: It was all over the TV last night.

K: I hadn't read it.

H: Very bad!

⁴ At an Oxford University speech on January 21, Senator George McGovern (D-SD), the Democratic Party candidate for President, said that the United States was "closer to one-man rule than at any time in our history." Furthermore, he characterized his own party as one "with no principle, no programs, living only from day to day, caring only for the perquisites of office, doing nothing, and worse, not caring that nothing is done" and the Republican Party as being "reduced to utter vassalage by the White House." (Albert Crenshaw, "McGovern: U.S. Nearing 1-Man Rule," *The Washington Post*, January 22, 1973, pp. A1, A5)

K: Okay, now the only thing that may happen, Al, is that we may let the initialing go over a day.

H: That wouldn't be bad.

K: No, that would be good. In fact, I wish now I had thought of it.

H: Yeah. Well, we will have to notify everybody very quickly if you do that—just as a courtesy.

K: Well, you make sure, if that happens, you work with Brent on who gets notified.

H: Right.

K: Well, we have a game plan here who gets notified and Brent has that.

H: Great.

K: I don't want State to be told anything in the morning except that I am coming back.

H: Right.

K: And then in the afternoon they can be told the rest of the game plan.

H: Right.

K: But not one minute before.

H: Yeah to keep that guy from running.⁵

K: In fact, late in the afternoon.

H: Right.

K: Okay.

H: Good, Henry. You've got our prayers.

K: Well, you know where it stands. This is one of the easy ones.

H: Well, it's going to be tough right up to the line.

K: Well, I don't see what could go wrong. You and I were a good partnership and I know what you did. Okay, many thanks. Good.

H: Right, bye.

K: Bye.

⁵ Haig was referring to Secretary Rogers.

328. Message From the Deputy Assistant Secretary of State for East Asian and Pacific Affairs (Sullivan) to the President's Assistant for National Security Affairs (Kissinger)¹

Paris, January 22, 1973, 1517Z.

1. U.S. and DRV delegations met again January 22 from 1030 to 1430 at golf club in effort resolve last outstanding issues.

2. I opened by informing Thach we would have two officers in Paris for preliminary discussions on four party JMC and would ask Vinh Loc this afternoon for an ARVN officer.

3. Next, I informed him that text of announcement and of ICCS notes were agreed. He said he did not yet have Le Duc Tho formal agreement with text of understanding on "unanimity" but saw no problems there.

4. They agreed to accept "in accordance with the terms of the agreement" in place of "as envisaged in the agreement" for Article 8 (c) understanding. Surprisingly, they also agreed to drop "don doc" in favor of milder Vietnamese word, while we retain "promote" in English text of that understanding.

5. Most of our time was then consumed by issue of police weapons, with limited excursion into frontier control teams. On latter, I accepted Bien Hoa airfield as one control post, reinforced the team at Vung Tau, and dropped Ap An Thuan.

6. On the police question, they proved just as stubborn as yesterday, and Thach said he was under categorical instructions from Le Duc Tho to accept no rpt no changes in text of Article 6 as currently worded. After much back and forth, he finally agreed to accept a substitute sentence in place of current second sentence in Article 6, but only ad referendum to Le Duc Tho.

7. This new sentence represents a change in which I feel no rpt no particular pride, since it says much the same thing as the previous sentence. However, it can be read with a slightly different emphasis to our darlings to persuade them that significance is somehow lurking in its syntax, and at least they will have the satisfaction of knowing they made Thach and me sweat blood for 6 hours on their amour propre.

8. The new sentence reads as follows:

Quote: As required by their responsibilities, normally they shall be

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Secret; Operational Immediate; Sensitive; Exclusively Eyes Only. Sent via Guay and Scowcroft.

authorized to be armed with pistols, but, when required by unusual circumstances, with other individual small arms. Unquote

9. In addition to this change, they have also agreed that you and Le Duc Tho could develop an understanding during the course of your meeting tomorrow which would spell this out further in whichever way our darlings want. I will have a draft ready for you on your arrival. You can discuss this tonight with Lam and, whatever eventuates in the understanding, he can take credit for. This would conform to your desire to see to it that Lam gets credit for some change. You will appreciate, as an historian, that my concern for asserting your integrity is second only to my passion for preserving my own.

10. Kubisch and Isham greeted Lam at Orly. It is arranged that Amb. Lam and Phong will greet you this evening. You will then call on Lam either enroute from airport to town or shortly after you have stopped briefly at residence.

11. Aldrich is preparing the briefing. He will fly back with you and then return to Paris with Secretary Rogers. He has really been as solid as a rock and has earned enormous respect for [from?] the North Vietnamese.

12. Message concerning diplomatic immunity arrived after completion of my meeting with Thach.² As far as the question of immunity below certain ranks is concerned, that is already clear from the negotiating history and from the division which they made between "delegations" on the one hand and "support and guard" forces on the other. We will have no problem there.

13. The language they propose about limiting political activity is egregiously insulting and would not stand a chance in negotiations. Moreover, I have studiously assured Thach that our change in Article 6 was the last change we would ask for. This latest parseflage is something we can try to set in another understanding, for the sake of Tran Van Lam. However, it is definitely redundant because their immunity extends only to "carrying out their tasks."

14. As of this very moment, the language experts are proofreading comparative texts, binding them into four monumental piles of documents, attaching them with ribbons and affixing seals. They will finish this shortly before your arrival so that the whole lot will be on the table tomorrow.

15. The sun is shining in Paris this afternoon.

16. Warm regards.

End of message.

² In message WHP 381, January 22, 1325Z, Kissinger forwarded to Sullivan message 349 from Bunker relating Thieu's concerns. (Ibid.) Message 349 is Document 326.

329. Message From the President's Military Assistant (Scowcroft) to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, January 22, 1973, 2300Z.

Tohak 16. Subject: Comments of President Thieu on Signing the Ceasefire Agreement and His Planned Schedule of Public Announcements on the Subject.

1. In a conversation with Special Assistant Nguyen Phu Duc and Private and Press Secretary Hoang Duc Nha on the afternoon of 22 January 1973, President Nguyen Van Thieu stated that he had agreed to sign the ceasefire accord and would sign the protocols on schedule as well, "whether we like it or not." Thieu said that he would "minimize" the importance of the protocols, as there remained things that he did not like therein. He spoke specifically of the clause limiting the police to carrying only "hand-guns," since in every country of the world the police can carry whatever weapons are necessary, whether in peace or war, to carry out their responsibilities. Thieu then spoke of the Communist members of the military control commission, who would be able to carry out propaganda and proselything [*proselytizing*] activities under cover of their diplomatic immunity. He noted laughingly in this regard that there were two types of immunity; "an Embassy official is different from a chauffeur." Thieu stated, "they will not be allowed to operate politically in my areas."

2. Thieu then said that Ambassador Bunker had asked that morning what Thieu would announce about prospective initialing and signing, and Thieu had replied that it would depend on two things, namely, what President Nixon said and the results of Dr. Kissinger's talks with the other side on the protocols. Thieu then expressed concern that if President Nixon spoke at 2200 hours on 23 January Washington time, that would be 1100 hours 24 January Saigon time, and "who'd listen at that time" in Saigon to anything that Thieu might say? The people would have heard "what the Americans have to say first." Thieu then suggested that he might "leak" something on the evening of 23 January (Saigon time) to the effect that he would be speaking "to the people on peace and ceasefire" on 24 January, and "the hour of this speech will be announced in time for the people to be able to listen." Then, "that morning (24 January Saigon time) we'll announce to the people at 1000 hours that the President will speak in one hour. We'll

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip HAKto & Tohak & Misc. Memos, etc., January 22–23, 1973. Top Secret; Flash; Sensitive; Exclusively Eyes Only.

give one hour's warning, or if necessary, we'll have a TV special during the day." Thieu added, however, that on the first day (24 January Saigon time), "we will just say very little," and on 27 January, "that evening, I will make a long speech on the ceasefire; I'll give the complete story." Thieu noted that there will therefore be "a shock" (for the people) on 24 and 27 January. Thieu, Duc and Nha then debated the modalities of the initialing and signing and how best to pitch the announcements to the various segments of the Vietnamese public. Thieu stated that they will leave until 27 January any mention of the "struggle" (to obtain more favorable treatment in the protocols), and repeated that on 24 January he will only make "a short statement, that's all, just to let the people know; and that day, we ask the people to take preparatory action and to be calm." By 27 January, "Nixon will already have given his assurances; we'll take those assurances and stick them into the speech." He added that in the 27 January speech, "we will discuss what is involved in this peace, and what our concepts must be on it, and what the people must do." He concluded by saying that the people "must not be afraid; I have promised to sign the agreement, and then I will explain it."

End of message

330. Message From the President's Military Assistant (Scowcroft) to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, January 23, 1973, 0047Z.

Tohak 19. Subject: Vice President Tran Van Huong's Comments on the National Security Council Meeting of 20 January 1973.

1. According to Vice President Tran Van Huong, the National Security Council (NSC) with the additional presence of Senate President Nguyen Van Huyen, Chairman of the Lower House Nguyen Ba Can, and Chief Justice of the Supreme Court Tran Van Linh, met on 20 January 1973 to consider and discuss President Nixon's letter of 18 January. Huong commented that the letter was President Nixon's reply to President Thieu's letter of 17 January. Huong stated that at the meeting Pres-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip HAKto & Tohak & Misc. Memos, etc., January 22–23, 1973. Top Secret; Immediate; Sensitive; Exclusively Eyes Only.

ident Thieu asked those present for their comments on President Nixon's letter and for their opinion whether South Vietnam should sign the ceasefire agreement. Huong commented that the atmosphere of the meeting was extremely tense and that not one soul present at the meeting dared express his opinion. Huong stated that he was very much aware of President Thieu's difficult position and that in his opinion, President Thieu will be blamed by certain portion of the South Vietnamese population for signing the ceasefire agreement. However, failure to take the latter action will result in the cutoff of U.S. economic and military aid. Huong stated that because of the delicate situation it was his decision to speak before President Thieu had a chance to express his opinion on the matter at hand. Huong stated that by so doing, he had provided President Thieu an avenue of escape from this difficult situation. Huong commented that it was President Thieu's desire to have someone else express an opinion supporting South Vietnam's participation in the signing of the ceasefire agreement. If, in the future, the criticism about signing the ceasefire agreement became extremely difficult for President Thieu to cope with, he could then point his finger at Vice President Huong as the one who had strongly insisted that South Vietnam sign the ceasefire agreement. Huong explained that it was President Thieu's intention to use the NSC as the body that made the final decision for South Vietnam's participation in the signing of the ceasefire agreement and not he (Thieu) alone.

