

ARCHIVES PROCESSING NOTE

You will find two versions of the document withdrawal sheets in this file. The original document withdrawal sheets were completed in the 1970s and early 1980s. Since that time, many of the documents have been declassified. In an effort to make the withdrawal sheets easier to use, we have updated the withdrawal sheets, listing only the documents that are still closed. Use these updated withdrawal sheets to request Mandatory Declassification Review of closed security classified documents.

The original withdrawal sheets are in a mylar sleeve in the front of the folder. We have retained them in the file so that you can see the status of the documents when the folder was opened and the history of their declassification. Please replace the sheets in the mylar sleeve when you have finished examining them.

April 23, 2014

LBJ LIBRARY DOCUMENT WITHDRAWAL SHEET

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<u>Doc #</u>	<u>DocType</u>	<u>Doc Info</u>	<u>Classification</u>	<u>Pages</u>	<u>Date</u>	<u>Restriction</u>
69	cable	312 fm Saigon sanitized 4/2014	TS	3	8/5/64	A
73	cable	292 fm Vientiane same sanitization 4/19/02 per NLJ/RAC 01-120	S	2	8/14/64	A
76	cable	138 fm Bangkok exempt 1979	S	1	8/5/64	A
87	cable	162 fm Bangkok sanitized 4/2014 Dup. #212, NSF, NSC History, "Gulf of Tonkin, Volume 1," box 38	S	3	8/8/64	A

Collection Title National Security File, NSC Histories**Folder Title** "Presidential Decisions-Gulf of Tonkin Attacks of Aug. 1964, Volume 3"**Box Number** 39

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FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
	To be submitted to State for concurrence.		
#4 Memo	WH — TS — <i>State ltr 2/21/78</i> Alternative public positions... 4 p—	6/10/64	A
#8 Draft	WH — S — <i>State ltr 2/21/78</i> —draft of resolution 4 p—	6/11/64	A
#59 Memo	WH — TS <i>sanitized 1-30-80 inf</i> Bundy for the Record on 8/10/64 meeting 2 p <i>Open 4-2014</i>	8/13/64	A

FILE LOCATION

NSF NSC History
Presidential Decisions-Gulf of Tonkin Attacks of August 1964-Vol. III

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#2 List	NSC <i>open 1-25-90</i> TS Tabs on the Gulf of Tonkin Decisions 2 p (duplicates #1 of NSF NSC History-Presidential Decisions-Gulf of Tonkin Attacks of August 1964-Vol. II)	undated	A
#6 Memo <i>Sanitized</i> <i>12-14-90</i> <i>NLS 90-74</i>	NSC TS <i>secret per NLS 90-74</i> Record of Meeting, SEA, Cabinet Room 10 p (duplicates #20 of NSF NSC History-Presidential Decisions-Gulf of Tonkin Attacks of August 1964-Vol. I)	undated	A
#63 Memo	NSC TS <i>NSC ltr 4/28/77</i> NSAM No. 314	2 p 9/10/64	A

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#9 Memo	State S <i>sanitized 7-30-79 ing</i> on the SEA Situation 8 p <i>Open 3/23/98 RA</i>	6/12/64	A
#10 Paper	State S <i>open 7-30-79 ing</i> Basic themes... 3 p	6/13/64	A
#14 List	State TS question index on the Resolution 2 p	undated	A
#15 Paper	State TS Q & A on the Resolution 39 p	undated	A
#19 Trans.	State S Rusk appearance before Joint Comm. 11 p	8/6/64	A
#46 Paper	State C Legal Q&A on Gulf of Tonkin 9 p	8/5/64	A
#46b Paper	State S US military in Laos 1 p	undated	A
#54a Memo	State C Katzenbach to Pres. 1 p	10/3/67	A
#57 Memo	State S Bundy to Bundy 1 p	8/7/64	A
#57a Memo	State S Suggested agenda... 2 p	8/7/64	A

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#65 Cable	State TS <i>open 4-2014</i> 232 fm Saigon 2 p (partial duplicate of #33 in NSF, CF, Vietnam, Vol. 14)	7/27/64	A
#67 Cable	State TS <i>sanitized 7-30-79</i> 170 fm Vientiane <i>open 4/24/01</i> 5 p	7/27/64	A
#68 Cable	State S <i>Exempt</i> <i>open 4-2014</i> 225 fm Vientiane 2 p	8/4/64	A
#69 Cable	State TS <i>Exempt Sanitized 4-2014</i> 312 fm Saigon 3 p	8/5/64	A
#70 Cable	State C <i>Exempt</i> <i>open 4-2014</i> 251 fm Vientiane 2 p	8/7/64	A
#71 Cable	State C <i>Exempt</i> <i>open 4-2014</i> 264 fm Vientiane 1 p	8/7/64	A
#72 Cable	State S <i>open 7-30-79</i> 150 to Vientiane 1 p	8/12/64	A
#73 Cable	State S <i>sanitized 6-4-81</i> 292 fm Vientiane <i>Sanitization 4/4/02 NL/RAC 01-120</i> 2 p	8/14/64	A
#75 Cable	State S <i>open 7-30-79</i> 178 to Bangkok 2 p	8/5/64	A

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#76 Cable	State S <i>Exempt</i> 138 fm Bangkok 1 p	8/5/64	A
#77 Cable	State S <i>open 7-30-79</i> 145 fm Bangkok 1 p	8/5/64	A
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
#80 Cable	State S <i>"</i> 148 fm Bangkok 1 p	8/6/64	A
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#83 Cable	State C <i>Exempt open 4-2014</i> 156 fm Bangkok 2 p	8/7/64	A
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#87 Cable	State S <i>Exempt Declassified 4-2014</i> 162 fm Bangkok 3 p <i>dup. # 212, NSF, NSC Hist, Jordan July Vol. 1 Box 38</i>	8/8/64	A

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TABS ON THE GULF OF TONKIN DECISIONS

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By DCA, NARA, Date 1-25-90

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MEMORANDUM

THE WHITE HOUSE
WASHINGTON

Thursday, August 17, 1967, 5:15 P.M.

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Documents covering Debate Prior to Passage of Southeast Asia (Tonkin Gulf) Resolution of August 7, 1964

Documents covering discussions prior to the passage of the Southeast Asia (Tonkin Gulf) Resolution are attached.

1. Memorandum of June 10, 1964, summarizing the debate which was then taking place inside the Government as to the advisability of proposing a Congressional resolution giving general authority for action which the President may judge necessary to defend the peace and security of Southeast Asia. This document proves that very serious consideration was given to a resolution before the Tonkin Gulf incident; (Tab A)

TAB
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✓ 2. Agenda for August 4, 6:30 P.M. meeting with Congressional leaders (Tab B). Notes of this discussion are not available. The Legal Advisor of the State Department has been asked to hunt for the draft resolution as presented and as it was amended following the discussion with Congressional leaders.

TAB
21

3. Mac Bundy's memorandum of August 7 (Tab C) summarizing events of this period gives the most complete account of discussions with the bi-partisan leaders which is immediately available.

TAB
12

4. The announcement August 4 of retaliatory actions taken and the request that Congress pass a resolution "making it clear that our Government is united in its determination to take all necessary measures in support of freedom and in defense of peace in Southeast Asia." (Text Tab D). This statement was delivered following the Congressional Leadership Meeting.

TAB
10

5. Message to Congress of August 5 on Southeast Asia Resolution (Tab E).

TAB
10

* (Note - Later found an attached)

6. Joint hearing before the Senate Committee on Foreign Relations and the Committee on Armed Services--August 6. (Text of statements by Secretary McNamara and Secretary Rusk, Tab F).

TABS
27+28

7. Joint Hearing before the Committee on Foreign Affairs and Armed Services, August 6. (Text of Secretary Rusk's statement, Tab G).

8. Senate and House Joint Committees report out favorably the Southeast Asia resolution, August 6.
Senate begins floor debate August 6.

9. House begins floor debate August 7.
Senate continues floor debate August 7.
Summary of Congressional debate on resolution (Tab H)
Text of the Senate's debate (Tab I)

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10. House passes resolution August 7.
Senate passes resolution August 7.

11. Statement on signing of Southeast Asia Joint Resolution on August 10 (Tab J).

TAB
10

Bromley Smith
Bromley Smith

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D R A F T

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MEMORANDUM FOR DISCUSSION, JUNE 10, 5:30 P. M.

SUBJECT: Alternative public positions for U. S. on Southeast Asia
for the period July 1 - November 15

It is agreed that the U. S. will wish to make its position on Southeast Asia as clear and strong as possible in the next five months. The immediate watershed decision is whether or not the Administration should seek a Congressional resolution giving general authority for action which the President may judge necessary to defend the peace and security of the area. It is agreed that if such a resolution is sought, it should be general in tone. It is also agreed that the best available time for such a move is immediately after the Civil Rights bill clears the Senate floor. Finally, it is agreed that no such resolution should be sought unless careful Congressional soundings indicate rapid passage by a very substantial majority. The question that remains is whether on these assumptions such a resolution is or is not desirable, and the argument which follows is designed to explore the consequences of having and not having such a resolution.

A. Scenario for a Congressional resolution

The first necessity, if we are to have a resolution, is to prepare the case in favor. This requires that the Administration be ready to give answers to a whole series of disagreeable questions. Some of the more significant questions and possible answers follow:

1. Q. Does this resolution imply a blank check for the President to go to war over Southeast Asia?

A. The resolution will indeed permit selective use of force, but hostilities on a larger scale are not envisaged, and in any case any large escalation would require a call-up of Reserves and thus a further appeal to the Congress. More broadly there is no intent to usurp the powers of the Congress, but rather a need for confirmation of the powers of the President as Commander in Chief in an election year. The basic precedents are the Formosa Resolution, the Middle East Resolution, and, in a sense, the Vandenberg Resolution.

2. Q. What kinds of force, if any are possible under this authorization?

A. No force will be used if the President can avoid it. If the continued aggression of others should require a limited response,

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By img, NARS, Date 3/28/78

6/10/64

A strong campaign in defense of this resolution will require a substantial increase in the commitment of U. S. prestige and power to success in Southeast Asia. The resolution would need to be preceded by a Presidential message. Such a message should not come as a bolt from the blue; it should itself be preceded by a clear indication of the increasing firmness of the Administration's position, and the reasons for that firmness. Such indications could be given only by public statements of high officials or by such devices as a White Paper.

In sum, a Congressional resolution would require major public campaign by the Administration. A very important element in such a campaign would be early and outspoken support by leading members of Congress.

This is not a small undertaking, and it would have heavy implications.

The great advantages of an early Congressional resolution are international. It would give additional freedom to the Administration in choosing courses of action; still more important, it would give a signal of this new freedom of action and firmness of purpose in a number of important capitals, the most important of which are in Southeast Asia, on both sides of the line.

B. Without a Congressional Resolution

If we do not seek a Congressional Resolution, the international disadvantages are obvious, in that we may seem to have a relative lack of freedom of action and will not have built the major new base of commitment and of authority which in the best of cases such a resolution, with its attendant debate, might provide. On the other hand, if we do not have a resolution, we do not have the risks of a contest at home, nor do we pin ourselves to a level of concern and public notice which might be embarrassing if in fact we do not find it wise to take drastic action in the months immediately ahead. Thus we need to consider how much our course of action may be limited if we do not seek a Congressional Resolution.

First, it should be recognized that there are alternative forms of bipartisan support for action: consultation with Eisenhower and the Republican candidate; discussion with bipartisan leadership of Congress; direct Presidential appeal to the people; ample, if not always encouraging, precedent for Presidential action, as in Korea.

Second, there is a wide range of actions which are plainly permissible without a resolution. These include direct military action by South Vietnamese forces, and very substantial deployments of U. S. air, sea and ground forces. Within the framework of SEATO, and in defense of the agreements of 1962, we can plausibly move troops even into Vietnam, Thailand and Laos itself if the appropriate governments request it. Short of direct U. S. military action against North Vietnam, we could almost surely maintain adequate freedom of action even without a Congressional Resolution.

Third, the only time we can get a resolution, in the absence of acute emergency, is within the next three weeks. A strong case can be made that we do not now need to commit ourselves so heavily, and that if the situation changes drastically, we could readily respond by emergency session, certainly in November, and conceivably in September too.

On balance, it appears that we need a Congressional Resolution if and only if we decide that a substantial increase of national attention and international tension is a necessary part of the defense of Southeast Asia in the coming summer.

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whether we and Ambassador Unger had built up the air strike out of all proportion.

In response to Secretary Rusk's question, Mr. Rowan said there had been some international interest in our air activity in Laos, but there had been no huge international outcry over press reports to date. Secretary Rusk said our long-range stake in keeping Souvanna in power in Laos was great. He thought that we should back our Ambassador in the field. Secretary McNamara agreed as to what we would say to the press. However, he thought that to Members of Congress and friendly governments we should say that U.S. reconnaissance missions over Laos had been fired on and we fired back. Mr. McGeorge Bundy repeated his statement that this would not be the truth. He strongly disagreed that we should make such a statement because he believed that it would not stick and the true facts would become public.

Mr. William Bundy said we would be making a general statement without reference to a specific mission. We would simply say that reconnaissance missions were being flown in Laos and our planes were authorized to fire back when they were fired upon. We would not admit that we had carried out a suppressive mission. The British do not know that we carried out a specific air strike. The only explanation we would make to foreigners would be that there has been firing in Laos by U.S. planes because they had been fired upon.

Secretary McNamara urged that everyone in the room agree on one position to be taken by all so that all discussions of this subject would be identical.

Assistant Secretary Manning was asked to draft guidance for the use of everyone to include statements to the press, statements to the press, statements to Congressmen, and statements to foreign nations. It was agreed that we would continue to stand on "no comment" to the press but that Congressmen and foreign government officials would be told that our planes had been fired on and that they had fired back.

Mr. William Bundy said that the International Control Commission (ICC) inspectors were on the ground in the general area where firing had taken place. It is possible that they may see bomb craters caused by U.S. planes. There is doubt that Ho Chi Minh would allow the ICC to inspect Khang Khay because he would thereby reveal to outsiders the existence of anti-aircraft batteries manned by Viet Minh crews. In addition, he would be creating a precedent of allowing the ICC inspectors to enter Communist-held territory.

The group then considered the paper entitled "Defusing Laos." Mr. Forrestal summarized its content and said that its purpose was to reduce pressures in Laos.

Secretary Rusk said that if we accomplished the first objective

stated in the paper, we would be in a hell of a shape. Our real objective in Laos is to get strict compliance with the 1962 Geneva Accords, which means getting the Pathet Lao out of Laos. We have taken this position recently with important foreign nations including the Soviet Union. We should push hard in any conference, such as that proposed by the Poles, for our prerequisites for a Geneva-type conference. It is in our interest to keep the Russians and the Poles in opposition to the Chinese Communists and Ho Chi Minh. We should not give up the effort to get the Pathet Lao out of the Plaine des Jarres by diplomatic means. Mr. McGeorge Bundy said he thought our objective was to keep Souvanna in power so that we could go ahead with our major objective which is to improve the situation in South Vietnam.

Secretary McNamara said we must not keep on restating unrealizable objectives. He said we have no program which, in his view, will result in forcing the Pathet Lao out of the Plaine des Jarres.

Secretary Rusk suggested that a paper should be prepared which spells out the position which we have just taken with Khrushchev.

Mr. McGeorge Bundy said that nothing now planned will get the Pathet Lao out of the Plaine des Jarres. Only General Taylor could do this by using U.S. military force and he would resign before agreeing to put U.S. troops into the Plaine des Jarres. The important problem is South Vietnam, not the presence of the Pathet Lao in the Plaine des Jarres.

Secretary Rusk said the defuzing paper surrenders our objective of seeking a pressure point against Hanoi and would result in giving Souvanna and the Thais a very leaden feeling. Mr. McGeorge Bundy said if it were true that the proposed policy would give Souvanna and the Thais a leaden feeling, this would be a valid reason to oppose it, but he did not think that its lack of effect on the Pathet Lao problem in the Plaine des Jarres was a valid objection.

Secretary McNamara said the President had been confused because there has always been a difference between our stated objectives and our courses of action. He expressed in several ways his view that the actions we have proposed to the President will not achieve our stated objectives.

Mr. McGeorge Bundy said we have never told the President that the Communists had now gone too far and that we propose to throw them out. Secretary Rusk replied that our objective is certainly not to support Souvanna solely for the purpose of halting further Pathet Lao advances. Our objective is to force the Pathet Lao to retreat. Mr. McGeorge Bundy said he thought that our policy was aimed at trying to avoid bringing things to a military head over Laos.

Secretary Rusk said he visualized our Laos policy in three stages. The first preventive stage was to take those actions necessary

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to be ready militarily to do more than we are now doing if it appeared that the Pathet Lao was undertaking a campaign to seize the Mekong River towns. The second stage was to do all we could during the Polish-proposed conference to achieve our preconditions for a Geneva conference. We may not achieve this objective but we might. We simply don't know. The third stage would be a Geneva conference at which we would seek to obtain the removal of the Viet Minh from Laos and South Vietnam and close the North Vietnam corridor to the South Vietnamese.

Secretary McNamara asked whether we would go to a Geneva conference if we did not obtain the preconditions. Secretary Rusk replied that we would not. Secretary McNamara said that, therefore, there would be no conference. The defusing paper is to look at the situation we would be in without a Geneva-type conference. The plan is based on not taking U.S. military action until we had obtained a Congressional resolution, which it did not appear would be obtainable very soon.

Secretary Rusk asked why we should not take as our objective the most probable contingency facing us.

Secretary McNamara suggested that, for the President, we prepare a paper which gave our stated objective being sought on the diplomatic track. The paper would acknowledge that we were unlikely to achieve our stated objective by diplomatic means and that, therefore, we propose to deviate from the diplomatic track and then state what we would do. He felt that we were leading the President down a track which would oblige him to resort to the use of military force in the next three months if the situation were to be saved. He expressed his fear that the conference route will run out in a few weeks and then there will be nothing left for us to do but use U.S. military force.

Director McCone expressed his concern that we would not be able to resist world public pressure for a conference by saying merely that we won't go to a conference unless the Pathet Lao holds back a few miles in the Plaine des Jarres. Secretary Rusk replied that the Pathet Lao pullback, which is a prerequisite for the conference, would not be difficult for the Communists to agree to do.

Mr. Rowan said he wanted to make certain that all were aware of the danger of having public objectives which differed from objectives known only to government officials. Mr. Forrestal said the objectives listed in his paper should accurately be described as interim objectives.

Mr. McCone wanted to know how we proposed to discourage further Pathet Lao territorial grabs as stated in objective number two. Mr. Forrestal said the actions he had in mind involved those listed under point thirteen of the McNamara report, including the movement to the area of U.S. forces.

Secretary Rusk asked that he be permitted to study the paper

for another day or so. He was concerned that if we gave up the objective of moving the Pathet Lao back, we might forfeit the effort which we have been making in Moscow and indirectly in Peking.

Secretary McNamara said we do have military actions which could be used to prevent the Pathet Lao from grabbing further territory in Laos, but we do not have actions which he felt were adequate to force the Pathet Lao to get out of the Plaine des Jarres.

Secretary Rusk said he did not feel that a mountainous diplomatic effort would be necessary to get the Pathet Lao back to their previous lines. The Soviets have a stake in not ratting out on the agreement they have with us on Laos.

Mr. McGeorge Bundy, who had been out of the meeting for a few minutes, returned to say that he had told the President it would not be necessary for him to join the group today because another working session would be required before the group was ready to discuss recommendations with him.

The group then turned to consider item three of the agenda, i. e., next steps in South Vietnam. Mr. Sullivan reported on the existing situation. The most important element in the South Vietnam picture is the will and determination of the Khanh government and the South Vietnamese people. Their morale would be deeply affected by the position we take in Laos. If we stand firm they will be encouraged to adopt our new suggestions with respect to adding U.S. advisory personnel to the Vietnamese civil and military structure. They must, however, have a clear idea of what we plan to do in the future. If we go to a Geneva conference without gaining our preconditions, there will be crisis of confidence in South Vietnam. If we ask and obtain a Congressional resolution in support of our Southeast Asia policy, the Vietnamese will be greatly encouraged. The Manning information operation here and the Zorthian USIA operation in Saigon are efforts in the right direction. We will need to indoctrinate our own people so that they are not conveying to the Vietnamese that we are Gung Ho for a military victory, but, rather, are in South Vietnam for the long term. Our training people can convince the South Vietnamese that we are sticking with them. With the takeover of the military command by General Westmoreland, we can shift from trying to kill every Viet Cong, to protecting the Vietnamese population. The country team in Saigon has taken three provinces in which pilot projects will be initiated. These three are among the eight provinces recommended by the Honolulu meeting. The Vietnamese Foreign Minister Quat is returning to South Vietnam and, hopefully, will speed up the dispatch abroad of South Vietnamese ambassadors. In addition, the South Vietnamese government has wired a U.S. public relations firm to assist it in drawing public attention to its accomplishments. He

concluded by repeating that if the Vietnamese can be convinced we are sticking with them and not withdrawing they will agree to our plans for greater participation in the governmental structure of South Vietnam.

Secretary Rusk asked why the South Vietnamese doubt that we are sticking with them. Mr. Sullivan responded that they are upset by the statements which Senator Morse makes almost daily, by Agence France press reports from Saigon, by whispering which constantly goes on in Saigon involving neutralization proposals, and by the diplomatic activity which we are engaged in involving the problem of Laos.

Secretary McNamara said there is no question but that we face a morale problem in South Vietnam. Many South Vietnamese doubt that we will take actions necessary to save the situation. We must be prepared to take what actions are necessary to maintain morale which has weakened in the last two or three weeks.

Mr. Sullivan said that events in Laos have weakened morale in South Vietnam. He referred to certain evidence that the South Vietnamese think we lack firmness in our policy toward the Laos situation.

Mr. William Bundy disagreed. He suggested that we wait until we had further evidence of the effect of our actions in Laos on the state of morale in Saigon. The air strike in Laos has helped morale in South Vietnam. Secretary McNamara agreed that as a result of our air strike in Laos morale in South Vietnam had improved in the last two days.

Mr. Cooper asked how we could realistically change South Vietnamese morale. The situation in Laos might have affected morale in South Vietnam, but we cannot say flatly that it was the result of our actions in Laos. It may have been the result of the improved situation in Laos.

Mr. Sullivan said it was necessary to reassure the South Vietnamese every day. Secretary Rusk agreed and said that this necessity applied to several other countries, even including Germany. We cannot build our policy on the constant need to reassure nervous friendly countries.

Secretary McNamara said he concluded, following the Honolulu meeting, that the situation in South Vietnam was weakening. He acknowledged that Ambassador Lodge thought things were getting better there. However, Secretary McNamara felt that the U.S. would not have to take any major action in South Vietnam in the next two or three months. We should review the situation and the actions we are taking every two weeks. Mr. Sullivan agreed that we did not have a short fuse on the South Vietnamese situation. He noted that the Viet Cong had eased up on their attack on South Vietnam military bases and are

concentrating their propaganda on trying to erode South Vietnamese support of General Khanh's government, to weaken U.S. support of that government, and to bring U.S. domestic public opinion pressure on the U.S. Government to reduce its support of General Khanh.

Secretary Rusk suggested we might initiate an operations checklist which might have as many as one hundred items on it. This checklist would be reviewed every few days. Pluses and minuses would be placed after each item on the list. Items would include such subjects as the countries giving aid to South Vietnam, the appointment of South Vietnamese ambassadors, the religious question, and pay and housing for troops. These detailed actions are the essence of our program rather than big diplomatic moves. The checklist would be a stimulus to continued action on the many small proposals.

Mr. Cooper said the weekly combined report now being prepared on South Vietnam meets part of the Secretary's suggestion.

Mr. McGeorge Bundy suggested that Mr. Sullivan's group was the proper group to draw up a list of current problems with comment as to progress being made on each. Mr. Rowan volunteered to prepare a study on South Vietnam morale, based on press reports from Saigon.

Secretary Rusk felt it would be helpful to the President to know that we are reviewing South Vietnam actions comprehensively and in detail.

Director McCone expressed some concern over the prospect that we might be confronted in South Vietnam with a sudden Communist thrust. There is some evidence to indicate that the Communists may be holding back their forces and building up for a new attack. The Watch Committee is closely following this subject. There has been a period of relative quiet for the past two weeks in Vietnam, during which there have been no large enemy military actions. Conceivably, the Viet Cong may be assembling resources for a major blow at the Khanh government. Mr. Alexis Johnson said that the Viet Cong may be turning away from military actions to attacks on the morale of the South Vietnamese, as had been pointed out earlier by Mr. Sullivan.

Secretary Rusk asked that the closest watch be kept on the deployment of the Communist Chinese air forces. He emphasized the extreme importance of any movement of these air forces.

Mr. Sullivan summarized the view of Mr. Burdett, an English correspondent who had spent considerable time in Communist areas in the Far East. Mr. Burdett's view is that the Viet Cong is not seeking a military victory in Vietnam but is trying to turn South Vietnam into another Laos by creating political confusion for the Khanh government and spreading confusion throughout the countryside.