2. Huong said his statment to the group was consistent with the previous decision of participation in signing of the ceasefire agreement. Huong told the group that "South Vietnam's position is analogous to a carriage that is standing in the middle of a narrow bridge that is ready to collapse if the first step taken is in the wrong direction. South Vietnam has no other alternative but to agree to sign the ceasefire agreement since this course of action is the lesser of two evils." (*Source comment*: Vice President Huong was very emotional and was weeping when [he] was explaining the events that took place during the meeting.) Huong said that after he finished his comments President Thieu took the opportunity to support fully the Vice President and the NSC and stated that the government of South Vietnam has no other choice but to agree to sign the ceasefire agreement.

Subject: Comments on the Ceasefire by Joint General Staff Assistant J-2 Colonel Cao Xuan Ve

1. At 0900, 22 January, Colonel Cao Xuan Ve, Assistant to the Chief of J-2 of the Joint General Staff, said that the Republic of Vietnam Foreign Minister Tran Van Lam had departed for Paris, France, on 21 January. Lam is going to Paris to be on hand to discuss with Dr. Kissinger anything special that may come up pertaining to the last minute arrangements concerning the ceasefire agreement.

2. Colonel Ve also said that Lam has been empowered by President Thieu to sign the ceasefire agreement as the official representative of the Republic of Vietnam. If the ceasefire agreement is as General Haig presented it to President Thieu, Lam is authorized to sign the agreement with Madame Binh, Foreign Minister of the Provisional Revolutionary Government.

3. Colonel Ve said that President Thieu is not insisting on the removal from South Vietnam of North Vietnamese army elements but that Thieu expects the U.S. to demand that North Vietnam respect the 17th parallel demilitarized zone as a dividing line between the two countries. Colonel Ve commented that personal friends of his in high positions in the Foreign Ministry have stated that President Thieu does not wish to make a controversy over the presence of North Vietnamese army elements in South Vietnam. According to these friends, Thieu wants the U.S. to try to convince the North Vietnamese to respect the 17th parallel and to suggest to the North Vietnamese that they clandestinely remove North Vietnamese army elements from South Vietnam.

4. Foreign Minister Lam is also empowered to discuss and resolve the prisoner of war problem.

Subject: Briefing of GVN Military Components on Ceasefire Negotiations

1. Foreign Minister Tran Van Lam held a meeting at the Ministry of Defense on the 20th of January from 1600 to 2330 hours. The purpose of the meeting was to brief a group of selected officers on the status of the ceasefire. Among those present at the meeting were Buu Vien, Special Assistant to the Minister; Colonel (FNU)² Huu, from J-5; Colonel Lu Mong Chi, Chief of the Studies Branch in the Ministry of Defense; and Colonels Nguyen Tu Doa and Tran Tin, who are presently attending the National Defense College. Lam stated that there are many portions of the protocol section which are disadvantageous to the Government of Vietnam, but this is offset by the fact that the basic agreement is advantageous. There are also assurances from the United States Government that there is little need to worry about the protocol section since the protocol portions must be solved by the Provisional Revolutionary Government and the Government of Vietnam. Since the Government of Vietnam is stronger than the Communists, an advantageous solution for the Government of Vietnam can be forced. The preamble and the basic agreement will be signed by all four parties, but another agreement concerning the prisoners of war and related problems will be signed only by the Government of North Vietnam and the United States. President Thieu does not want any agreement in which a provi-

² First name unknown.

sional government (sic) appears. Further, President Thieu believes he has a guarantee of United States support because General Haig visited him after being appointed Deputy Chief of Staff for the Army and thus spoke from a firm position.

2. On Friday, 19 January, Lieutenant General Tran Van Minh, Chief of the Vietnamese Air Force, spoke to the air division commanders and told them to keep all aircraft on ground alert starting the 24th of January. The aircraft are to be ready to respond to calls for tactical and troop transport support for the military region commanders.

3. The air operations commander stated that the United States will station an air cavalry division in Thailand. The mission of this division will be to intervene along the Laos and Cambodian borders in the event of serious ceasefire violations.

331. Editorial Note

In anticipation of a peace agreement in Paris, President Richard M. Nixon and members of his staff, including speechwriter Raymond K. Price, began drafting a short speech for Nixon to deliver on national television on the evening of January 23, 1973.

On January 18, 9:40 a.m., Kissinger and the President had talked generally about both Nixon's inaugural address and the January 23 speech—especially what to include and exclude in the latter:

"K: The only thing I would perhaps mention is, but that's more for your speech on the 23rd than for your inaugural [January 20], I don't know whether I would nail myself so much to the word lasting peace or guaranteed peace because this thing is almost certain to blow up sooner or later.

"P: Well I think rather than lasting and guaranteed in relation to this in the inaugural I'm not going to speak of this specifically. I'm going to speak of this in conjunction with our whole policy as being a structure of peace in the world, see my point.

"K: No, no, the inaugural is fine. I was thinking more of the 23rd.

"P: No, I wouldn't guarantee that this was a lasting peace. I'd, as a matter of fact we've got to say that this will depend upon the intention of all parties to keep this. The fact that we sign an agreement does not mean that peace can be lasting.

"K: But one thing the agreement will do is to put Indochina into the perspective of a world wide structure for peace.

"P: Yeah, yeah. I agree with you. But you work on that, I will not bother my mind with it. I will not need that, incidentally, I don't want to even see it until about 7:00 Sunday night [January 21]. See I will have inaugural affairs all day long, so by 10:00 p.m. Monday night I want to see the draft of whatever you think we ought to say Tuesday, see.

"K: Right, I'll have it." (National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 18, Chronological File)

Despite Nixon's stricture about not wanting to see a draft until January 21, it is clear that on January 19 he read a first draft and added to it. Moreover, Kissinger also read it. In a telephone conversation at 4:19 p.m., the following exchange took place between Nixon and Kissinger:

"K: I wanted to tell you what Ray Price said, I think this is really an outstandingly good speech. It sets out just the right tone ... and idealistic. ...

"P: We spent a lot of time on it and we hope it turns out. There's a lot of solid stuff there and there's no crap at least."

Then, after briefly mentioning South Vietnamese President Nguyen Van Thieu, the two returned to the speech:

"P: As you realize, when I use that term 'we stand on the threshold of peace', that's the lead of this speech.

"K: Well, Mr. President, there's no question. ...

"P: I didn't use 'peace', I said 'an era of peace.'

"K: Well, I think you could say that even if you didn't get an agreement next week.

"P: I agree.

"K: Because you're putting it in a really statesmanlike context.

"P: A broader context—toward the Soviet Union and so forth." (Ibid.)

On the evening of January 22, Nixon, Haig, and Price met to discuss the speech. From this session a second draft emerged. Haig reported on the 45-minute meeting in a message to Kissinger, then en route to or already at Paris. According to Haig: "He [Nixon] was, of course, concerned about the assurances for Thieu which I believe are quite explicit in this draft and would not wish to make the warning any stronger. I tend to agree with him on this since too strong a statement could start a domestic debate which would be counterproductive and perhaps ultimately weaken the impact on Hanoi." (Tohak 21, January 23, 0400Z [January 22, 11:00 p.m., Washington time]; *ibid.*, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV)

The central clauses in this draft vis-à-vis the assurances stated: "The United States will continue to recognize the Government of the

Republic of Vietnam as the sole legitimate government of South Vietnam. We shall continue to aid South Vietnam within the terms of the agreement, and we shall support efforts by the people of South Vietnam to settle their problems peacefully among themselves." And, after noting that the peace must last, the draft continued: "This will mean that the terms of the agreement must be scrupulously adhered to. We shall do everything the agreement requires of us, and we shall expect the other parties to do everything it requires of them." (Ibid.) These words were reproduced exactly in the President's speech.

The following morning of January 23 in Saigon, Ambassador to Vietnam Ellsworth Bunker met with Thieu to convey in outline Nixon's speech scheduled for delivery at 10 p.m. that evening in Washington. According to a backchannel message from Bunker to Kissinger: "Thieu was very pleased with the points which the President intends to cover, especially those reaffirming recognition of the GVN as the only legitimate government of South Viet-Nam; promise of assistance; the reference to the unity between our two countries; and warm words for the Government and people of South Viet-Nam." (Tohak 24/350 from Saigon, January 23, 0613Z; *ibid.*)

President Nixon addressed the nation on television and radio at 10:01 p.m. on January 23. For text of his address, see *Public Papers: Nixon, 1973*, pages 18–20.

332. Transcript of a Telephone Conversation Between the Chairman of the Joint Chiefs of Staff (Moorer) and the Vice Chief of Staff of the Army (Haig)¹

Washington, January 23, 1973, 9:11 a.m.

0911—Secure Telecon/Out—Gen Haig, USA (WH)—Tue, 1/23/73

CJCS—Welcome back, Al,² I know you are pretty busy, but there are two or three things I'd like to discuss. We are just kind of standing by over here in a vacuum so to speak. I have been of course following HAK's instructions which were passed down from the President in which he wanted us to lay on a heavy effort in Cambodia which is the

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Secret.

² Haig returned on January 21 from his trip to South Vietnam and other Asian nations.

least stable area of all. Now I am getting a lot of questions from Laird. He wants to know how did I figure out the targets—what intelligence I have—how many civilians have been killed—it's a typical Pursleygram and it is supposed to be due in tomorrow but I think he'll be gone by then,³ but I just wanted you to know that.