The group then turned to consideration of a draft Congressional resolution which was summarized by Mr. William Bundy. The draft

resolution tries to convey a firm posture but also emphasizes the peace motive and the readiness to negotiate, plus the willingness to use SEATO and the UN. The objective is to enlist the support of as many Senators as possible, minus Senator Morse. Paragraph two of the draft resolution is modeled on the Near East resolution rather than on the Off-shore Island resolution or the Cuban resolution. The whereases are important in the effort to gain maximum support. Section three of the draft is considered by the lawyers to be very important but it could be dropped as not being absolutely necessary.

The group then turned to Mr. McGeorge Bundy's paper, "Alternative Public Positions for U.S. on Southeast Asia for the Period July 1 - November 15." Mr. Bundy said the only time to seek the Congressional resolution on Southeast Asia would be at the end of the Civil Rights debate, which may occur within ten days or two weeks. However, if there were a crash situation in Southeast Asia, a resolution could be dealt with at any time.

Secretary Rusk said the ideal situation would be a short resolution adopted unanimously by Congress. It would be disastrous if Congress refused to vote a resolution proposed by the Administration or if the resolution was basically weakened during the course of Congressional debate. We should ask for a resolution only when the circumstances are such as to require action, and, thereby, force Congressional action. There will be a rallying around the President the moment it is clear to reasonable people that U.S. action is necessary.

Secretary McNamara said we would not be in a position to ask for a Congressional resolution before July 1.

The Attorney General foresaw great difficulties in obtaining approval of a Congressional resolution if the Administration's course of action was not crystal clear. He felt the difficulties on the Hill would be great if events are not pushing us to prompt action. It would be great if events are not pushing us to prompt action. It would be much simpler to obtain approval of a resolution if U.S. actions are forcing the pace. Heavy ground work with Congressmen will be necessary.

Mr. McGeorge Bundy said the Congressional ground work would be difficult if we are not committed to seek a resolution. Secretary McNamara doubted that we could go to Congress before July 1. Secretary Rusk said there was no basis for a resolution in the existing situation or on decisions which the Administration has so far taken.

Secretary McNamara said a Congressional resolution before September was unlikely unless the enemy acts suddenly in the area, which is also unlikely. Our actions proposed to date are not such as to require a resolution.

Mr. McGeorge Bundy asked that the group not dismiss the

proposal to seek Congressional resolution without taking into account the great benefit such a resolution would have in conveying our firmness of purpose in Southeast Asia.

Secretary Rusk said we can get a resolution passed only with great difficulty unless the President has already taken basic decisions as to what we would do in Southeast Asia. Success in obtaining the Cuba resolution and the support we obtained from NATO countries followed the announcement of our decision to act. Before we reach a higher climax resulting in firm U.S. decisions, our Congressional problem will be considerable.

Mr. McGeorge Bundy agreed to beef up the last page of his paper which deals with how we can meet the situation in Laos prior to a Congressional resolution or without seeking one.

Secretary McNamara suggested that a press campaign should be launched which would be of such a nature as to avoid building up public pressure for drastic action. Mr. Manning said perhaps the public information program should be aimed at continuing the present disinterest in the Laos and South Vietnam situations. This is a different objective than trying to sell a Congressional resolution.

Secretary Rusk said the Congressmen he had met recently were reacting as if they were unconcerned and not as if there were a crisis. Secretary McNamara pointed out, however, that there was dissatisfaction in Congress with what we are now doing. Mr. Manning said one very thin sample of public opinion consisted of letters being sent to the State Department. About one-third of the letters received dealt with Southeast Asia. Most of these were "soft" in the sense of inquiring as to what we are doing in Southeast Asia, but were not as "soft" as they had been earlier.

Secretary McNamara suggested that in the event of a dramatic event in Southeast Asia we would go promptly for a Congressional resolution, but we would not plan on one and that our public information program would not be aimed at getting support for a resolution.

Mr. McGeorge Bundy called attention to the problem of how far we could go in influencing the situation in Southeast Asia without taking actions which could be initiated only with a Congressional resolution. Secretary McNamara replied that the thirteen actions he had recommended could be taken without a Congressional resolution and that these actions go quite far. Mr. McGeorge Bundy agreed that even air defense actions in Southeast Asia would be possible without a Congressional resolution.

Secretary Dillon said the arguments for a Congressional resolution could be reversed. If we get a resolution and then do not act promptly, there could follow a crisis of morale.

Mr. Alexis Johnson asked whether, if the Pathet Lao attacked, we had sufficient authority to hit back. Mr. McGeorge Bundy felt that

under the NATO Treaty such a response would be possible. Director McCone said that putting U.S. troops on the ground in Southeast Asia would require a Congressional resolution. He reminded the group that the idea of a resolution arose when we were discussing how to deal with a Communist reaction to an attack by us on North Vietnamese targets.

Secretary Rusk requested that the paper on the Congressional resolution be rewritten to reflect the views expressed during the meeting.

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Authority Int ltr 2/21/78
By mmg, NARS, Date 3/27/78

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June 11, 1964

WHEREAS,

The aim of the United States in Southeast Asia is to achieve and preserve peace and security in the area;

The United States has no territorial, military or political ambitions in Southeast Asia, but desires only that the peoples of Southeast Asia should be left in peace by their neighbors to work out their own destinies in their own way;

The peace and security of Southeast Asia are seriously threatened by a systematic and deliberate campaign of Communist aggression and subversion against the nations and peoples of that area:

In particular the Communist regime in North Viet-Nam, with the aid and support of the Communist regime in China, has flouted its obligations under the Geneva Accords of 1954 and has engaged in aggression against the independence and territorial integrity of the Republic of Viet-Nam by carrying out a systematic plan for the subversion of the Government of the Republic of Viet-Nam, by furnishing direction, training, personnel and arms for the conduct of guerrilla warfare within the Republic of Viet-Nam and by the ruthless use of terror against the peaceful population of that country:

In violation of its undertakings in the Geneva Agreements of 1962 the Communist regime in North Viet-Nam, with the aid and support of the Communist regime in China, has engaged in aggression against the independence and territorial integrity of

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Laos by maintaining forces on Laotian territory, by the use of that territory for the infiltration of arms and equipment into the Republic of Viet-Nam, and by providing direction, men and equipment for persistent armed attacks against the Government of National Union of the Kingdom of Laos:

The United States is a party to the Southeast Asia Collective Defense Treaty for the preservation of peace and security in Southeast Asia and for collective defense against Communist aggression and subversion and by a Protocol to that Treaty the nations of Laos and the Republic of Viet-Nam are unanimously designated as within the protective scope of the Treaty;

? The loss of any of the free nations of Southeast Asia to Communism would upset the world balance of power and pose a direct threat to the security of the United States:

The United States stands prepared to seek through the United Nations or otherwise a peaceful settlement in Southeast Asia which would effectively ensure that the peoples and nations of that area would live in freedom and independence;

It is essential that the world fully understand that the American people are united in their determination to take all steps that may be necessary to assist the nations of Southeast Asia to maintain their independence and political integrity;

Now, therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled:

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Sec. 1. That the maintenance of international peace and security in Southeast Asia and the preservation of the political independence and territorial integrity of the non-Communist nations of the area, including the Republic of Viet-Nam and Laos, is required by the national interest of the United States:

* * * * *

Alternative Drafts of Section 2

Alternative Based on the Middle East Resolution of 1955:

Sec. 2. To this end, if the President determines the necessity thereof, the United States is prepared, upon request from any nation in Southeast Asia, to take, consistently with the Charter of the United Nations, all measures including the use of armed forces to assist that nation in the defense of its political independence and territorial integrity against aggression or subversion supported, controlled or directed from any Communist country. Any such measures shall be reported to the Security Council of the United Nations.

* * * * *

Alternative Based on the Cuba Resolution of 1962:

Sec. 2. That the United States is determined to prevent by whatever means may be necessary, including the use of arms, the Communist regime in North Viet-Nam, with the aid and support of the Communist regime in China, from extending, by force or threat of force, its aggressive or subversive activities against

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any non-Communist nation in Southeast Asia.

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Alternative Drafts of Section 3

First Alternative:

Sec. 3. This Resolution shall expire when the President shall determine that the peace and security of Southeast Asia is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress.

* * * * *

Second Alternative:

Sec. 3. This Resolution shall expire on January 8 (?), 1965 [date of convening of the next Congress.]

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DECLASSIFIED
Authority RAC 10045
By ms NARA, Date 3-23-98

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SECOND DRAFT
FE:WPBundy:mk
June 12, 1964

MEMORANDUM ON THE SOUTHEAST ASIA SITUATION

Probable Developments and the Case for a Congressional Resolution

Now that we have worked through the immediate problem of the shooting down of our aircraft over Laos and have Souvanna Phouma's clear understanding that reconnaissance flights may continue over the Plaine des Jarres and "South Laos" and with escort as necessary, we should now draw back and examine the total picture as it may develop in the next three to four months and what our central plan should be.

1. We do not expect at the present time to move in the near future to military action against North Viet-Nam. At the same time, a significant change in the local situation, largely beyond our control, might compel us to reconsider this position. Such a significant change might come in the form of:

a. A re-estimate of the South Viet-Nam situation more gloomy than the one that was reached at Honolulu and indicating that we cannot expect some signs of improvement over the summer and may indeed be facing significant and visible deterioration.

b. Major continued Communist attacks in Laos, threatening the extinction of Kong Le's forces, Luang Prabang, or the areas along the Mekong (including Saravane and Attapeu).

7 c. Creation of a separate Communist government in Laos and a de facto partition of the country. This might be less compelling toward wide^r action against the north, but such action would certainly have to be weighed.

2. The principal present elements in the situation are that:

a. We have entered a negotiating track on Laos that we hope will lead to the convening of the Polish consultations in the next 3 - 4 weeks and their continuation over a period of time with Souvanna, the British and the Canadians at least holding firm that Communist withdrawal remains a precondition of any 14-nation "Geneva Conference." At this moment, the Soviets and British have not yet agreed

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on the form of invitation to the Polish consultations, and it is still possible that the whole project will hit a serious snag before it can even be convened. However, we must assume that it will in fact get under way; if it does not, we then would have an immediate sharp acceleration of the whole problem.

b. By our public statements and the crisis atmosphere of the last two weeks, including the Honolulu conference, we have created an impression in the area that we are very firm indeed but have also left the area and the US public in some uncertainty as to just what firmness in fact means.

c. By the shooting incidents in connection with our reconnaissance operations in Laos, as well as the continuing T-28 operations, we have set up a fairly good picture of military firmness in the area, and specifically in Laos, and we can maintain this to some degree by continuing escorted reconnaissance operations on precise plans to be worked out.

d. Through our speeches and our military actions we have undoubtedly gotten some kind of signal through to Hanoi, and this will be reinforced by the message being conveyed by the Canadian ICC representative to Hanoi on June 15. Hanoi has been conspicuously silent about our air activities over Laos, and there is recent Hanoi broadcasting indicating that alert measures have been intensified. Nonetheless, we are faced with two grave problems in keeping our signal clear to Hanoi:

? { (1) Hanoi tends to believe that our stronger gestures come in fits and starts and that by toning down its own actions for a time it can lull us (for example, the President's speech and the speculations of early March, plus our initiation of extensive reconnaissance at that time over North Viet-Nam, undoubtedly gave them pause for a short time, but by early May this signal seemed quite clearly to have worn off).

✓ (2) The Communist stereotype generally is that we simply do not move hard in an election year, and some of our European friends constantly lend support to this thesis. A related point is that Hanoi has throughout used salami tactics, seeking to avoid any single action strong enough to cause us to react hard and fast.

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3. Our ideal objectives in relation to Laos are:

a. To use the Vientiane consultations to compile strong evidence of the Communist military aggressions of May.

b. To use the Polish consultations to build up a clear picture that the Communists have been far more in the wrong in the political sphere and that Souvanna's position must now be strengthened and affirmed, to get the ICC functioning more clearly, and to put maximum pressure on the Communist side to withdraw substantially from the areas occupied in May.

c. If we get a Communist withdrawal, to use the Geneva Conference to place maximum pressure on the Communist side on the basic violations that have been in existence right along-- the presence of North Vietnamese forces in Laos and the use of the Laos corridor by the North Vietnamese to support the war in South Viet-Nam.

In short, our ideal objective in Laos remains a full and effective implementation of the 1962 Geneva Accords. We do not seek a unified non-Communist Laos because this is simply not capable of achievement without a complete war on the ground. But on the contrary we do strongly prefer the Geneva Accords to a de facto partition that would remove third-country interest in the Laos situation and tend to ratify the Communist position in the corridor areas--which sooner or later must be dealt with if we are to obtain security in Viet-Nam.

4. In practice, we doubt very much if we can fully accomplish these objectives through any combination of negotiating and military firmness that we can devise. For the Communists to give up their gains of May and to accept fully Souvanna's political position would be for them to accept a very major backdown. The Soviets and Poles may well go with us on a great deal of tidying up of the internal political situation, on which they appear to be supporting Souvanna's position. Moreover, the Polish consultations could well produce major improvement in the performance of the ICC. These two points in themselves would be significant gains and well worth the Polish consultations in themselves.

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However, the Soviets and Poles, and Indians too, probably cannot be expected to go along at all on any agreed demand that the Communists withdraw militarily. It is just possible that the Communist side might permit some reestablishment of the neutralists in the Plaine des Jarres, but it seems considerably more likely that the parallelogram of forces would produce a Soviet-Polish-Indian position that would drop or drastically weaken the withdrawal point and demand an early 14-nation conference. The British and Canadians would be hard to hold in line at this point, and Souvanna himself would be under considerable diplomatic pressure to go along, although on the other hand he would be under great right-wing pressure within Laos not to do so.

The net of this is that we would face a serious dilemma at the time that the Polish consultations approached an impasse on the withdrawal issue. Thus, in the absence of any of the developments named in paragraph 1 above, we would like to see the Polish consultations continue over a considerable period, at least into September, and hopefully even beyond.

We must recognize, however, that stringing out the Polish consultations to these lengths will not be easy, nor can we guarantee to achieve this. Pressures to slide off toward Geneva may build up well before this time, and our resistance to these would then confront us with a situation of considerably heightened tensions that could in itself change our timetable. But in any event--however long the Polish negotiations can be strung out--we have the problem of continuing to demonstrate firmness.

5. This practical chain of events raises serious problems about our additional courses of action. If we weaken on our ideal objectives, we would clearly go far to demoralize Khanh and the politically sensitive people in South Viet-Nam, and even the continuation of negotiations would tend over time to cause growing concern that we are moving toward negotiated solutions for both Laos and South Viet-Nam. Whatever success we may achieve in the Polish consultations also depends on a steady strong signal that we are willing to use force if necessary.

The central problem then is what we can do in addition to maintain and demonstrate our firmness to Souvanna and to people in Laos and South Viet-Nam, } The range of possible actions includes the following:

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a. Additional military action in the area. We had been thinking last week that the desired added element of firmness could be obtained by starting reconnaissance over North Viet-Nam and escorting it if necessary. However, we would not now think of conducting such missions unescorted, and the use of escort missions, as the Laos experience has now shown, would almost certainly get us into a degree of shooting in North Viet-Nam that would in itself sharply raise the tension level and tend to force our hand.

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Another military action we should consider would be to conduct not only continued reconnaissance operations over Laos, but a carefully calculated series of "reconnaissance" strike operations such as that of June 9. The Communist side has clearly found it difficult to respond to these or to make heavy propaganda play of them, partly because it is unwilling to let the ICC inspect any Communist areas. On the other hand, these attacks do tend to worry and weaken the Indians and to some extent the British, and it does not appear easy to find such clearly isolated targets, without civilian damage, as was selected on June 9. If we started to hit Lao civilians, even in the vicinity of military installations, Souvanna might throw another fit. We also have the problem of further US aircraft losses if we do this; even though the US public has not reacted drastically to the losses of last weekend, a repetition of these could well create serious problems, particularly if the Communists in Laos lie low on the ground. This course of action seems at first glance the most promising we might follow, but it does need further study.

✓
One further military action could be taken, namely permitting the Vietnamese Air Force to attack targets in the corridor area of Laos. This would have a very helpful tonic effect on Vietnamese morale and would perhaps somewhat cut down Communist capacity to use the corridor. It would convey a modest signal to Hanoi, but not as much of a one as an action conducted by the US.

b. We have a wide range of possible troop deployments to the Western Pacific and perhaps to Thailand. Some of these, such as additional carriers to the area, probably do have a useful signaling value. Others, such as the move of additional ground and air units,

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may have some short-term value, but they have the weaknesses that this signal tends to peter out, that these are moves we would prefer to make in the context of an even stronger over-all policy, and that they may create uncertainty and doubt in the US as to just where we are headed. As to deployments to Thailand, it is doubtful that the Thai will accept these in the absence of some change in the situation on the ground, and this move particularly--having been taken once before--conveys a very limited and indeed a somewhat defensive signal.

c. To hold the political situation within Laos and to strengthen Souvanna, there are a number of actions we can and should take in any event--to route our assistance directly through Souvanna rather than through the Right Wing, etc. However, these measures will not have any wider signal value to the north.

6. In sum, there are military moves that we can take that would contribute to a continuing impression of firmness as we try to keep the Laos negotiations moving and to preserve our options concerning Viet-Nam. But it is at least doubtful that any combination of the moves listed above would in fact do the trick. Moreover, it must be emphasized that the Polish consultations may well not play out to the extent we desire, and that the moment we face pressures to slide off to Geneva and resist these, we might have to consider still further military measures or at least be able to make a convincing threat of such measures.

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Finally, we must never lose sight of the fact that the situation in South Viet-Nam--without necessarily any dramatic event--could deteriorate to the point where we had to consider at least beginning stronger actions to the north in order to put greater pressure on Hanoi and lift morale in South Viet-Nam.

7. For all of these reasons there is a very strong argument for a continuing demonstration of US firmness and for complete flexibility in the hands of the Executive in the coming political months. The action that most commends itself for this purpose is an immediate Congressional Resolution, subject to the following conditions:

a. A formula must be devised, in consultation with the Congressional leadership, that would ensure rapid passage without

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extended and divisive debate. The draft resolution must support any action required but must at the same time place maximum stress on our peaceful objectives and our willingness to accept eventual negotiated solutions, so that we might hope to have the full support of the school of thought headed by Senator Mansfield and Senator Aiken and leave ourselves with die-hard opposition only from Senator Morse and his very few cohorts.

b. Timing must be considered. Because of proximity on either side to the Republican convention, July appears very difficult. Early August is likewise difficult because the Congress will probably be rushing to complete other measures and adjourn before the Democratic convention. We thus conclude that the only feasible time for presentation would be shortly following the conclusion of the Civil Rights debate, i.e. during the week of June 22. In addition to being virtually inevitable from a political standpoint, this timing does fit very well with the probable date of the convening of the Polish consultations and with the time when our existing and planned signals to Hanoi may begin to taper off.

It may be argued that a Congressional Resolution under present circumstances faces the serious difficulty that there is no drastic change in the situation to point to. The opposing argument is that we might well not have such a drastic change even later in the summer and yet conclude--either because of the Polish consultations or because of the South Viet-Nam situation--that we had to act.

c. The line of argument to be followed in presenting the resolution requires careful thought. A separate memorandum deals with the suggested theme of presentation and with basic questions that would be raised and the line of answer that would be followed. From this theme, and these questions and answers, appropriate Presidential messages, testimony by Secretaries Rusk and McNamara, special presentations to the Congress (e.g. of the evidence concerning North Vietnamese involvement), and other necessary elements would be drawn.

8. Conclusion

It is recommended that the President urgently review with the

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Congressional leadership a resolution along the lines covered in the accompanying folder.

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W. P. Bundy/bmm
June 13, 1964

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

BASIC THEMES IN PRESENTING THE RESOLUTION

We confront a serious and continuing crisis in Southeast Asia in which our objective is to preserve and restore the peace through getting North Vietnam and Communist China to let their neighbors alone. We have no wider objective.

The basic decision that the Congress is asked to support is that the US should employ all necessary measures to prevent the spread of Communist influence in Southeast Asia.

In the coming months, we shall be seeking to achieve our ends by a combination of assistance to the Government of South Vietnam and negotiation in respect to Laos. At any time, developments in either South Vietnam or Laos may force us to consider limited forms of military action so as to make progress in South Vietnam and to keep Laos negotiations moving forward.

The situation is unlike any past crisis in which the Congress has enacted similar Congressional Resolutions. It is more serious and imminent than the situation that accompanied the Middle East Resolution of 1955, but at the same time less immediately critical than the Cuba situation at the time of the Congressional Resolution of October 1962. But the essential basis of seeking Congressional support in the form of a Resolution is the same -- that there is a continuing crisis and that the

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hand of the Executive must be strengthened and given all flexibility by an emphatic statement of Congressional support.

The fact that this is an election year makes such an affirmation of extra importance. Over the next six months, we shall be engaged in continuing political debate and in certain fixed political events, notably the Conventions, that will affect the availability of the Congress. Moreover, the crisis is of such a nature that a need for action may well arise without the type of dramatic event that would inevitably call for convening the Congress.

In this situation, the Communist side must be convinced that America means business. We believe that our actions to date have had considerable impact in this direction. But in the absence of a Congressional declaration of support there is a serious danger that the Communist side would assume that the US is unlikely to act firmly during election year. Any real or assumed irresolution on the part of the United States may well encourage further aggressive acts or refusal to accept reasonable negotiating proposals, and thus make necessary more serious US military measures.

We must also give the nations of the area clear evidence of our determination. A Congressional Resolution should raise their morale and make less likely any deterioration of their internal situations that would make US military action more necessary or drastic than otherwise.

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The nation's vital interest in Asia will not be enhanced by speculation on possible actions in Southeast Asia. Successful action in the area demands a flexible and carefully controlled strategy.

Even during the election period, the President will consult regularly with Congressional leadership. He has no desire for a blank check, but neither does he wish to ignore the realities ahead during an election period.

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STATEMENT BY SENATOR J. W. FULBRIGHT
CHAIRMAN
SENATE FOREIGN RELATIONS COMMITTEE

Recent press stories relating to drafts of the so-called Gulf of Tonkin Resolution (P.L. 88-408, 88th Congress, 2nd Session, Approved August 10, 1964), have raised questions as to executive session testimony which the Committee on Foreign Relations received from Assistant Secretary of State William P. Bundy on September 20, 1966. Secretary Bundy on that date was testifying on the general subject of Thailand. During that testimony the following exchange took place:

"The Chairman: Lastly, I wanted to ask you, you were in the department, were you not, when the Gulf of Tonkin incident took place?

"Mr. Bundy: Yes, sir.

"The Chairman: Did you have anything to do with the preparation of the resolution that was sent up here?

"Mr. Bundy: I did, sir.

"The Chairman: Can you tell me when that was prepared?

"Mr. Bundy: We had contingent drafts, which however did not very closely resemble the draft, for some time prior to that but we had not thought --

"The Chairman: What do you mean, prior to when?

"Mr. Bundy: Prior to August 1964. But this is a matter of normal contingency planning. No serious thought had been given to it, to the best of my knowledge, prior to the Gulf of Tonkin.

"The Chairman: Did you prepare it?

"Mr. Bundy: I did one in my own office, sir.

"The Chairman: What was it looking to if it occurred before that?

"Mr. Bundy: We had always anticipated and as a matter of common prudence I think should have anticipated the possibility that things might take a more drastic turn at any time and that it would be wise to seek an affirmation of the desires of and intent of the Congress. But that is normal planning. I am not sure that my drafts were even known to others."

On December 15, 1967 the Committee considered whether the foregoing exchange should be made public and agreed to do so after consultation with Assistant Secretary Bundy. Mr. Bundy has informed the Committee that he has no objection to the full exchange being made public.

12/21/67

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DECLASSIFIED

Authority STATE letter APR 9 1979By isg, NARS, Date 7-30-79QUESTION INDEXQuestion 1: What is the purpose of the Resolution?Question 2: Why does the present situation require a Resolution?

- a. Seriousness of the situation and Hanoi responsibility.
- b. Congress will not be here.
- c. Bit-by-bit nature of Communist tactics makes flexible response essential.
- d. Need military pressures to (1) assist negotiations, and (2) against Hanoi itself if necessary.
- e. Special circumstances of election year.

Question 3: Does Resolution imply a blank check?Question 4: What would Allied and Communist reactions be to this Resolution?Question 5: What is our immediate objective in the area?Question 6: What is our long-term objective in the area?Question 7: Why is Southeast Asia this important to us?

Question 8: Supposing that Laos and South Vietnam were to fall under North Vietnamese control, would the rest of Southeast Asia necessarily fall? (This is the question the President directed to Mr. McCone last week and on which we should have a considered CIA memorandum now available. A provisional answer is given in the attached.)