Haig—We are talking about a period of about a week here and if there should be a Ceasefire during the period following the Ceasefire we want to keep going in Laos.

CJCS—You mean a Ceasefire in Cambodia?

Haig—No, in SVN if there is one Lon Nol will announce unilaterally that he is also terminating all offensive operations in Cambodia. He will do that to put the pressure on the other side for a de facto Ceasefire. They may not want to abide by it. So what we have to do is cut down on our air activity in Cambodia as soon as the Ceasefire which might go into effect in SVN.

CJCS—Coincident with the announcement of Lon Nol's?

Haig—So that the onus is not on us of escalating the war and we'll watch the attackees or anything else and once they break that unilateral action he has made we are going to start pouring it in there. In the case of Laos there is no difference we just continue to overfly SVN south of the DMZ to support Laos and our base stuff in Thailand.

CJCS—Continue to operate the carriers in the Tonkin Gulf south of the DMZ.

Haig—But we cannot use any landbased air and in Vietnam you have those two Marine Squadrons that you've got to get out and we're talking for planning purposes about Saturday night our time.⁴

CJCS—It goes into effect?

Haig—In SVN, and you should not say to anyone what I've just told you and it's just for your own thinking.

CJCS—I think that makes it all set. We haven't made a move at all towards any action in preparing for minesweeping or sending an advance party to Thailand or anything like that.

Haig—And it shouldn't be as it is still dependent upon some things still to be done.

CJCS—HAK is on his way back now?⁵

Haig—Yes.

CJCS—Is that going to be explained?

³ Laird's tenure as Secretary of Defense ended on January 29.

⁴ January 27.

⁵ Kissinger was en route to Washington from the initialing ceremony in Paris.

Haig—We'll have something out very shortly. We will be in touch with you immediately. You'll be the first to know but it will be fairly evident.

CJCS—Okay, thank you, you can't get away from over there?

Haig—No, but I don't mind on this one.

CJCS—You seem to have some doubt about the Ceasefire?

Haig—Not really.

CJCS—Okay.

Gen—Okay, my friend, stay with them.

Adm—Right, thank you for calling.

Gen—Good to talk with you.

333. Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Vietnam (Bunker)¹

January 23, 1973, 1815Z.

WHS 3109. Deliver at opening of business.

1. Everything went smoothly in my meeting with Le Duc Tho and we initialed the agreement and protocols at about 1 o'clock.² We got a textual change on the arms for police forces, and unilaterally stated our views on the definition of police forces in Article 1 of the ceasefire protocol versus Article 6.³ I also explained to Tho privately the South Viet-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 860, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XXIV. Top Secret; Operational Immediate; Sensitive; Eyes Only. Kissinger was en route to Washington from Paris.

² Kissinger also sent a very short note, Haktō 9, January 23, 1505Z, to Scowcroft which reads in part: "Everything went smoothly at the meeting with Le Duc Tho. We tied up all loose ends without difficulty and the actual initialing took place around 1300." In the message he also told White House staff to release the texts of the agreement and accompanying picture at a set time, to order the Department of State to tell the Canadians and Indonesians to put their forces on a three-day alert, and to "Please keep us fully informed about the public/press/bureaucratic state of play in the U.S. so that we have a running start when we arrive." (Ibid.) The agreement and protocols were released by the White House on January 24.

³ A memorandum of conversation of the meeting, January 23, 9:35 a.m.–1:20 p.m., is in the National Archives, Nixon Presidential Materials, NSC Files, Box 866, For the President's Files (Winston Lord)—China Trip/Vietnam, Camp David Memcons, January 8–13, 1973 [January 23, 1973].

namese concern about release of their military and civilian personnel captured or detained outside of South Vietnam.⁴

2. I saw Foreign Minister Lam and the other South Vietnamese officials in Paris immediately upon my arrival Monday night and after today's meeting for lunch.⁵ I listened sympathetically to their residual concerns on the protocols before today's meeting with Tho and briefed them on the results. We ended on a warm note, with Lam thanking us for our efforts on their behalf and a mutual recognition for unity in the period ahead. I took every occasion to publicly associate myself with Lam and the South Vietnamese while I was in Paris.

3. With respect to Thieu's concerns about the release of the texts, it is just impossible to change the schedule at this point. Lam also raised this concern with me and I explained why we couldn't delay. As I told him, the release time is now set for 1000 repeat 1000 instead of 1100, Washington time, January 24. We are forwarding immediately the final Vietnamese texts of all the documents which the GVN will need at that end as soon as possible. It is impossible to have a three-day hiatus between the initialing and the signing during which the provisions of the agreement would not be released. There is no way to keep these provisions secret, given the number of people who are now privy to them, and we would run the great risk of selective or distorted revelations. The U.S. Congress and press would be merciless in ferreting out the information. Under the present procedure we can immediately take the initiative in presenting the agreement in positive fashion. In short, you took the correct line at your end and you should use the above arguments to the extent that you think it would be helpful.

4. On Monday night Lam asked us also to delay the signing until after Tet. Tuesday morning we sent him a note explaining that the President had considered their request carefully but that it was impossible to change the schedule. Lam also asked for understandings associated with the agreement. We provided him with the following, copies of which Haig gave you: Laos and Cambodia; reconnaissance; definition of the parties in Article 8; and our unilateral statement on Cambodia.

⁴ Kissinger failed to mention in this message the topic he and Le Duc Tho discussed at greatest length during the almost 4-hour meeting—United States funding of postwar reconstruction of North Vietnam. Their dialogue about funding economic reconstruction takes up 10 of 31 pages in the transcript. According to Kissinger's memoirs, "Le Duc Tho managed even on this solemn occasion to make himself obnoxious by insisting on iron-clad assurances of American economic aid to North Vietnam. I told him that this could not be discussed further until after the agreement was signed; it also depended on Congressional approval and on observance of the agreement." (*White House Years*, p. 1472)

⁵ Memoranda of conversation of the January 22 meeting (11:35–12:35 a.m.) and the January 23 meeting (1:30–2:35 p.m.) are in the National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 104, Country Files, Far East, Vietnam, South Vietnam, GVN Memcons, November 20, 1972–April 3, 1973 [1 of 3].

You need not provide these to the GVN at that end and should not refer to any others.

5. During this most rewarding day, I have thought warmly of your outstanding performance at that end, without which we could not have made it.

Warm regards.

334. Minutes of a Washington Special Actions Group Meeting¹

Washington, January 24, 1973, 4:09–5:32 p.m.

SUBJECT

Vietnam Planning

PARTICIPANTS

Chairman: Henry A. Kissinger

State

U. Alexis Johnson

William Porter

Marshall Green

George Aldrich

Defense

Kenneth Rush

Gen. Alexander M. Haig

R/Adm. Daniel P. Murphy

JCS

Adm. Thomas H. Moorer

V/Adm. John P. Weinell

CIA

Richard Helms

George Carver

William Newton

NSC

B/Gen. Brent Scowcroft

Richard Kennedy

John Holdridge

James Hackett

SUMMARY OF CONCLUSIONS

It was agreed that:

—Defense will submit a plan for the withdrawal of the remaining U.S. troops based on the following formula: one quarter during the first fifteen day period following the ceasefire, somewhat less than one quarter during the second period, somewhat more than one quarter during the third period and the final one quarter during the fourth period.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box TS 80, National Security Council, Washington Special Actions Group, June 1972–Mar. 1973. Top Secret; Sensitive. The meeting was held in the White House Situation Room.

—The JCS will order the minesweepers at Pearl Harbor to move to Vietnam and our members of the Joint Commission will begin discussing the removal of the mines with the North Vietnamese. However, there should be no haste in actually removing the mines.

—There should be no reduction of our air effort in Laos and Cambodia until there are ceasefires in those countries.

—When the anticipated ceasefire in Cambodia takes effect we will suspend our tactical air and B-52 strikes for 72 hours, however, our forces will react to any offensive actions launched by the enemy during that period. The senior members of the WSAG will prepare and send appropriate instructions to the field.

—There are no limitations on intelligence flights or airdrops in Laos and Cambodia.

—There are no limitations on U.S. civilian personnel in Laos and Cambodia.

—Psywar activities are not to be conducted in North Vietnam after the ceasefire, but there are no limitations on such activities in Laos and Cambodia. The operation of the South Vietnamese radios beamed North should not be curtailed until we are certain that the North is living up to the agreement.

—There is no limitation in the agreement on the number of carriers we can maintain in Southeast Asian waters.

—No supplies or equipment in excess of that in South Vietnam on January 27 can be brought into the country after that date. Nothing can be transferred to the South Vietnamese Government after that date. The aircraft now outside South Vietnam for overhaul will be returned, or similar aircraft will be sent to South Vietnam prior to January 27.

—All U.S. forces moving to Thailand must be out of Vietnam by March 29, 1973.

—State and Defense will designate representatives in Saigon to handle liaison with the members of the ICCS and the Four Party Commission.

—State will instruct Embassy Saigon and MACV to submit recommendations concerning the handling of the financing of the ICCS and the Four Party Commission.

Applause as Mr. Kissinger enters the situation room.

Mr. Johnson: Congratulations on a great job!

Mr. Kissinger: Thank you. Where's Al Haig?

Gen. Haig: I'm here.

Mr. Kissinger: Come and sit at the table.

Mr. Helms: We've been trying to get him on this side of the table for a long time.

Mr. Kissinger: Well, first, let's get a brief update from Helms.

Mr. Helms: We ought to just say "well done, gentlemen."

Mr. Helms read a prepared statement (copy attached).²

Mr. Kissinger: But they haven't launched any major attacks yet, aren't they running out of time?

Mr. Helms: They are. However, in many places they don't have far to go to seize at least a limited objective.

Mr. Kissinger: Admiral (Weinel), is there anything new in the military situation?

Adm. Weinel: I agree with what Mr. Helms says. There is a complete disconnect between the orders they are issuing and what their troops are doing.

Mr. Kissinger: I know the feeling!