Question 9: What is the relationship of the proposed Resolution to negotiations?Question 10: Under what circumstances might we resort to military force under the Resolution?Question 11: If we resort to military force, what are the likely implications with respect to wider hostilities against North Vietnam, Communist China, or even the USSR?Question 12: What Allied support might we seek and expect if we take military actions under the Resolution?TOP SECRET

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Question 13: Is there a will to win in South Vietnam so that added action by us would do any good?

Question 14: Are we doing as well as we could be doing in South Vietnam under present policy or could we not hope to improve markedly and not have to take wider action?

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QUESTION 1: What is the purpose of the Resolution?

The Resolution's primary purpose is to signal clearly
— and to our allies and neutrals as well —
to the Communist leadership in Hanoi, Peiping, and Moscow,
our determination to take whatever actions may be necessary
to save South Viet-Nam and Laos from Communist take-over.
By showing a clear Congressional mandate for Presidential
action, the Resolution would increase the credibility of
our willingness to use maximum force, if necessary, and
thereby help to reduce the amount of force actually required.
As a by-product, the Resolution would strengthen the morale
of the ^{governments and} people of Laos and South Viet-Nam

The Resolution is designed as an indication of bi-partisan
U.S. commitment to the free nations of Southeast Asia in an
election year; as a vehicle of threat to Hanoi; as a means

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to avoid, if possible, the ^{need} decision for wider action;
as a boost to morale in Laos and South Viet-Nam; and
as a statement of our peaceful objectives and our
willingness to accept eventual negotiated solutions.

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QUESTION 2: Why does the present situation require a Resolution?

A Resolution is required by:

a. The seriousness of the present situation in Laos and South Viet-Nam, and the paramount responsibility of Hanoi.

In present circumstances, a new indication to Hanoi of U.S. determination to prevent Communist conquest of Laos and South Viet-Nam is essential.

In Laos, the Pathet Lao and Viet Minh forces already there probably have the capability of overrunning most of the country at will. Should U.S. or allied units be introduced, present Communist forces would probably have only a harassing capability. However, Communist strength in Laos

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could be quickly augmented by at least two fully armed and equipped North Vietnamese regular brigades (about 15,000 men) now positioned near the Laotian border.

In South Viet-Nam, the present situation is judged to be tenuous but not hopeless. If General Khanh can be ~~maintained~~ maintained in power, and if a few victories can be achieved, there could be significant improvement by the end of the year. The great danger, however, is a collapse of morale, both military and civilian; at present the military desertion rate continues high.

In both countries, the key factor is aggression by North Viet-Nam. ^{NINE}₍₂₎ thousand North Vietnamese troops remain in Laos, in violation of the 1962 Geneva Agreements, as the backbone of the Pathet Lao forces. In South Viet-Nam

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the officers and NCO's of the Viet Cong's 25,000 regulars and 60-80,000 other troops are disciplined cadres trained in North Viet-Nam and infiltrated via the Laos corridor in violation of the 1954 Geneva Accords. The "National Front for the Liberation of South Viet-Nam" is a creation of Hanoi whose spokesmen echo the Hanoi line on all subjects.

Despite the presence of substantial indigenous elements among the Pathet Lao and Viet Cong, Hanoi exercises firm control over both forces as part of a coordinated strategy for the eventual conquest of South Viet-Nam and Laos.

b. The adjournment of Congress.

Should the situation in Southeast Asia deteriorate significantly in the summer and autumn months, a number of

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fast actions may be required of the U.S. Government. In the absence of Congress from Washington, and in the absence of a clear expression of Congressional intent, the effectiveness of such executive responses would be impaired. Our adversaries would continue to have reason to question the depth of our commitment to the defense of Southeast Asia. Minimal uses of force would convey no credible message of a willingness to escalate.

c. The need for maximum U.S. flexibility in view of the bit-by-bit nature of Communist tactics.

In Laos and Viet-Nam the Communists have available to them a wide range of opportunities short of conventional invasion by ground forces. To meet these tactics the President needs a mandate that permits us an equally wide range

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of responses, but all within the context of a commitment to the peace and security of non-Communist Southeast Asia that is clearly understood by both the Communists and the American people.

d. The need for military pressures 1) to assist negotiations, and 2) to punish Hanoi, if necessary.

At the present juncture, a credible indication of U.S. commitment is an essential step on the road to eventual negotiations for the freedom and independence of Laos and South Viet-Nam. It is also an essential prerequisite to actual military actions against North Viet-Nam, should such actions prove necessary. In this regard, the mandate and threat embodied in a Resolution serves a two-fold purpose: it acts as a new element of pressure on Hanoi to reduce or

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suspend its aggressive operations in Laos and South Vietnam, thereby giving time for the strengthening of non-Communist elements in both countries; and it provides a rationale for selective military actions against Hanoi if the Communists fail to reduce or suspect^{N/D} their aggression.

e. The special circumstances of an election year.

It is widely assumed among our adversaries and even our allies that election year politics tend to preclude unusual foreign policy actions on the part of the U.S. Government. This assumption of U.S. immobilization can compound Hanoi's doubts as to the seriousness of our commitment to the defense of Southeast Asia; it lessens the credibility of our words and can lead to miscalculation.

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No single step would go further to negate this assumption than strong bi-partisan support for a Congressional Resolution on Southeast Asia.

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QUESTION 3: Does the Resolution imply a blank check for the President to go to war over Southeast Asia?

The Resolution will permit selective use of force; but hostilities on a larger scale are not envisaged. In any case, any large escalation would require a call-up of Reserves and thus a further appeal to the Congress.

There is no intent here to usurp the powers of the Congress. What is needed -- and is provided in the Resolution -- is explicit confirmation of the powers of the President as Commander in Chief, in an election year, and with specific reference to the crisis in Southeast Asia.

The basic precedents for this action are the Formosa Resolution, the Middle East Resolution, the Cuba Resolution of 1962, and, in a sense, the Vandenberg Resolution.

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No force will be used if the President can avoid it. If the continued aggression of others should require a limited response, that response will be carefully aimed at installations and activities which directly support covert aggression against the free people of Laos and South Vietnam. There is no intent or desire to enlarge the action beyond what is absolutely required, and specifically, there is no intent to overthrow existing governments in North Viet-Nam or in Red China, however much we dislike those regimes.

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QUESTION 4: What would Allied and Communist reactions be to this Resolution?

Allied reactions to this Resolution would be generally favorable. Most of our allies share our judgement of the crucial significance of a non-Communist South Viet-Nam ^{and the observance of the Geneva Accords in Laos} to the security of the rest of Southeast Asia. Some have indicated doubts, however, regarding our depth of commitment to the struggle, our overall objectives in Viet-Nam, our tactics, and -- at present -- the effect of an election year on our policies in the region.

The Resolution would go far to clarify U.S. long-term objectives for the region, U.S. determination to stay with the struggle, and U.S. unity despite the tensions of an election year. Within the region, outside of South Viet-Nam,

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and Laos, this clarification would be most welcome to the Thai, the Australian and New Zealand, Philippine, and Nationalist Chinese Governments; there is evidence as well that the Japanese would give tacit approval to our firmness. Beyond the region, the British and Canadians would understand and accept our new statement of commitment. However, no approval can be expected from the French.

Among our allies there would be sober recognition of the clearly implied risk of intensified hostilities that the Resolution would carry. This risk, however, has already been understood and accepted on the basis of previous public references by U.S. officials to the possibility of escalation.

As for Communist reactions, it is to be expected that the Resolution would be denounced as a provocative warlike

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act by Hanoi, Peiping, and also Moscow (although the denunciation might be more perfunctory in the Soviet case). A world-wide campaign of protest can be expected, with intensified calls for a Geneva Conference and further recourse to the United Nations. At the same time, it is probable that the Soviet Union would use what little leverage it has in North Viet-Nam to urge caution on the Hanoi regime. It is also probable that Hanoi and Peiping would regard the Resolution as a document to be taken seriously and would plan accordingly.

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QUESTION ⁵₁: What is our immediate objective in the area?

Our immediate objective in Southeast Asia is to
bring an end to
defeat Communist aggression.

In Laos and South Viet-Nam we want to preserve the independence and territorial integrity of these two nations now threatened by forces under the control of North Viet-Nam, with the aid and support of Communist China. Specifically, we seek to force the North Vietnamese to return to, and abide by, the international political arrangements which underlie the independence of both nations: the Geneva Agreements of 1954 on Indo-China, and of 1962 on Laos. Both sets of agreements have been systematically violated by the Communists under the leadership of Hanoi.

Under the 1954 agreements on Indo-China, it was hoped

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1954
that South Viet-Nam would have an opportunity to build a free nation in peace -- unaligned, and set apart from the global power struggle. But by 1959 North Vietnamese infiltration and terrorism began with full force. In 1961 President Kennedy pledged increased U.S. assistance to the Saigon Government and announced that our assistance would cease when North Vietnamese aggression ceased. This rationale remains the basis of our support for South Viet-Nam.

Under the 1962 accords on Laos, it was agreed that Laos would be free, independent, and neutralized under Prince Souvanna Phouma, that foreign troops would leave Lao soil, and that compliance with the accords would be policed by an International Control Commission. North Vietnamese troops, however, failed to leave Laos; and

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Communist obstruction of the ICC rendered it an impotent
instrument of enforcement.

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QUESTION ⁶₅: What is our long-term objective in the area?

United States policy for Southeast Asia is very simple. It is the restoration of peace so that the peoples of that area can go about their own independent business in whatever associations they may freely choose for themselves without interference from the outside.

Ideally, we want a Southeast Asia of independent national states, free to seek assistance from outside, free to work out their fates within their own ethnic and cultural traditions. We hope to see them develop towards the strength that derives from democratic institutions and a free-enterprise economy. But we seek no satellites, no mirror images of ourselves.

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At the same time, we want a Southeast Asia in which communism is held at bay, deterred, and forced -- through pressure and the free world example -- to alter its destructive aims in time.

To achieve this long-term objective, we are determined to do all we can to assist free nations to assure their security against Communist aggression and aggressors by their neighbors, and to assist them toward economic and social development.

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QUESTION ⁷6: Why is Southeast Asia this important to us?

The crisis in Southeast Asia is a direct challenge to the free world and to the United States as its leader. *It is a clear threat to our national security.*

Southeast Asia is important to us on three major counts:

First, and foremost, it is a test case of our will and ability to respond to calls for help from nations striving to preserve their independence from Communist attack. If we fail to respond, or if our response ends in failure, the implications for other nations under the shadow of Communist power will be far-reaching. This is true not only in Southeast Asia but in other parts of the world as well.

The test of our will and ability is as clear and as

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serious in Southeast Asia as it is in Berlin. Our own security is strengthened by the determination of others

to remain free, and by our commitment to assist them. *It is weakened by a waning of their determination or a default on our commitment.*

Second, Southeast Asia has great strategic signifi-

cance in the forward defense of the United States. Its

location across east-west air and sea lanes flanks the

Indian sub-continent on one side and Australia, New Zealand

and the Philippines on the other, and dominates the gateway

between the Pacific and Indian Oceans. In Communist hands,

this area would pose a most serious threat to the security

of the U.S. and to the family of Free World nations to

which we belong.

And third, Southeast Asia is a test case for the new Communist strategy of conquest through covert aggression in

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the form of "wars of liberation". In the past the free world has learned to cope successfully with Communist aggression at other levels. Today Peiping and its Hanoi ally preach a new doctrine that focuses on Southeast Asia but poses an ultimate threat to all developing societies.

If we can learn to cope successfully with this new type of Communist aggression in the Southeast Asian test case, the deterrent effect on Peiping and its allies can be decisive.

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QUESTION ⁸~~64~~: Would the loss of Laos and South Viet-Nam seriously endanger other nations in Southeast Asia?

Although the loss of Laos and South Viet-Nam would produce differing degrees of damage to the other free nations of Southeast Asia, its cumulative impact on the region as a whole would be extremely serious.

Most important and widespread would be the immediate effect on the confidence, morale, and will to fight of non-Communist Asians. The loss of these two nations would be correctly read as a major victory for Hanoi and Peiping and a major defeat for the United States. Faith in American determination and ability to resist communism in Asia would be severely shaken. A sense of the inevitability of Chinese Communist hegemony in Southeast Asia would permeate the

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people of the region, and pressures toward rapid accommodation with Peiping and Hanoi would intensify in every country of the region.

This is not to say that other nations would go Communist at once, or that immediate changes would be apparent in the foreign policies of Southeast Asian nations. With a heavy U.S. commitment, Thailand might remain an ally and defensible, though Thailand's defense would become far more difficult, ^{subversion would increase} and internal pressures towards neutralism would ^{intensify} increase. Cambodia and Burma would both take further steps to preserve their independence through intimate relations with Peiping and a minimum of Western ties. Malaysia would soon face a rising tide of pro-Peiping activity on the part of its Chinese population. In Indonesia the probability of

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a Communist successor to Sukarno would be increased.

Only in the Philippines would the short-term consequences be less serious.

In short, the loss of Laos and South Viet-Nam would signal to Asians a fundamental shift in the Southeast Asian balance of power: the beginning of the end of U.S. power in mainland Southeast Asia, and its replacement by Communist China.

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QUESTION ⁹/: What is the relationship of the proposed Resolution to negotiations?

The proposed Resolution is designed to establish a framework within which a negotiated solution of the crisis in Laos and South Viet-Nam may eventually be found.

In setting forth our objectives for Southeast Asia, in citing the 1954 and 1962 agreements, and in declaring our readiness to seek a peaceful settlement, it makes clear our willingness to negotiate any solution that guarantees the political independence and territorial integrity of Laos and South Viet-Nam, as envisaged under the two sets of Geneva agreements.

In expressing Congressional intent that the President "take . . . all measures including the use of armed forces",

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however, the Resolution makes clear our determination to use any force necessary to prevent conquest of Laos and South Viet-Nam, regardless of the existence of negotiations, as long as Hanoi continues its aggression.

In so doing, the Resolution makes clear that although we are willing to participate in negotiation within the United Nations or outside it, negotiations cannot be used by our adversaries to thwart our response to continued aggression.

In short, we state our objectives and we state our determination to fight and talk, simultaneously if necessary, to achieve those objectives.

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QUESTION ¹⁰/₉: Under what circumstances might we resort to military force under the Resolution?

It is possible that the existence of the Resolution per se may cause a temporary halt to Pathet Lao/Viet Minh advances in Laos and a temporary reduction of Viet Cong actions in South Viet-Nam. In this case, action under the Resolution would be unnecessary.

On the other hand, serious deterioration in the political situation either ^{on} ~~in~~ Laos or of ^{on} ~~in~~ South Viet-Nam might require not only a rapid response within the country but selective deterrent and punitive actions against North Viet-Nam under the Resolution. Likewise, Pathet Lao occupation of new territories, particularly in the direction of the Mekong Valley, should require a similar response. In

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addition, a serious increase in Viet Cong activity that threatened the progress of the Khanh Government towards stability might usefully ^{call for} produce a selective punitive response against targets in the Laos corridor.

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//
QUESTION 10: If we resort to military force, what are the likely implications with respect to wider hostilities against North Viet-Nam, Communist China, or even the USSR?

If we resort to military force under the Resolution, North Viet-Nam's response will depend on its reading of our determination and our objectives with regard to the North. Preparatory and low-scale actions would undoubtedly produce agitation by Hanoi in order to force the U.S. into a Geneva-type Conference; such actions might also produce a temporary cessation in dramatic new attacks by the Viet Cong and the Pathet Lao.

As the level of our actions increased, it could be expected that Hanoi's political agitation would also increase, but that this agitation would be accompanied by intermittent

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increases in Pathet Lao and Viet Cong activity.

If these responses were to fail and Hanoi were persuaded of our determination to persist in punitive military actions, the North Vietnamese leaders would have to decide the nature of our objectives. Should they conclude that we intended to occupy the North and bring about the regime's downfall, they would undoubtedly risk further destruction of their target areas in an all-out battle for survival. If they judged, however, that our objectives were truly limited, as indicated in the Resolution, they might well lower their terms for a negotiated settlement; they would do so in the interests of preserving their regime and in the expectation of being able to renew the insurrections in South Viet-Nam and Laos at a later date. There remains the possibility, however, that they might continue

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to fight, in the belief that the U.S. would be unwilling to undertake a major ground war.

As for Communist China, it appears certain that Peiping has no desire to become involved in hostilities with U.S. forces. Peiping would predictably indulge in threatening gestures and would join in denunciation of our actions; but it would adhere to a policy of military caution unless U.S. and/or South Vietnamese ground units were to move well into North Viet-Nam or Northern Laos and appear to pose a threat to China's borders.

The USSR would undoubtedly make strenuous propaganda and political efforts in Hanoi's behalf and would probably offer various weapons and air defense equipment. We believe, however, that the USSR would refrain from military actions in the area, and would not provoke a crisis with the U.S.

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elsewhere which would bring a direct US-USSR confrontation.

Its primary concern would be to exert its influence in a manner to insure a negotiated settlement.

→ Caveat: The above are our best current estimates of the Extent of Communist reaction, as reached by the US intelligence community. At the same time, we recognize that the estimates may be wrong and that the Communists may react more sharply than is indicated above. If we resort to military action, our military preparations and deployments must take account of the worst that could happen. Well before such a point was reached or threatened, however, we would be in close consultation with Congressional leaders and would, if necessary, seek any Congressional specific authority then required.

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QUESTION 12²: What Allied support might we seek and expect if we take military action under the Resolution?

If we take military action under the Resolution, we can expect firm moral support from our SEATO allies, with the exception of the French and the Pakistani. The British have a major role to play as Co-Chairman of the Geneva Conference on Laos; and they may have a difficult time with elements of their public opinion at home. But on the basis of their involvement in Malaysia they have a clear understanding of the regional security issue and can be expected to stand with us. The same can be said for the Australians, New Zealanders, and Canadians. The French can be counted on to press with new vigor for a Geneva Conference and "neutralization" in response to our military action.

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As for actual military support, we can expect ~~and~~
significant contributions from some of our
~~should expect little from our NATO and SEATO allies~~, beyond
their present slightly increased level of assistance to
North Viet-Nam.
South Viet-Nam. We remain the paramount non-Communist
power of the region and must accept the obligations of that
status.

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QUESTION 12⁽³⁾: Is there a will to win in South Viet-Nam
so that added action by us would do any good?

There is a deep-seated and tested will to win in
South Viet-Nam. Its survival power is remarkable, considering
the effects of twenty-three years of warfare since the
outbreak of World War II.

The will of the people of South Viet-Nam to remain
free was demonstrated dramatically when nearly one million
emigrated from the Communist-held North to the South at the
time of the 1954 Geneva Accords. The will of the people
was similarly demonstrated in the wide-spread and totally
uncharacteristic demonstrations by non-Communist South
Vietnamese against religious and political repression by
the Diem Government in 1963. Their will has been tested

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since 1959 in the long struggle against terrorism.

It is our judgment that the will to win remains strong in South Viet-Nam. Yet it desperately needs encouragement: through a damping down of terrorism, through military victories, and through effective economic and social measures to increase the people's welfare.

It is the aim of the United States and the Khanh government jointly to move with vigor to sustain that will to win. Actions against the North are no substitute for progress in the South. But they can be an effective supplement to that progress -- and they can win for the people and Government of the South the respite that they urgently need.

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14.
QUESTION 13: Are we doing as well as we could be doing in South Viet-Nam under present policy, or could we not hope to improve markedly and not have to take wider action?

We are certainly not doing as well as we could be doing in South Viet-Nam under present policy. But we are daily increasing our effectiveness there, and we are noting progress on the part of the new Khanh Government. Since the last Honolulu meeting several significant steps have been taken to improve coordination in Saigon and to extend US-Vietnamese cooperation to the countryside at vital levels of action.

In time, such developments can be expected to show good results -- perhaps by the late autumn. But the possibility of dramatic setbacks at the hands of the Viet Cong still exists, and the U.S. will have to respond to such setbacks in new ways

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in order to maintain the momentum of progress in the South.

The Resolution itself can provide needed encouragement to the people of South Viet-Nam; it can provide a useful warning to Hanoi and the Viet Cong; and it can provide the rationale for actions we may be forced to take to preserve the situation in the South.

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SOUTHEAST ASIA RESOLUTION^{*}

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

^{*}Text of Public Law 85-408 [H.J. Res. 1145], 78 Stat. 384, approved Aug. 10, 1964.

COMPARISON OF RESOLUTIONS RELATING TO THE MAINTENANCE OF PEACE AND SECURITY IN VARIOUS AREAS

Southeast Asia	Cuba	Formosa	Middle East
<p>Whereas naval units of the Communist regime in Viet-Nam, in violation of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked U.S. naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace;</p> <p>Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Viet-Nam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom;</p> <p>Whereas the United States is assisting the peoples of Southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area but desires only that they should be left in peace to work out their own destinies in their own way: Now, therefore, be it</p> <p><i>Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander-in-Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.</i></p> <p>SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia. Consonant with the Constitution and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any protocol or member state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.</p> <p>This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress, except that it may be terminated earlier by a concurrent resolution of the two Houses.</p>	<p>Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and</p> <p>Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and</p> <p>Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from continental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union;" and</p> <p>Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it</p> <p><i>Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—</i></p> <p>(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;</p> <p>(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and</p> <p>(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.</p> <p>This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress.</p>	<p>Whereas the primary purpose of the United States in its relations with all other nations, is to develop and sustain a just and enduring peace for all; and</p> <p>Whereas certain territories in the West Pacific under the jurisdiction of the Republic of China are now under armed attack, and threats and declarations have been and are being made by the Chinese Communists that such armed attack is in aid of and in preparation for armed attack on Formosa and the Pescadores;</p> <p>Whereas such armed attack if continued would gravely endanger the peace and security of the West Pacific area and particularly of Formosa and the Pescadores; and</p> <p>Whereas the secure possession by friendly governments of the Western Pacific Island chain, of which Formosa is a part, is essential to the vital interests of the United States and all friendly nations in or bordering upon the Pacific Ocean; and</p> <p>Whereas the President of the United States on Jan. 6, 1955, submitted to the Senate for its advice and consent to ratification a Mutual Defense Treaty between the United States of America and the Republic of China, which recognizes that an armed attack in the West Pacific area directed against territories therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties to the treaty: Therefore be it</p> <p><i>Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.</i></p> <p>This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress.</p>	<p><i>Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be and hereby is authorized to cooperate with and assist any nation or group of nations in the general area of the Middle East desiring such assistance in the development of economic strength dedicated to the maintenance of national independence.</i></p> <p>SEC. 2. The President is authorized to undertake in the general area of the Middle East, military assistance programs with any nation or group of nations of that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed force to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism: <i>Provided</i>, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States.</p> <p>This joint resolution shall expire when the President shall determine that the peace and security of the nations in the general area of the Middle East are reasonably assured by international conditions created by action of the United Nations or otherwise except that it may be terminated earlier by a concurrent resolution of the two Houses of Congress.</p>

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Excerpts from the Executive Session
Transcript of the Rusk - McNamara Appearance before the
Joint Committees' Session, August 6, 1964

Secretary McNamara. Mr. Chairman, may I respond to this, there have been several misstatements made and I would like to correct them for the record.

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

Chairman Fulbright. Yes.

Secretary McNamara. I would like to cover three points.

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

I think it is extremely important that you understand this. If there is any misunderstanding on that we should discuss this point at some length.

Senator Morse. I think we should.

Secretary McNamara. I say this flatly, this is the fact.

Senator Morse. What was your testimony the other day, Mr. Secretary, on the record as to where American naval ships were in Tonkin Bay at the time the attack was made on the two islands?

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Secretary McNamara. I testified the other day that the American vessels were, or the American vessel was, it was the Maddox at that time, was operating on a southerly course in routine patrol in international waters in this area and that vessel had absolutely no knowledge of any actions of any kind by the South Vietnamese, in South Vietnam or outside of South Vietnam.

Senator Morse. Didn't you, as Secretary of Defense, have knowledge that the attack on the island was going to be made?

Secretary McNamara. I did not have knowledge at the time of the attack on the island.

Let me just make one point. That there is no connection between this patrol and any action by South Vietnam.

Now, if you want to discuss actions by South Vietnam I will discuss them but before doing so I want to make one other point. This Government has positive proof of the organized effort of North Vietnam to subvert the Government of South Vietnam. It has positive proof of the direction of the military actions in South Vietnam by North Vietnam. This proof has been available for a long time. I assume this Committee is aware of it. If it isn't aware of it, I will be perfectly happy to expose it to a selected group of members of the Committee. There should be no misunderstanding on the part of any of you of the direction of the attempt to subvert the Government of South Vietnam by

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North Vietnam, of a day by day command of that effort, of the continued support of it.

Senator Morse. I want to make perfectly clear I have never questioned the subversive activities of North Vietnam. But I also want to make perfectly clear, Mr. Secretary, that you have not put in the record of this Committee any proof at any time of any overt military operations of North Vietnam into South Vietnam.

We have asked you time and time again, you people come before this Committee, "Well, we think a cadre now and then but there has been no organized military invasion of North Vietnam into South Vietnam," that has been the testimony time and time again.