Mr. Johnson: I certainly think they would try to grab something they (the Viet Cong) could use as a capital.

Mr. Carver: They'd like to, but they may not be able to do it.

Mr. Kissinger: I don't think they will violate the ceasefire.

Mr. Carver: We have been receiving plenty of reports of instructions they have been issuing to their forces to move rapidly in the last 72 hours to seize as much as they can. They are also trying to move two regiments across the Cambodian border.

Mr. Kissinger: I expected them to try to take as much as they could in the last 72 hours, but to avoid any big moves after the ceasefire.

Mr. Carver: Right. Oh, they will probably try some things in the dark of the moon and around the edges.

Mr. Kissinger: What is the infiltration rate?

Mr. Carver: There has been no decrease to date. Of course, they have made no commitment to knock it off.

Mr. Helms: They are continuing to move both personnel and equipment.

Mr. Kissinger: What about after January 27th?

Gen. Haig: We have received some intercepts from Saigon; local instructions have gone out in Binh Thuan to knock things off on the 27th and then to have a high period for 24 hours after the 27th. Apparently they expect this period after the ceasefire to be fuzzy and confused, and want to take advantage of it.

² Helms's briefing, "The Situation in Indochina," January 24, is attached but not printed.

Mr. Kissinger: I understand they may try to seize some seaports. This could be either an attempt to violate the ceasefire or to implement it. If they intend to honor the restrictions on use of the trail, they may want a seaport to bring in supplies.

Mr. Johnson: I heard they wanted to use a Cambodian seaport.

Mr. Kissinger: We were prepared to let them use a Cambodian seaport for sixty days, but it is not in the agreement. Now it is an issue to be worked out between North and South Vietnam. They will have to negotiate that between themselves, but it is inconceivable to me that they will agree to anything.

Mr. Porter: Where do they plan to have their administrative base, at Long Binh?

Mr. Kissinger: What administrative base?

Mr. Porter: For the GVN.

Mr. Kissinger: The GVN plans to have all their administration in Long Binh. They want to keep it out of Saigon.

Mr. Porter: That makes sense.

Mr. Kissinger: They have redesigned the city of Saigon to extend the city limits beyond Long Binh. (Foreign Minister) Tran Van Lam was so enthusiastic about that idea I told him to be sure to stop short of Can Tho. Incidentally, the President wants the State Department to know that our relations with Australia have not improved, despite stories to the contrary that have been circulating. (Prime Minister) Whitlam is not being invited, and if he comes anyway you can be sure that he will not be received.

Mr. Johnson: Can you tell me why we are so tough on the Australians and not on the French? I think Pompidou's behavior has been outrageous.

Mr. Kissinger: Well, he's not enthusiastic about Pompidou either, but even less so about Mitterand.

Mr. Johnson: We can accept that.

Mr. Kissinger: What about the ICCS?

Mr. Johnson: We made a presentation of the agreement and protocols to the ICCS members this morning. They were overwhelmed by the mass of material and asked for time to read it before having a discussion. The Secretary said he would see them again after they review it. The Poles readily agreed and the others said they would let us know. A meeting has been set for five-thirty this evening.

Mr. Kissinger: They are supposed to be there on Monday (January 29).

Mr. Johnson: There is a pretty tough transportation problem.

Adm. Murphy: Have all four countries accepted?

Mr. Johnson: No, none of them have.

Adm. Murphy: None of them?

Mr. Johnson: Well, we pretty well know they are going to accept, but they haven't done so officially yet.

Mr. Kissinger: The initial teams should be there Monday (January 29) and the others within 48 hours.

Mr. Aldrich: Within 24 hours.

Mr. Kissinger: That's right, 24 hours. I saw something on the ticker about the Indonesians participating.

Mr. Johnson: I have no doubt they will, it's just that we haven't received formal notification yet.

Mr. Green: Malik (Indonesian Foreign Minister) arrives here tomorrow (January 25), we can probably get official word then.

Mr. Johnson: Will MACV need instructions to support the Four Power Commission?

Adm. Murphy: We have made plans for either a 400 or an 800 man commission, but we have received no instructions as yet.

Mr. Kissinger: Do you need instructions?

Adm. Murphy: Yes, we do. We have no instructions at this point in time. We will have no problem increasing our support to handle 1,160, though.

Mr. Kissinger: Have the orders for the ceasefire and withdrawal been issued?

Adm. Murphy: For the ceasefire yes, but not for the withdrawal.

Mr. Kissinger: I want to emphasize that we are not trying to set a world record in getting out. If we are going to withdraw in tranches, I would rather do it with the heavy tranches at the end rather than at the beginning.

Adm. Weinell: If we do it in equal increments for the whole sixty day period we will be withdrawing 400 per day. However, we could start with 200 per day and then increase the amount later.

Adm. Murphy: We can start with 750 per day, if you wish.

Mr. Kissinger: No, that's too many.

Mr. Aldrich: An important factor to remember is that the rate of withdrawal we establish will apply to the Koreans, too.

Mr. Kissinger: That's important. Our tendency has been to do these things ahead of schedule. If we have sixty days to withdraw, we are likely to do it in 32, but I don't want that to happen this time.

Adm. Weinell: That's the second time you told us that.

Mr. Kissinger: I want to make sure it's clear. Can you withdraw one quarter during the first fifteen day period, a little less during the

second and then more thereafter? If we present a plan like that, it will appeal to their convoluted minds.

Adm. Moorer arrives at meeting.

Mr. Kissinger: I need a plan for withdrawals by Saturday (January 27). Let's bring out one quarter in the first tranche, less than that in the second, a little more in the third and one quarter in the fourth. That last quarter will be a trump for us.

Adm. Murphy: I understand what you want.

Mr. Kissinger: With regard to the mines, I want your (Defense Department) spokesman to say that the mines can be removed, not deactivated.

Adm. Moorer: We are meeting the press today and we will tell them that we have no definite plan for the removal of the mines as yet and that there is no date certain for the completion of the mine removal effort. We will talk about removal rather than deactivation.

Adm. Murphy: I can guarantee you that we will not have them all out in sixty days.

Adm. Weinell: But we are supposed to start on January 27. What should we do?

Mr. Kissinger: You can start doing something, can't you? I asked that Commander you (Adm. Moorer) sent to brief me what was the slowest he could remove the mines and he said May 1. Then I asked him what was the fastest he could do it and he said May 1. If we take that position with the North Vietnamese we will be in good shape.

Adm. Moorer: We can start moving the minesweepers from Pearl Harbor, get the tenders in position and then get a list from the North Vietnamese of the locations where they may have attempted some minesweeping.

Mr. Johnson: Are the North Vietnamese going to see you actually removing the mines and taking them away?

Adm. Moorer: No, we won't take any away.

Mr. Kissinger: Then what do you do? They have to see you doing something.

Adm. Moorer: We will destroy them.

Mr. Johnson: So they will see them explode?

Adm. Moorer: That's right.

Mr. Johnson: Well that's O.K., so long as they see something happen.

Mr. Kissinger: Then go ahead and start moving the minesweepers, get the tenders in place and start talking to them about it.

Mr. Aldrich: I think from our discussions in Paris it's pretty clear that they expect to see ships out in the harbor on January 27, starting to remove the mines.

Mr. Kissinger: Can't our members of the Joint Commission tell them what we plan to do?

Adm. Moorer: Yes, the Commission will give the North Vietnamese a schematic of what we plan to do.

Mr. Kissinger: O.K., that's the best we can do. Now, they have agreed that the POWs will be released in Hanoi, with the exception of those being held in the South. With regard to those, they will tell us when they will be released.

Adm. Moorer: We can send our planes into Hanoi?

Mr. Kissinger: That's right.

Adm. Moorer: To which airport, Gia Lam?

Mr. Kissinger: I assume so, they told me Fukien was out of commission.

Adm. Moorer: I'm not surprised. Will we be able to take them directly to Clark (in the Philippines)?

Mr. Kissinger: I doubt they'll let you take them out over the Gulf. They said the only air corridors open are the ones to Laos. The Four Party Commission can raise that question.

Mr. Johnson: Why wouldn't they want us to fly out over the Gulf?

Gen. Haig: I think they just don't want our planes coming in over the sea approach to Hanoi.

Adm. Moorer: It's no big problem. We can fly them from Laos to South Vietnam and then out to Clark.

Mr. Kissinger: They will give us a list of POWs on Saturday (January 27) at 4 p.m. The GVN is getting its list to Paris by courier. Can we give them our MIA list?

Adm. Murphy: Yes, we will have it ready.

Mr. Kissinger: We should give them our MIA list Saturday and ask them for an accounting of the MIAs.

Adm. Moorer: Are they going to show us where the graves are of those who died in North Vietnam?

Mr. Kissinger: The agreement and protocol cover that.

Adm. Murphy: Sullivan wants a copy of the GVN list to give to them in case the official GVN list doesn't get to Paris on time. He's afraid it may be delayed.

Mr. Kissinger: Just a minute! We are not handing over any GVN list. That's their business and we should stay out of it.

Adm. Murphy: All right.

Mr. Johnson: We'd better get back to Sullivan on this.

Mr. Kissinger: Tell him we don't want him to do that.

Mr. Johnson: But our people in Paris should have a copy of our list of POWs to compare with the list the North Vietnamese give them.

Mr. Kissinger: Right, they should. But not to give to the North Vietnamese.

Adm. Moorer: How are they going to release the POWs, the longest held first?

Mr. Kissinger: We told them two methods were acceptable to us. We preferred that they release the sick and wounded first and then those who have been held the longest. The other method would be to release them camp by camp.

Mr. Aldrich: They indicated they would probably do it camp by camp.

Mr. Kissinger: It would certainly be easier for them that way.

Adm. Moorer: What should we do about our effort in Laos and Cambodia after the ceasefire in Vietnam?

Mr. Kissinger: We have told the North Vietnamese there will be no reduction of our air effort over Laos and Cambodia until there are ceasefires in those countries. It is a major pressure on them to agree to an early ceasefire in those areas.