Secretary McNamara. I dispute that, Senator.

Senator Morse. Well, the record will speak for itself.

Secretary McNamara. You said there has been none.

I don't know what the record shows because I am not familiar with the record of this Committee but I do know there is an organized effort of North Vietnam using men and material to destroy the Government of South Vietnam, and we have ample evidence of that, and if this Committee wishes to enter into a discussion of that evidence I am perfectly willing to supply it to you, although some of it is so highly classified that I would have to ask you to appoint a selected Committee.

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Secretary Rusk. Mr. Chairman, since I have been before the Foreign Relations Committee a number of times, I would like to point to the distinction between organized units of North Vietnamese in their own uniforms, flying their own flag coming into South Vietnam and groups of infiltrators trained and organized by North Vietnam bearing arms who come down into South Vietnam organizing operations against the people of South Vietnam.

This is what I said, I have in mind when I said, the shape of aggression is changing in the post-war world. That doesn't mean it is not just as much aggression as if they were flying their own flags. There are certain technical distinctions, but the aggression in fact is here.

Senator Morse. I am not going to go over it again, I covered it, in my judgment, other than saying that a colossal mistake was made when we backstopped this open naval attack of South Vietnam on two islands of three to five, six miles off the coast of North Vietnam, that is where I think we got ourselves clearly implicated and South Vietnam got herself implicated in an aggressive attack on the territorial integrity of North Vietnam.

That is what the Communists are going to try to play up and I don't think we ought to let ourselves get into that position.

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Secretary McNamara. Mr. Chairman, may I respond again very briefly to this?

I think you should understand the infiltration of South Vietnam by sea that is taken place for two and a half years, and the degree to which South Vietnam has endeavored to respond to that, and I will cover it very briefly for you.

Between July and December of 1961 there were 140 incidents of infiltration from North Vietnam into South Vietnam by sea. These included infiltration of bazookas. It included infiltration of groups as large as 65 by single junks. There were 1400 probable or confirmed infiltrations of personnel at that time.

Then South Vietnam had no organized force to combat these infiltrators. They had only 80 sailing junks. None of these were motorized, obviously an ineffective sea patrol. We assisted them in organizing a sea patrol starting in December, 1961.

At that time we started their junk force. A portion of that force was financed by military assistance funds. About 500 junks were built. Using those funds, the Vietnamese added about 60 more financed by their own funds. These junks fall in our categories.

There are command junks, about 28 of them, that have a crew of ten, carry automatic weapons and radios. There are about 240 sailing junks that carry out surveillance. These are in a sense pickets or patrols stationed in particular areas carrying out routine surveillance of that area.

There are several hundred motorized sailor junks or motorized junks carrying automatic weapons, patrolling extended area of the sea. This patrol of some 600 or 700 junks in the eight months, of the last eight months of 1963 searched 130,000 junks, searched 350,000 people, discovered 140 Viet Cong agents among them.

In the first seven months of this year, they have searched 149,000 junks, some 570,000 people. This is a tremendous operation endeavoring to close the sea coasts of over 800 miles. In the process of that action, as the junk patrol has increased in strength they have moved further and further north endeavoring in find the source of the infiltration.

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

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

Senator Morse. And when you acknowledge that this kind of an operation was going to take place, naval operation, you joined ex^scalating the war into North Vietnam in spite of our oft-repeated statements we are going to try to avoid it. We didn't avoid it.

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Senator Saltonstall. Mr. Secretary, we had no advisers aboard any of those junks?

Secretary McNamara. To the best of my knowledge -- we had none aboard any of the junks going north or vessels going north of the 17th parallel. I don't believe we have any advisers aboard any of the junks south of the 17th parallel.

Chairman Fulbright. Senator Mansfield?

Senator Mansfield. No questions.

Secretary McNamara. We have contingency plans, Senator Aiken, which take account of that. We have forces either moved into position or alerted for movement that also take account of that.

Senator Aiken. You are fully prepared then?

Secretary McNamara. Yes, sir.

Senator Aiken. In the case that Red China attacks?

Secretary McNamara. Yes, sir.

Senator Aiken. That is all.

Chairman Fulbright. Senator Smith?

Senator Smith. Yes.

Mr. Secretary, or Secretary McNamara, you referred a while ago to your statement that you made on Monday --

Secretary McNamara. Yes.

Senator Smith. -- about the incident being an isolated one.

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Secretary McNamara. Yes, sir.

Senator Smith. Was that because of lack of intelligence or error in judgment?

Secretary McNamara. I think it was because with hindsight I personally consider the action of the North Vietnamese a form of suicide and I didn't expect them to undertake that.

Senator Smith. Thank you.

Senator Aiken. May I add, she asked if they had knowledge of the South Vietnamese attacks that were made on North Vietnamese islands. Don't the South Vietnamese keep your forces informed as to their plans?

Secretary McNamara. Well, the destroyers, as I said, had no knowledge of it, and I had no knowledge at the time or the exact character of the attacks.

Senator Aiken. Did our embassy know that the South Vietnamese were going to attack?

Secretary McNamara. Our embassy is aware of the efforts of the South Vietnamese to prevent infiltration, and to attack the sources of infiltration when it is possible for them to do so and I assume they had knowledge of the exact time the attack was to take place.

Senator Aiken. I see.

That is all.

Chairman Fulbright. Senator Long.

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Senator Long. Mr. Secretary, to what extent did our people achieve surprise when they struck back at the mainland?

Secretary McNamara. There is ample evidence they achieved complete surprise because as General Wheeler pointed out to me yesterday that it is inconceivable that a military force expecting an attack would have its boats lying dead in the water at the base, and this is exactly the way we found most of the North Vietnamese.

Senator Long. That is the point I had in mind. It sounded from what you say here as though we achieved about, considering the size, that we achieved about the kind of surprise on their (END of Excerpt)

for another committee hearing I am supposed to be conducting.

There were reports in the news last night to the effect that Chinese nationalist sources had reported that the Chinese Communists had moved two hundred thousand troops to the border and 70 mission to Eainan Island, do we have an indication from our own intelligence that these reports are accurate?

Secretary McNamara. We do not.

Senator Church. Mr. Secretary Rusk, we had very precise information on the military phase of this situation and I think you would want to give as equally precise information on the diplomatic phase and there is one other area here raised

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by Senator Morse to some degree.

Secretary McNamara has said these naval craft were neither connected with or had any knowledge of the South Vietnamese patrols. I take it that our government which supplied thoses boats to the Government of South Vietnam did know that the boats would be used for attacks upon North Vietnamese targets, and that we had acquiesced in that policy, is that correct?

Secretary Rusk. I think in the larger sense, Secretary McNamara described the junk operations and the anti and counter junk operations. In the larger sense that is so but as far as any particular detail is concerned we don't from Washington follow that in great detail.

Senator Church. We know that they are doing it. We have supplied them with the ships. They are doing it with our acquiescence and consent, is that correct?

Secretary Rusk. But within very limited levels as far as North Vietnam is concerned.

Senator Morse. Could I ask in his question one question of fact on patrol?

Senator Smathers. Mr. Chairman, I would like to go to a meeting.

Chairman Fulbright. Also the Secretary is committed to go to a House meeting. We will have some other representatives who will stay but the Secretary has agreed to open, I believe,

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the House meeting.

Next is Senator Byrd of West Virginia.

Senator Byrd of West Virginia. I would like to ask a question of Secretary Rusk first of all.

Mr. Secretary, is there any indication that the South Vietnamese are becoming more enthusiastic about pressing this war to victory?

Secretary Rusk. There have been some statements, public statements by General Khanh and one or two others following that commemoration which they held out there about two weeks ago at the partition of the country.

That, I think, got some of them thinking about there, the split between North and South and their relatives, and there are other national interests in the North. But we do not get the (END OF EXCERPTS)

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SOUTHEAST ASIA RESOLUTION

JOINT HEARING BEFORE THE COMMITTEE ON FOREIGN RELATIONS AND THE COMMITTEE ON ARMED SERVICES UNITED STATES SENATE EIGHTY-EIGHTH CONGRESS

SECOND SESSION

ON

A JOINT RESOLUTION TO PROMOTE THE MAINTENANCE OF
INTERNATIONAL PEACE AND SECURITY IN
SOUTHEAST ASIA

AUGUST 6, 1964



Printed for the use of the Committee on Foreign Relations
and the Committee on Armed Services

U.S. GOVERNMENT PRINTING OFFICE

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WASHINGTON : 1966

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NOTE.—Although this executive session hearing was held on August 6, 1964, no action was taken to make it public at that time. With the increasing involvement of American forces in Vietnam, however, interest was focused on the background of Senate action on the southeast Asia resolution and on March 4, 1966, the Committee on Foreign Relations agreed to publication of the transcript subject to such national security deletions as might be recommended by the executive branch (see State Department letter on p. 36) and subject to approval of the Senate Committee on Armed Services. The transcript was released in November 1966. All deletions are indicated by the notation "[Deleted]".

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SOUTHEAST ASIA RESOLUTION

THURSDAY, AUGUST 6, 1964

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

The committees met, pursuant to notice, at 9:05 a.m., in room S-116, U.S. Capitol Building, Senator Richard B. Russell (chairman, Committee on Armed Services) presiding.

Present on Committee on Armed Services: Senators Russell, Stennis, Symington, Jackson, Ervin, Thurmond, Byrd of West Virginia, Young, Inouye, Saltonstall, Smith, and Case.

Present on Committee on Foreign Relations: Senators Fulbright, Sparkman, Mansfield, Morse, Long, Lausche, Church, Symington, Smathers, Hickenlooper, Aiken, Carlson, Williams, and Mundt.

Also present: Senator Cooper.

Chairman RUSSELL. The Senate Committees on Armed Services and Foreign Relations are meeting jointly to consider Senate Joint Resolution 189. I move that the distinguished Senator from Arkansas, Mr. Fulbright, preside over these hearings, and make to the Senate such report as the two committees meeting jointly may determine to submit.

Those of you who favor that motion will say aye. [Chorus of "ayes."]

Opposed no. [No response.]

The ayes have it unanimously, and the Senator from Arkansas will preside.

(The resolution, S.J. Res. 189, referred to follows:)

[S.J. Res. 189, 88th Cong., 2d sess.]

JOINT RESOLUTION To promote the maintenance of international peace and security in southeast Asia

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military, or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

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Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Chairman FULBRIGHT. I thank the Senator for his motion. We all know why we have gathered this morning. We have the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, General Wheeler with us. I suggest that we hear the opening statements of the witnesses and proceed with questions. I hope we can limit our questions to somewhere in the neighborhood of 5 minutes so that we can each have at least one opportunity. If we have time we can return to certain witnesses.

I think we should begin this morning with Secretary Rusk.

Do you have a prepared statement, Mr. Secretary?

STATEMENT OF HON. DEAN RUSK, SECRETARY OF STATE

Secretary RUSK. Mr. Chairman, I have prepared a short statement but in the interest of time the committee might wish to let me insert that statement in the record. The members will have copies in front of them. I might then call attention to certain important parts of it and then we can resume the discussion. I do want to give full time for Secretary McNamara to explain to the committee what has happened and give the committee as much time as possible.

Chairman FULBRIGHT. Without objection it is so ordered.

Secretary RUSK. I would like first then to turn specifically to the resolution which is in front of the committees.

I now turn to the specifics of the resolution before you.

The preamble, I believe, speaks for itself. It spells out in the simplest and shortest terms possible the fact of North Vietnamese attacks, their relation to the overall campaign of aggression by North Vietnam, and the purposes and objectives of the United States in southeast Asia.

As to the operative sections of the resolution, section 1 declares the approval and support of the Congress for actions, in response to armed attack on U.S. forces, which the President has the authority and obligation to take in his capacity as Commander in Chief.

Turning next to section 2 of the draft resolution, let me make clear at the outset what the resolution does not embrace. It does not cover action to assist any nation not a member of the Southeast Asia Treaty Organization or a protocol state.

You will recall the protocol states were South Vietnam, Cambodia, and Laos. In the case of Cambodia they have publicly declared they will not utilize their privilege of calling for help as a protocol state under the Southeast Treaty Organization.

In the case of Laos the 1962 accords contained a declaration by the Government of Laos they would not call upon any alliance, or group of nations, for assistance.

Therefore, so long as the 1962 accords are in effect, the Government of Laos would be barred from calling on that assistance unless the relevant portions of those particular agreements had in fact withered away.

This resolution does not cover any action in support of a nation unless such nation requests it. It does not cover any action to resist aggression that is not Communist in origin. The Southeast Asia Treaty includes a U.S. understanding that is directed solely against "Communist aggression."