Adm. Moorer: We plan to continue. In fact, we can step the effort way up in Laos and Cambodia once we stop bombing in Vietnam.

Mr. Kissinger: I'd better talk to the President about that. I don't know if we want 100 B-52s bombing Laos as the ceasefire takes place in Vietnam. I see no problem with continuing at your current level, though. If there's anything I've learned about the North Vietnamese, it's that they become friendlier and friendlier the more you hurt them. You should have seen Le Duc Tho! He was cool toward me in mid-December, but when I returned to Paris after the bombing resumption he was all over me. I couldn't keep him away from me, he was so friendly.

Adm. Moorer: That's right. That's the way they always are. What about intelligence flights?

Mr. Kissinger: Intelligence flights should continue over Laos and Cambodia in any case. Isn't that your understanding, George (Carver)?

Mr. Carver: That's right. They can continue over Laos and Cambodia, and within twelve miles of the North Vietnamese coast. Those are the instructions we are operating under.

Adm. Moorer: When should we plan for our Air Force to stand down in Cambodia? When will the ceasefire there take effect?

Mr. Kissinger: It will be effective whenever Lon Nol announces an end to his offensive actions.

Mr. Johnson: The word we have is that FANK will cease all offensive activities as of January 29 or 30. The exact date is not yet clear.

Mr. Kissinger: Then we should do what we have been doing up to that time. When the Cambodians stop, we will stop for 72 hours, so far as tactical air strikes and B-52s are concerned. This does not apply to intelligence flights or airdrops.

Adm. Moorer: Then what? Do we resume after 72 hours?

Mr. Kissinger: It depends on what happens. You understand the rules; we don't launch any offensive actions during the 72 hour period, but we can react to any offensive actions they launch. We don't stand by and do nothing if they launch an attack.

Mr. Johnson: Do you want to give authority to the field to react if there are attacks in Cambodia?

Mr. Kissinger: We have to.

Adm. Moorer: I'll get out an operational message tonight.

Mr. Johnson: There is a message in from (Ambassador) Swank on this. I think he's confused about it.

Gen. Haig: I have a copy of that cable. It's the same exercise we're talking about. We're saying we're going to turn our effort off for 72 hours unless they attack.

Adm. Moorer: Who will make the determination that the enemy is launching a new attack?

Gen. Haig: The people on the ground are the only ones who can do that.

Mr. Kissinger: Our local commander should be ready to assist if the Cambodians are attacked. However, he has to understand that we want to show restraint, but not to the extent of endangering FANK units.

Adm. Moorer: There is a judgment here that has to be made in the field.

Mr. Johnson: That's right. Who will prepare the message to the field?

Adm. Moorer: Admiral Weinell will put it together.

Mr. Kissinger: Haig should see it before it goes out.

Mr. Johnson: I want Marshall Green to work on it, too.

Adm. Moorer: What is the situation regarding the civilian contractors?

Mr. Kissinger: As I said at the last meeting, we can't increase the number of advisers.

Mr. Carver: The current number is 1,139. I assume we can keep that number of DOD civilians so long as we don't exceed it.

Mr. Kissinger: So long as you don't exceed the number that is in-country on ceasefire day.

Adm. Weinel: Actually, we rounded off the figure and agreed on 1,200.

Mr. Kissinger: We are talking only about those attached to the South Vietnamese Armed Forces.

Adm. Murphy: We are planning to move some around as advisers to civilian agencies.

Mr. Kissinger: That's O.K., but you can't call those F-5 mechanics employees of civilian agencies. You've been planning this a long time. When are you going to do something?

Mr. Carver: We've been talking to NSA and DIA for about two months. I'll get on it right away.

Mr. Kissinger: Have it done before Saturday (January 27). Don't work on it any later than Friday night.

Mr. Johnson: We can do that.

Mr. Kissinger: George (Carver), can you get it done? If you do, your people can stay there forever. That's usually a good incentive to get some action out of a bureaucracy.

Mr. Carver: I'll work on it as soon as the meeting is over.

Mr. Johnson: What about AID people working for the Armed Forces?

Mr. Kissinger: AID people working for the Armed Forces will be limited like everybody else. If the government units they are assigned to are not in the Armed Forces, there is no problem, but it won't work for those assigned to the Armed Forces.

Adm. Murphy: What about getting those crypto people out of South Vietnamese units?

Mr. Carver: We're working on that.

Adm. Moorer: What about civilian contractor personnel?

Mr. Kissinger: I want to see how well the agreement is being kept before we start worrying about contractor personnel.

Adm. Moorer: There are no restrictions in Laos and Cambodia?

Mr. Kissinger: Right. Only the withdrawal of foreign military personnel. I don't interpret that to mean Embassy attachés. We should not reduce our effort in either Laos or Cambodia, at least until we have ceasefires there.

Adm. Moorer: What about psywar activities?

Mr. Kissinger: It's off in North Vietnam, but don't do anything to reduce the effort in Laos or Cambodia until there are ceasefires there. Don't turn off the South Vietnamese radios beamed at the North until we see what they are going to do during the ceasefire. One thing I will say, the liberal ideology certainly doesn't work in Vietnam. The liberals have been saying we should show good faith. Everytime we showed

good faith we got nothing. The only time we have ever gotten anything out of them is when we hurt them. An example of their convoluted thinking is the way they treated the question of the number of personnel on the International Control Commission. We presented some reasonable proposals to them and got absolutely nowhere. So we decided to make a ridiculous proposal, and they responded by immediately agreeing to quadruple the number they had been insisting on. Every time we gave them our minimum position they killed it. You know, when I left Paris they took away the English versions of the agreement, with the seals and ribbons all attached, because they were afraid I would take off the seals and ribbons and slip in two or three extra pages between the time of the initialing and the signing. They kept the English version and gave me the Vietnamese language version to hold. What an expression of confidence!

Mr. Johnson: Do they accept that we have dismantled our bases?

Mr. Kissinger: We have nothing left to dismantle. (to Admiral Moorer) Isn't there something out there you can scrap?

Adm. Moorer: We already scrapped Cam Ranh Bay and a number of other facilities. Let me put it this way; they won't be able to find anything that we are using.

Mr. Kissinger: I want to reiterate that nothing can be transferred to South Vietnam after January 27.

Adm. Moorer: There has been some speculation about a reduction of our carrier force. Did you discuss reducing the carrier force from six to three?

Mr. Kissinger: No, there was no such discussion. I said in my press conference³ that as peace returns to the area it is natural that in time we will return to normal peacetime operations. But there is no limit on the number of carriers.

Adm. Weinel: We will have to send some additional people to Vietnam on TDY to help with the withdrawal. Will we have a problem doing that?

Mr. Kissinger: How many are you talking about?

Adm. Weinel: About 200.

Mr. Kissinger: That's nothing. If you're bringing out 400 a day, 200 going in on TDY won't even be noticed. I would just go ahead and do it and say nothing about it. If anyone questions it, the answer is simple,

³ Kissinger held a news conference in Washington on January 24 following the release of the agreement and protocols. The transcript was printed in full in *The New York Times*, January 25, 1973, pp. 19–21, and in the Department of State *Bulletin*, February 12, 1973, pp. 155–169.

they are going in to help expedite the withdrawal. I don't think anyone will complain about that.

Adm. Weinel: We have one ship that is not yet in port.

Mr. Kissinger: Can we get it in before the ceasefire?

Adm. Murphy: No, it will be on the high seas for ten or twelve more days.

Mr. Kissinger: We have a problem, then.

Adm. Murphy: We have a large shipment of ammunition going in that will arrive on January 30. It is mostly 500 pound bombs and is intended to replace bombs the South Vietnamese have expended. If the shipment is not permitted in, it will result in a net reduction of their supply of bombs below what they have had on hand. There's a lot of bombs in that shipment.

Mr. Johnson: But if it brings them above the January 27 level it will be a violation of the agreement.

Adm. Murphy: It would do that.

Mr. Kissinger: Can you speed up the shipment?

Adm. Murphy: No.

Adm. Weinel: What is the rule, that they can't take what is not off-loaded by the 27th?

Mr. Kissinger: No, it must be in port by the 27th. What can you do about this ammunition?

Adm. Moorer: We can work something out. We can divert it to U Tapao.

Mr. Johnson: Yes, you can do that.

Mr. Kissinger: What about the intelligence plan?

Mr. Johnson: We have our 45 FSOs ready to go. They will start moving out over the weekend.

Adm. Murphy: We have at least twenty planes that belong to South Vietnam temporarily out of the country for overhaul. There are 12 C-47s and 8 A-7s at Clark Field for engine overhaul. Will we have any problem bringing them back in?

Mr. Johnson: My understanding is that what is in-country on January 27 is all that can be brought in.

Mr. Kissinger: We have a problem. The ICCS inspectors will be checking these things and they'll be watching for a net increase. After January 27 you can take planes out for overhaul and bring them back in later. Can you bring these in before the 27th and then take them back out again?

Adm. Murphy: Some of them are all torn down. I doubt that we can get many of them back in before the 27th. All told, there are more than 20.

Adm. Moorer: Perhaps we can send some other planes in and then replace them later with the ones that are being overhauled.

Gen. Haig: They'll never believe it if you say they were just out for overhaul.

Mr. Kissinger: I tell you, they are paranoid. If we tell them we have fifty planes in the Philippines being overhauled, they'll never accept it.

Mr. Rush: This will also give them an excuse to bring in some of their equipment, too. They'll try to move in those tanks that are on the trail.

Mr. Kissinger: Sure, they'll want to bring in 100 tanks. They'll say they were just out of South Vietnam having their engines overhauled.

Adm. Weinell: We'll bring in some other planes and replace them later with the ones being overhauled.

Mr. Kissinger: They will have to be the same kind. You can't send in training planes and replace them with Phantoms.

Adm. Weinell: Oh, yes, we'll use the same kind.

Adm. Moorer: We'll have to check to see how many are out for overhaul and how many are part of Enhance Plus. Some of these planes are in the U.S., from National Guard units, being overhauled before initial shipment to Vietnam.

Mr. Kissinger: If you can arrange a one for one exchange, you're on easy street. Would you look into that, Dan (Murphy)?

Adm. Murphy: Yes, sir.

Mr. Carver: Three of those C-47s are COMINT planes (EC-47s). We have to get them in.

Mr. Kissinger: Can you put in the same kind by the 27th?

Adm. Murphy: We'll take care of it.

Mr. Porter: Our friends the Canadians will monitor these things carefully.

Mr. Kissinger: Is the move of MACV to Thailand all set?

Adm. Moorer: I talked with (Gen.) Weyand about this last night. He wants to get the command at NKP (Nakhon Phanom) set up right away and start operating out of there by February 15, with responsibility for air operations transferred first. Then after 60 days MACV will disappear and everything will be handled out of NKP.

Mr. Kissinger: Let's see, sixty days from January 27 is March 29. They have to be all moved by March 29.

Adm. Moorer: They will be.

Mr. Aldrich left to attend a meeting at State between Secretary Rogers and the ambassadors of the ICCS countries.

Mr. Kissinger: What about the Four Party Military Commission? Has that officer, Major Miles, been sent to Paris?

Adm. Murphy: Who's Major Miles?

Mr. Kissinger: He's on General Woodward's staff.

Adm. Moorer: I don't know if he has gone, we'll check. Are there now seven regions?

Mr. Kissinger: Yes. They didn't want to accept ours nor we theirs, so we settled on seven.

Adm. Moorer: We have seven colonels all set to go out to head the regional units.

Mr. Kissinger: Good.

Mr. Johnson: Do you want to discuss the economic program?

Mr. Kissinger: We don't want to do a bloody thing about the economic program until we get all the POWs out.

Adm. Moorer: Our people in Vietnam will be under pressure for space when the ICCS members and the Four Party Commission members all arrive. They'll have to find room for the Canadians, Indonesians, Romanians. . . .

Mr. Kissinger: The Hungarians, not Romanians.

Mr. Johnson: It's all the same.

Mr. Kissinger: They've given us a list of the things the ICCS will need. You should have a liaison fellow in Saigon ready to take care of these matters.

Mr. Johnson: There should be two. One from State to handle the diplomatic matters and one from Defense to handle the military requirements.

Adm. Moorer: Who's to pay for it?

Mr. Johnson: We are required to pay 23%. That's another matter we'll have to look into in a hurry, how the funding is to be handled.

Mr. Kissinger: It's in the protocol that we pay 4.3 million francs.

Mr. Johnson: But we have to decide how to handle the details.

Gen. Haig: We should ask Bunker and Weyand to come in with their recommendations.

Mr. Kissinger: Yes, can you do that Marshall (Green)?

Mr. Green: Yes, I'll take care of it.

335. Memorandum From the Assistant to the President (Haldeman) to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, January 25, 1973.

SUBJECT

Vietnam

I got into a discussion with the President yesterday about your appearance before Congress.² Below is a summary of that discussion. Perhaps it will be helpful in relation to your appearance.

1. When you go to the Capitol you must at all costs give no quarter whatever to the doves. Any tilt to your remarks must be toward the side of those who have stood with us rather than to those who have always opposed us.

2. We must emphasize these points:

A. This was a peace with honor which achieved the major goals for which the war was waged.

B. We were able to get a settlement that under no stretch of the imagination can possibly be described as a coalition government and one that assures the right of the people of South Vietnam to determine their future without having a Communist government imposed upon them, directly or indirectly.

C. The settlement we achieved, rather than being a bug-out which might have ended the war for us, is one that ends the war for the 50 million people of Indochina. This is a fundamental point that has not adequately been brought out except in the line that the President wrote into his speech at the last moment. The difference between the Senate and House doves' position of POWs for withdrawal and the peace we finally got is very simply that the prisoners for withdrawal proposal would have meant that the United States would get out and let the war go ahead. In other words, it would end the war for us and have the war continue for those that remained with 1,000 casualties a week at least

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 341, Subject Files, HAK/President Memos. Eyes Only. "Personal" and "Eyes Only" are written on the first page in an unknown hand. Printed from a copy that Haldeman did not initial or sign.

² As scheduled, Kissinger briefed members of the Senate and House of Representatives in separate meetings the afternoon of January 26. ("Kissinger Vows a Congress Role in Aid for Hanoi," *The New York Times*, January 27, 1973, p. 1)

ad infinitum. What we have done by sticking in there was to get a peace which ends the war for the long-suffering people of South Vietnam, Cambodia and Laos as well.

D. You should be prepared to point out how the settlement has been improved from October and also why it was not possible to settle in December. It is obvious that our critics are already beginning to pick up the line with some assist from Hanoi that we could have had the same settlement we eventually achieved in October or in December when the talks broke down. We know this is totally untrue but the point must be made simply and directly without too much detail.

E. You should flatly indicate, whenever you get the opportunity, that the resolutions passed by the House and Senate caucuses over the years we were negotiating and by the full Senate from time to time prolonged the war, and only by the strong action that we took in December were we able to convince the enemy that the enemy should settle and not take the risk of waiting for the Congress to give them even more than they were willing to settle for with us.

In essence, the simple points must be made that our opponents in the Congress and in the media wanted to end the war in Vietnam with dishonor and what amounted really to an abject surrender and defeat for the United States. We persisted in seeing it through until the war was ended with honor. Our opponents would have ended the war in a way that would have led at the very least to a Communist coalition government for South Vietnam or a totally Communist government for South Vietnam. We have ended in a way that assures the people of South Vietnam the right to determine their own future in free, internationally supervised elections, which means that there will be no Communist government unless the people want it and this is something that no one anticipates will really happen.

Finally, our opponents with all their talk about peace were only interested in getting peace for America and would have ended our involvement in a way that would have allowed the war to continue indefinitely for the long-suffering people of Indochina. In other words, peace with honor means peace with independence for South Vietnam and peace for the people of Southeast Asia. Peace with surrender and dishonor means peace for us but a Communist government for South Vietnam and continued war for the 50 million people of Indochina.

You should make these points strongly and vigorously before the Congress in your opening statement without going into any detail. Perhaps the opening statement should be no more than 10 minutes and then you could field questions. Rather than educating the Congress on all the details, it is more important that we leave them with three or

four simple, hard messages that they can understand and that they, we hope, will go out and peddle to others.³

³ According to Haldeman, the President, who was in Key Biscayne, told him after Kissinger's briefing that: "K, at Congress, didn't make the point [of building up what the President has done] and the whole thing has to do with the lasting effect, which is how it happened, regarding the character of the man—how he toughed it through." Haldeman continued: "Why not say that without the P's courage we couldn't have had this?" Nixon then talked to his Assistant for Legislative Affairs, William Timmons, in Washington to "get a reading" on Kissinger's Congressional appearance. According to Haldeman, Timmons confirmed that Kissinger hadn't "hit the critics at all, that there was no criticism of Congress for their resolutions, he didn't turn any of the questions around to get our points. He did cover May 8 and the change of attitude. When asked if the [Christmas] bombing did it, he said we don't know, but it could have been a change in North Vietnam's doves and hawks balance. He didn't say that what Congress has done has hurt, but he didn't have any questions on that, either. He had a lot on specifics and what we expect on foreign aid. There was a little on the buildup, but mostly on futures over there, how it works and all. K is very popular, got good applause, including from our opponents, and a standing and prolonged ovation at the House, but he didn't make our points." (*Haldeman Diaries: Multimedia Edition*, January 27)

336. Memorandum From Secretary of Defense Laird to the Chairman of the Joint Chiefs of Staff (Moorer)¹

Washington, January 26, 1973.

SUBJECT

US Air Operations in Cambodia

I am aware that certain operating instructions recently transmitted to field commanders may leave room for possible misinterpretation. Of particular concern are instructions pertaining to B-52 strike approval procedures for Cambodia (JCS #8281, 251712Z January 1973).²

My concurrence with the instructions contained in this message was in no way intended to expand the B-52 strike approval authority for Cambodia presently delegated to the field commanders by the SEAsia operating authorities. Accordingly, if authorization for expansion of B-52 strike approval authority for Cambodia can be construed

¹ Source: National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 13, Cambodia, Jan–May 73. Secret.

² Message 8281 from Moorer to Gayler, January 25, 1712Z. Copies were sent to Weyland and Vogt. (*Ibid.*, Box 69, JCS Out General Service Messages, January 1973)

from the text of this message, a follow-on clarifying message should be transmitted immediately.³

In my opinion, the critical course of events taking place throughout Indochina during the next few months will reinforce the requirement to maintain the operating restrictions set forth in the approved SEAsia rules of engagement and operating authorities.

Melvin R. Laird⁴

³ Moorer sent the following message to Gayler (copied to Weyand and Vogt) on January 27: "Guidance provided by the ref [message 8281] does not negate in any manner those constraints on B-52 operations in Cambodia which were effective prior to promulgation of the ref." (Message 1327, January 27, 1636Z; *ibid.*, Box 13, Cambodia, Jan–May 73)

⁴ Printed from a copy that indicates Laird signed the original.

337. Message From the Chairman of the Joint Chiefs of Staff (Moorer) to Certain Commanders¹

Washington, January 26, 1973, 1731Z.

9125. For Admiral Gayler, General Meyer, General Weyand, General Vogt, Admiral Clarey, General Clay, Admiral Holloway and Admiral Cooper.

Subj: Air Operations/Ceasefire/POWs.

1. During the next sixty days the most important single event will be the return of our prisoners of war. Parenthetically I would also add that possession of our POW's is the only leverage the NVN have. Therefore, it is absolutely mandatory that we conduct our air operations in such a manner that there will be no cause to overfly NVN territory or deliver ordnance against targets in NVN.

2. I have resisted the idea of a buffer zone along the Laos-NVN border because whatever distance we specify it will be either too much or too little depending on the circumstances. Consequently our pilots must understand the situation and conduct themselves accordingly. We cannot permit advertent or inadvertent violations of the NVN border which might slow down the return of our POWs.

¹ Source: National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 69, JCS Out General Service Messages, January 1973. Top Secret; Immediate; Specat; Exclusive.

3. At this time and under the present circumstances there are no targets in Laos adjacent to the NVN border that are so important we can risk border violations or get ourselves in a position where we must take overt action against targets in NVN. Therefore, air operations near the Laos-NVN border will be planned and executed in such a way as to preclude overflight or the necessity for protective reaction. We simply cannot afford any mistakes.

4. Warm regards.

338. Transcript of a Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Vice Chief of Staff of the Army (Haig)¹

Washington, January 26, 1973, 8:50 p.m.

H: Hello, Henry.

K: Yes, Al. I just wanted you to know I told Richardson to put you in charge of a Vietnam Task Force and he said he's already talked to Moorer about that.²

H: Yeah, yeah. Well, Moorer's sort of goosey about it I guess. I got this late today. He mentioned it and he didn't know whether it had come from you or Richardson. And, you know, he did a lot of bitching about it.

K: Why should he be bitchy about it?

H: Well, he's worried about his authority I think and the chain of command and what have you. But, you know, that just happens to be the building problems.

K: Well, how they set it up—Now, have you seen that paper of what he wants to pull out of there?

H: Oh, the Chairman?

K: Yeah.

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Telephone Conversations, Box 18, Chronological File. No classification marking.

² On January 24, Kissinger called Laird to ask that he make Haig the Pentagon's contact point with the White House on Vietnam matters. Since he would leave the job on January 29, Laird demurred, believing that the matter should be handled by the incoming Secretary of Defense, Elliot L. Richardson. (Transcript of a telephone conversation between Laird and Kissinger, January 24, 5:58 p.m.; *ibid.*)

H: No, but I told Richardson yesterday that he shouldn't pull a damn thing out.

K: Well, he wants to reduce the B-52s to 52 and the Tac Air Wings to 9.

H: I think that's very foolish, Henry.

K: Well, I won't hold still for it.

H: I think the B-52s should stay where they are, unless they change some models, that's all right. The Tac Air should stay where it is. And maybe we could take a carrier or two out because that's a real—you know, you could have some mutinys or something there.

K: Yeah. I don't mind them taking carriers out. I don't mind if after three months, they draw down a little bit.

H: No, that's right. Well, I told that to all of them. In fact, I told that to the Chairman. They're just pushing to see what they can get. We'll just have to stay tough on that.

K: No, there's no question about our staying tough. What I would like is a Defense Department that doesn't send such crap over here.

H: And they knew better cause I explained to them exactly. I said, we not only have the 60-day period,³ which is essential that we stay strong, but we have a period thereafter that is even more critical.

K: Yeah. Okay.

H: The only problem is in the Navy where they—I think we probably will save ourself some difficulty if we go ahead and take a carrier or two away.

K: Oh, yeah. Well, I don't object to that.

H: Yeah.

K: Okay, good. Well, I think Richardson has every intention of making some runs at us.

H: Oh, I don't doubt that, Henry. I don't doubt it. Although he asked me to come over yesterday and he made some runs on personnel.

K: Like what?

H: Well, you know, on Jonathan.⁴ And I said: Well, I don't know. I knew Mr. Haldeman felt quite strongly about it and I thought the President did. So he said, well, if they just call me, I'll fold. But if they leave me hanging in the air, I'm just going to assume that I can bluff them out and that's the fact of it.

K: Yeah.

³ Under the agreement the almost 600 United States prisoners of war would be released within 60 days of the treaty's signing.

⁴ Commander Jonathan T. Howe, USN, then a National Security Council staff member.

H: So I think Bob ought to call him up and say, hell, no. And that will close it out and then he can get—I think he's having problems with his man. You see, Jonathan is holding him accountable.

K: Yeah.

H: But what he was concerned about and his discussion with me was his number two and how he could prevent the wrong kinds of stuff coming through. Well, you know, what directorate he was talking about.

K: Yeah.

H: Figures number two will be too tough. And then he said he wanted to do some contingency studies on rules of engagement for the whole settlement period. Well, that doesn't hurt if he's doing your work for you.

K: Oh, no, that's fine. Okay.

H: Everything else all right?

K: Everything else is fine.

H: Good. Well, I think everything—you know, the press and everything has been great.

K: Yeah. It's done very well.

H: Yeah, it has. Are you going to the Vietnamese Embassy Monday?

K: It depends on when the President gets back?

H: Yeah, they're trying to make up with us all now.

K: Yeah, probably. Well, the poor bastards are in trouble.

H: That's right. Okay. Fine, Henry.

K: See you soon.

H: Good. Bye, bye.

K: Bye.

339. Transcript of a Telephone Conversation Between the Chairman of the Joint Chiefs of Staff (Moorer) and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, January 27, 1973, 10:01 a.m.

1001—Secure Telecon/Outgoing—Dr Kissinger—Sat, 1/27/73

CJCS—Have you got a minute? I've got four things I'd like to discuss with you. *First, the airlift from Hanoi to Saigon.* That's all set up. We have asked Bill Sullivan for information concerning communications and air corridors, etc. The planes are standing by that will go all right as soon as we can get the times as to where they want the planes there. As you know, there is an advance group from Hanoi to Saigon in a NVN plane coming down on Sunday.² My understanding now is that this might probably take place Monday. In any event *we are ready to go at any time.*

HAK—Good, fine.

CJCS—As soon as we can get the information from Sullivan which will permit them to file the flight plan and they'll just be standing by and be ready to go at any time. We have enough aircraft to effect the lift. We have asked them for names and baggage problems and things of that kind, but it's all set.

HAK—Good, excellent.

CJCS—The next thing is the subject of *Minesweeping*. As you know, we are sailing today 4 MSOs. I thought that would be useful to show "good faith" and the first action they'll take, of course, is to sweep the areas that we are proposing to anchor our own ships that will conduct the actual minesweeping and that'll take a little time. They have had some back and forth in Paris between our boy and the NVN and Sullivan has been giving him guidance and the same old problem, they want us to give them all the information we can but they refuse to give us any information so far. Sullivan and those people are meeting at 0830, Sunday morning on this subject. We have followed your instruction all along with a view towards making certain we don't remove all the leverage before we get all our PWs back.

HAK—Our view, too, we just want to show some little activity.

CJCS—They are showing activity and this is what I think I would like to get your view on is this proposal because I think that pretty soon

¹ Source: National Archives, RG 218, Records of the Chairman, Moorer Diary, July 1970–July 1974. Top Secret.

² January 28.

the productivity of a technical discussion in Paris between our people and those over there are going to run out and what I would think the best plan is to suggest to Sullivan and get his reaction for is at first we would use the officer who actually is going to be in command of the operation and let him meet with the NVN commander either in Saigon or, for that matter, at the anchorage where we would anchor our ships to go up North and to go into the details of priority and what the NVN have been doing too because the Protocol does require them to do as much as they can, too and they refuse to tell us how many mines they have swept, what they have done thus far, what their capability is, etc.

HAK—I agree but Sullivan is coming back anyway on Monday so he is out of it.

CJCS—What I would do then is to use Woodward although he wouldn't go into detail on the mining because I understand the FPMC will confine their activity to SVN and I would simply use him as a contact man with the NVN to link up McCauley and their Commander and that's the only real way we can get this set up and go over the overall program and I'd propose to Bill if you think it is all right?

HAK—That's fine, you can tell him we discussed it and I agree.

CJCS—We are all set. We know that Sullivan told them that we would be at top level of effort in 30 days. We are going to beat that by a few days, but I think it is good to have some . . .

HAK—You don't have to beat it by much.

CJCS—Just three days or so. I sent those initial deployments of 4 MSOs from Subic and 3 from Hawaii to show "good faith" and it's kind of a cosmetic move.

HAK—I think that is very helpful.

CJCS—So we will go ahead along those lines if it is all right with you. *New subject—Cambodia.* When there is this period of time between the Ceasefire tonight and the time that Lon Nol may see fit to make his announcement,³ therefore we would be conducting air operations in Cambodia during that interim period. We would be conducting them in accordance with the present rules. The present rules permit, in general, the use of B52s East of the Mekong by the people down there if they are going to strike West of the Mekong, generally speaking, then they have to come back into Washington to get permission and that's the current rules. We could leave it that way until Lon Nol makes his statement. Then, after Lon Nol makes his statement, we will let Swank and Vogt work out what kind of support they would give the Cambodians in the event they were subjected to a large-scale offensive attack.

³ Lon Nol declared a unilateral cease-fire on January 28. ("Lon Nol Orders Army to Cease Fire," *The New York Times*, January 29, 1973, p. 13)

Otherwise, if there was no activity on the ground operations we would continue to stand down during the duration of Lon Nol's Stand-down.

HAK—That's fine, *let me talk about Laos* for a minute.

CJCS—That was the next subject I was going to bring up.

HAK—I got a cable in from Godley saying that the B52s are limited to 14 sorties and that he had been lead to believe by Haig that it might go on up to 30.

CJCS—Let me tell you what happened here. It's the same old problem. I sent a message up to Laird but he cut it down to 15. I talked to Vogt last night and told him to move on up any way as Richardson is going to come in on Tuesday and we said "approximately" 15 so he is going to 21 at first and I'll gradually work up to the 30 as soon as Laird gets out of here, frankly, it will be the next day and I think rather than get into a big flail I told Vogt to use 21 and this is an interpretation of approximately 15 and the next day we'll move on up to 30. It is the same old story that I have been struggling with for 4 years, I send a message up to Laird and he cuts it down. If I would, as a matter of fact, put it up to 60 he would probably have cut it down to 30. But that is what the problem is.

HAK—Can we avoid putting out the numbers?

CJCS—I think that I'll talk to him about that procedure for years and years though.

HAK—Can't we say now that during under the new conditions we are just not going to do it on a daily basis any more?

CJCS—We can do that, I'll talk to the PAO people about it and see if we can't set up that kind of guidance.

HAK—Just that after the Ceasefire we are not putting it out on a daily basis.

CJCS—You probably saw that article by Tammie Arbuckle quoting Godley as to what he was going to wipe out?⁴

HAK—Godley's got to shut up.

CJCS—He's just making a problem for us.

HAK—I'm going to get him under control.

CJCS—That's exactly what happened. I understand you loud and clear at the WSAG.⁵

HAK—How many are you going to be putting in there?

⁴ According to the newspaper account: "I don't want to scatter bombs willy-nilly," Godley is reported saying. "We want to kill and wipe out the Pathet Lao." ("U.S. Air Blitz Hinted in Laos," *The Evening Star*, January 26, 1973, p. 1)

⁵ See Document 334.

CJCS—We've been averaging 9–12 in the last week or so. You've got to bear in mind that as we approached the Ceasefire we must have in the last 48 hours put in all our effort with the exception of 9 in Laos all effort gone into SVN in order to curtail their offensive.

HAK—Is there Tay Ninh?

CJCS—Not that I know of. They made some attacks but haven't [taken] it to our knowledge. They are surrounding several places since they have instructed their people to do it and they have a pretty good fight going in MR 4 around Saigon. As you know, they also put some mortars into Danang. I don't think that Tay Ninh has been taken but I'll check that again. Point I was making all of our air is going into SVN during this 48 hours immediately preceding the Ceasefire. When it goes into effect at 1900 tonight then, of course we can put air into Laos and it'll pick up significantly.

HAK—Okay, but *we want it up to 30 very quickly and we'll give a direct order to the Secretary.*

CJCS—That would be helpful.

HAK—I don't know whether it is worth it. I'll just call Murphy.

CJCS—Why don't you tell him to work . . .

HAK—I'll talk to Murphy that Haig, on the President's instructions, promised him at least 30 sorties.

CJCS—We'll work up to it gradually; but Murphy was over there and heard what I heard.

HAK—You are producing too many Peacenik Admirals!

CJCS—I am not one of them. I just heard from MACV about that report concerning Tay Ninh and it is erroneous and it has not been taken.

HAK—*Only way we can get a ceasefire in the other countries, is to strike the "b'Jesus out of them."*

CJCS—I understand. I am not the problem.

HAK—*We will take it up to 30 and we'll take it up higher if necessary.*

CJCS—That's fine, that suits me. Have them sitting there with nothing to do.

HAK—You've got the targets?

CJCS—Vogt has gone up to Vientiane with Godley and they have worked out all the strategic targets which is namely Boum Long, interdiction of Routes 13 and 7, Saravane area and down to Pakse.

HAK—*21 tonight, you just go to 30 tomorrow night and I am going to have word over to Murphy well before then.*

CJCS—Let me just check this now, the next schedule is 21, that is for the 28th, the day after the Ceasefire which are being double-targeted, every one of those airplanes with 7 cells to go on 14

targets. So we don't want to just dump this stuff up there, we are (I've talked to Vogt last night) he has been to Vientiane and has talked to Godley and everybody is in agreement and in accord out there and are sure as to what ought to be done.

HAK—So we are going to give you . . . *I am going to tell Murphy we want to be to 30 by tomorrow.*

CJCS—All right, that'll be by the 29th.

HAK—Out there.

CJCS—On the 28th we'll do 21 and go to 30 on the 29th.⁶

HAK—*We'll take the heat.*

CJCS—I don't mind taking the heat but he just changes my messages all the time.

HAK—You have any other problems that I can help you with? *We don't want to draw down Thailand or the B52s after the Ceasefire, if you want to make a recommendation cutting down on the carriers, you can.*

CJCS—Exactly what I am preparing to do.

HAK—We don't want to do anything for 3 or 4 months other than the carriers.

CJCS—I understand it this has been very helpful, Henry, thank you and that is the way I'm going to do it.

⁶ Moorer decided not to wait until Laird's departure but to send changed orders that day. In message 1446 to Gayler, Moorer noted that a message on January 25 had increased the level of effort in Laos to approximately 15 B-52 and 200 tactical air sorties per day. He then wrote: "Effective 290001Z January 1973 [i.e., January 29 at 0001Z] you are authorized to further increase the B-52 daily sortie rate in Laos to approximately 30 and the 200 sortie per day tacair limit is removed. Tacair sortie rates will be based upon tactical requirements and capabilities as determined by COMUSMACV." (National Archives, RG 218, Records of the Chairman, Records of Thomas Moorer, Box 69, JCS Out General Service Messages, January 1973)

340. Editorial Note

In Paris on January 27, 1973, Secretary of State William P. Rogers, on behalf of the United States, signed the Agreement on Ending the War and Restoring Peace in Vietnam. In fact, he signed two agreements that were exactly the same except for the preamble and the signing paragraphs.

In the morning Rogers signed the four-party agreement. The four parties were the United States and the Republic of (South) Vietnam on

the one hand and the Democratic Republic of (North) Vietnam and the Provisional Revolutionary Government (PRG) on the other. Since South Vietnam did not recognize North Vietnam or the PRG and refused to refer to the latter by name, the only way to obtain South Vietnam's signature on the agreement, and that of the others as well, and to give the agreement legal force, was for the United States and South Vietnam to sign on one page and the two Communist entities to sign on another. The United States and South Vietnam could then call the agreement two-sided, one in which the PRG was, as one newspaper had it, "a mere adjunct" of North Vietnam. At the same time, since all four had signed, albeit on two separate pages, the Communists could characterize it as four-sided, and thus an "agreement among four Governments of equal standing." (Flora Lewis, "How Compromise Was Reached," *The New York Times*, January 25, 1973, page 23) South Vietnam had also insisted, successfully, that the term Provisional Revolutionary Government appear nowhere in the text.

In the afternoon, Rogers signed the two-party agreement. Although all four parties were named in the preamble and in the last paragraph of the document, only Rogers, for the United States, and Foreign Minister Nguyen Duy Trinh, for the Democratic Republic of Vietnam, actually signed it. Consequently, the South Vietnamese, though a party to the agreement, could say that because they had not signed the agreement, they had not in any way legitimated or recognized the Provisional Revolutionary Government.

In his press conference on January 24, the President's Assistant for National Security Affairs, Henry A. Kissinger, said: "The reason for this somewhat convoluted procedure is that while the agreement provides that the two South Vietnamese parties should settle their disputes in an atmosphere of national reconciliation and concord, I think it is safe to say that they have not yet quite reached that point, indeed, that they have not yet been prepared to recognize each other's existence." (Department of State *Bulletin*, February 12, 1973, page 160; also *The New York Times*, January 25, 1973, pages 19–21)

The text of the Agreement on Ending the War and Restoring Peace in Vietnam, along with four implementing protocols, is widely available from public and private sources. Contemporary sources included the Department of State *Bulletin*, February 12, 1973, pages 169–188, which has both the two-party and the four-party agreements; and *The New York Times*, January 25, 1973, pages 15–17. The texts are also reproduced in the English language edition of Luu and Nguyen's *Le Duc Tho–Kissinger Negotiations in Paris*, pages 479–545 (1995 edition); in *Sixty Days to Peace* by Scott Dillard, pages 187–225; and in *A Bitter Peace: Washington, Hanoi, and the Makings of the Paris Agreement* by Pierre Asselin, pages 203–216.

341. Telegram From the U.S. Delegation to the Paris Peace Talks to the Department of State¹

Paris, January 27, 1973, 2308Z.

2076. 1. A first small step on the path toward national reconciliation and concord was taken in a private salon at Hotel Majestic today after the four-party signature ceremony, when GVN, DRV, and PRG officials shook hands and exchanged champagne toasts to mark the occasion.

2. Both DRV and PRG reps lost no time in seeking out GVN reps known to them by name or reputation and engaged them in "correct" and even animated conversation. GVN reps (who several days ago had been debating whether to shake hands) responded for the most part with dignified cordiality. At the outset, Madame Binh and FonMin Lam had a ten-minute conversation surrounded only by their staffs. Xuan Thuy, evidently uncertain of the Madame's intentions, was seen hurriedly despatching two junior staff members to listen in on this exchange. Binh made a point of having another brief word with Lam before the end of the affair.

3. FonMin Trinh was less assertive, at first looking diffident and embattled beside the affable and suave Xuan Thuy, but he gradually warmed up and had at least one brief exchange with Lam. Thiep, number three at GVNDel, was approached by a DRV official who said they had attended school together at Vinh 32 years ago and asked if Thiep remembered him. Thiep did, and learned the man now headed a Foreign Ministry department.

4. Rival Press Spokesmen Dan (GVN), Le (DRV), and Sau (PRG) exchanged professional salutations. Even Amb Lam, whose disdain for Madame Binh has scarcely been concealed, later confessed to Bui Diem that to his own surprise he found her looking "quite sexy" in a deceptively fragile way. This remark prompted Diem to suggest that Lam make an appropriate contribution to the national reconciliation process.

5. Although Bui Diem, who was himself not present at the occasion, at first made light of DRV/PRG behavior as "operation charm", he nevertheless acknowledged its symbolic importance and commented that in this new ball game there might be opportunities for GVN to play upon possible PRG need to shake off DRV domination. It

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 192, Paris Talks/Meetings, Paris Talks [3 of 3]. Confidential; Priority; Exdis. Repeated Priority to Saigon.

was important, he said, that his government not permit itself to be cast in a spoiler's role as this political process developed. He intended to make his views known to President Thieu immediately upon his return to Saigon. Both he and Dr. Do depart Paris tomorrow.²

Isham

² In backchannel message 359 from Saigon, January 27, 1150Z, Bunker informed Kissinger of the following: "I know you are receiving reports on the last minute surge the enemy has mounted. Given the intensity of the fighting which has taken place during daylight hours today, it is obvious that there will be inroads in many villages and hamlets during the night. As the GVN is not going to permit these communities to fall into enemy hands, I am afraid we must anticipate that heavy fighting will continue tomorrow after the cease-fire has been declared." (Ibid., Box 415, Backchannel Messages, From Amb. Bunker, Saigon thru April 1973)

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