The language, "to take all necessary steps, including the use of armed force," is similar to the authority embraced in the Formosa Resolution of 1955, the Middle East Resolution of 1957, and the Cuba Resolution of 1962.

Copies of each of these have been made available to you for comparative purposes. The Formosa Resolution authorized the President "to employ the Armed Forces of the United States."

The Middle East Resolution stated that the United States was "prepared to use armed forces." The nearest parallel to the language of the present resolution is in the first clause of the Cuba Resolution, that the United States is "determined * * * to prevent by whatever means may be necessary, including the use of arms," Cuban subversive activities extending to any part of the hemisphere.

PRECEDENTS OF SUCH PRESIDENTIAL ACTION

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

As I have said before, we cannot now be sure what actions may be required. The Formosa Resolution of 1955 was followed by the use of U.S. warships to escort supply convoys to the offshore islands in 1958; the Middle East Resolution was followed by President Eisenhower's sending of troops to Lebanon in 1958; the Cuba Resolution was followed by the well-known events of October 1962.

I do not suggest that any of these actions may serve as a parallel for what may be required in southeast Asia. There can be no doubt, however, that these previous resolutions form a solid legal precedent for the action now proposed. Such action is required to make the purposes of the United States clear and to protect our national interests.

Mr. Chairman, I would like to add one comment to this statement, and that is that this resolution, and this consultation which the executive and the legislative branches are now having in the course of today, will in no sense be the last contact between the executive and the legislative branches on these problems in southeast Asia. There will continue to be regular consultations not only with committees but between the President and the congressional leaders, and on a bipartisan basis. That has been the practice of Presidents in this postwar period.

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

Well now, the important aspect of this resolution is, I venture to suggest, not so much in the constitutional field as in the broad political field here and abroad. We have, since 1945, been engaged in an effort to bring about a peaceful world situation. The main thrust of that has necessarily been to bring to a halt the kind of armed aggression and subversion and infiltration which have come, both as a matter of doctrine and as a matter of practice, out of the Communist world.

We feel that it is very important that this country on as unified a basis as possible make it quite clear to the entire world that we are prepared to take the steps that may be required to insure the security of those to whom we are committed, and to bring such aggression to a halt. That is the primary purpose of this particular action today. And we very much appreciate the speed with which the Congress has turned its attention to this problem and hope very much that a unified and prompt action can be taken.

The rest of the statement is in front of you. I would be glad to go into questions at a later stage but, Mr. Chairman, you might wish to hear from the Secretary of Defense at this point.

(The full statement of Secretary Rusk follows:)

STATEMENT OF SECRETARY OF STATE DEAN RUSK

Chairman Fulbright, Chairman Russell, and members of the committees, I appear before you in support of the Joint Congressional Resolution on Southeast Asia now before your committees. If the committees are agreeable, I shall proceed by explaining the purpose of the Resolution. Secretary McNamara will then describe to you the recent attacks on our naval vessels and the U.S. response thereto. I would then propose to conclude by going over the text of the Resolution itself and discussing its meaning and scope.

The immediate occasion for this Resolution is of course the North Vietnamese attacks on our naval vessels, operating in international waters in the Gulf of Tonkin, on August 2nd and August 4th.

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

When Indochina was divided and the independent states of South Vietnam, Laos, and Cambodia were created under the conditions of the Geneva Accords of 1954, it was at once clear that in the face of the North Vietnamese threat South Vietnam and Laos could not maintain their independence without outside assistance. The Government of South Vietnam turned to the United States for such assistance, and President Eisenhower in December 1954 made the decision that it should be furnished, stating that our purpose was to "assist the Government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means."

In the fall of 1954, Secretary Dulles negotiated, and the Senate in early 1955 consented to, the Southeast Asia Collective Defense Treaty, sometimes known as the Manila Pact. This treaty provided for the collective defense of the parties to this treaty—Thailand, the Philippines, Australia, New Zealand, Pakistan, the United States, the United Kingdom, and France. It provided further that the protection of the treaty should extend, under an annexed protocol, to the territory of South Vietnam and to Laos and Cambodia.

I do not need to review for you the subsequent history of North Vietnamese efforts to subvert and conquer South Vietnam and to do the same in Laos. Having found that South Vietnam would not collapse of itself but was on the contrary making remarkable progress, Hanoi in 1959 initiated a systematic campaign of terror and subversion in South Vietnam, directed and supplied with key personnel and equipment from the north. By 1961, the situation had reached a critical point and the United States greatly increased its advisory and supporting assistance to the Government of South Vietnam.

Despite this assistance, the task of countering the extensive Viet Cong effort remains a long and arduous one, and as you know we have moved within the last

two weeks to further increase our support while recognizing always that the struggle in South Vietnam must essentially be the responsibility of the South Vietnamese themselves.

In Laos, the agreements reached at Geneva in 1962 have been consistently violated by Hanoi and in May of this year the situation took on a more critical character when a Communist military offensive drove neutralist forces from the area of the Plain of Jars they had held in 1962. Our responses to these events, including the provision of additional T-28's to the Government of Laos [deleted] are well known to you.

The present attacks, then, are no isolated event. They are part and parcel of a continuing Communist drive to conquer South Vietnam, control or conquer Laos, and thus weaken and eventually dominate and conquer other free nations of Southeast Asia. One does not need to spell out a "domino theory;" it is enough to recognize the true nature of the Communist doctrine of world revolution and the militant support that Hanoi and Peiping are giving to that doctrine in Southeast Asia.

U.S. policy and objectives

Although the United States did not itself sign the Geneva Accords of 1954, Under Secretary Walter Bedell Smith made a formal statement that the United States "would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security." We have repeatedly made clear that the independence and security provided for South Vietnam under those Accords was a satisfactory status for South Vietnam. All that is needed, as I have myself often said, is for Hanoi and Peiping to leave their neighbors alone.

The same is true with respect to the 1962 Accords for Laos. These provided a reasonable arrangement for the status of Laos, and what is needed, again, is simply that the Communist side should honor the commitments it undertook.

Above all, there can be no doubt of United States objectives for these nations and for the area as a whole. Here, as elsewhere, we believe that nations are entitled to remain free and to develop as they see fit. The United States has no military, territorial, or political ambitions for itself in Southeast Asia. We seek only the restoration of peace and the removal of Communist subversion and aggression.

Essentially, the outcome of this conflict, and the course of events in the area as a whole, is up to the Communist side. It has the option of accepting the freedom and independence of neighboring nations, or of continuing its aggressive tactics. For our part, as President Johnson stated on June 23: "The United States intends no rashness, and seeks no wider war. But the United States is determined to use its strength to help those who are defending themselves against terror and aggression. We are a people of peace—but not of weakness or timidity."

Purpose of the resolution

This, then, is the background of the Resolution before you. We have never doubted the support of the American people for the policies that have been followed through three administrations over a period of a decade. But in the face of the heightened aggression on the Communist side, exemplified by these latest North Vietnamese attacks, it has seemed clearly wise to seek in the most emphatic form a declaration of Congressional support both for the defense of our armed forces against similar attacks and for the carrying forward of whatever steps may become necessary to assist the free nations covered by the Southeast Asia Treaty.

We cannot tell what steps may in the future be required to meet Communist aggression in Southeast Asia. The unity and determination of the American people, through their Congress, should be declared in terms so firm that they cannot possibly be mistaken by other nations. The world has learned over 50 years of history that aggression is invited if there is doubt about the response. Let us leave today's aggressors in no doubt whatever.

I now turn to Secretary McNamara, who will describe the recent attacks and our response.

I now turn to the specifics of the Resolution before you.

The preamble, I believe, speaks for itself. It spells out in the simplest and shortest terms possible the fact of North Vietnamese attacks, their relation to the over-all campaign of aggression by North Vietnam, and the purposes and objectives of the United States in Southeast Asia.

As to the operative sections of the Resolution, Section 1 declares the approval and support of the Congress for actions, in response to armed attack on United

States forces, which the President has the authority and obligation to take in his capacity as Commander-in-Chief.

Turning next to Section 2 of the draft Resolution, let me make clear at the outset what the Resolution does not embrace. It does not cover action to assist any nation not a member of the Southeast Asia Treaty Organization or a protocol state. It does not cover any action in support of a nation unless such nation requests it. It does not cover any action to resist aggression that is not Communist in origin. The Southeast Asia Treaty includes a United States understanding that it is directed solely against "Communist aggression."

The language, "to take all necessary steps, including the use of armed force", is similar to the authority embraced in the Formosa Resolution of 1955, the Middle East Resolution of 1957, and the Cuba Resolution of 1962. Copies of each of these have been made available to you for comparative purposes. The Formosa Resolution authorized the President "to employ the armed forces of the United States". The Middle East Resolution stated that the United States was "prepared to use armed forces." The nearest parallel to the language of the present Resolution is in the first clause of the Cuba Resolution, that the United States is "determined . . . to prevent by whatever means may be necessary, including the use of arms" Cuban subversive activities extending to any part of the hemisphere.

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Chairman FULBRIGHT. Thank you, Mr. Secretary.

STATEMENT OF HON. ROBERT S. McNAMARA, SECRETARY OF DEFENSE

Secretary McNAMARA. Mr. Chairman, I prepared a statement which is available to members of the committee that outlines the events that led up to the attack of the U.S. forces on August 4. You will recall that our destroyer *Maddox* operating in international waters was attacked on the 2d; *Maddox* and the *Turner Joy* on the 4th and we responded on the 4th, Washington time.

I would be happy to read this statement, it is seven pages, or answer questions about the details, whichever you choose.

Chairman FULBRIGHT. If you would care to, put it in the record. Most of us have heard the facts but if you could highlight it.

Secretary McNAMARA. I would be happy to do so.

The attack of August 2, you will recall, was by three North Vietnamese patrol boats against the destroyer *Maddox* operating in the Gulf of Tonkin between Hainan Island at the North Vietnamese coast in international waters between 25 and 30 miles off the coast.

Three PT boats attacked the *Maddox*, launched torpedoes against it; *Maddox* returned fire with her 5-inch guns, believed they destroyed one of the boats, the other two were destroyed either by the *Maddox* or the carrier *Ticonderoga's* planes which you can see positioned south of Hainan Island.

I reported on Monday in my briefings to the Congress that I believed this to be an isolated incident, perhaps a miscalculation or misunderstanding by the North Vietnamese, and we did not anticipate it would be repeated.

Contrary to my estimate it was repeated on August 4 at which time between three and six North Vietnamese patrol boats attacked the *Maddox* and the *Turner Joy* which had been sent to accompany it on its patrol course.

At this time the vessels were about 60 miles off the coast of North Vietnam. The attack occurred at night. It appeared to be a deliberate attack in the nature of an ambush.

Torpedoes were launched, automatic weapons fire was directed against the vessels. They returned the fire. Aircraft from the *Ticonderoga* and by this time the *Constellation* which had been brought down [deleted] to support the *Ticonderoga*, were sent over the vessels and returned the patrol boat's fire.

We believe that two of the patrol boats were destroyed as a result of the fire. Engagement was broken off after 2 to 3 hours of fire. The meetings in Washington you are familiar with, the following day.

The President decided that this deliberate attack, and it was clearly a deliberate attack, a preplanned attack, required a military response. We, therefore, launched in the daylight hours about noon-time local time about midnight on August 5, 12:30 in the morning August 5, against the bases from which these boats had come, against the boats themselves, and against certain support facilities, particularly a petroleum depot at Vinh; 64 sorties were directed against these targets. We believe that about 25 boats were damaged or destroyed, certain shore facilities were destroyed. About 90 percent of the Vinh petroleum depot which contains about 10 percent of the total storage capacity of petroleum in North Vietnam was destroyed.

We think there were very few civilian casualties because these bases and the depot were in isolated portions of North Vietnam.

Our losses were two aircraft destroyed, two pilots lost, and two aircraft very slightly damaged.

The patrol is being resumed and will continue its normal course southward in the Gulf of Tonkin.

(The full statement of Secretary McNamara follows:)

STATEMENT BY SECRETARY OF DEFENSE ROBERT S. McNAMARA

Chairman Fulbright, Chairman Russell, and members of the Senate Foreign Relations and Armed Services Committees, during the past few days, deliberate and unprovoked military attacks by the North Vietnamese have given rise to the need for us to appear here today. I should like to review the attacks with you briefly and to describe the responses we made to those attacks.

The first incident occurred on August 2. It concerned the USS MADDUX, one of our destroyers engaged in a routine patrol in International waters of the Gulf of Tonkin off the North Viet Nam coast. At about noon, when the MADDUX was about 30 miles from the coast, she reported that three torpedo boats were on a southerly course heading toward the ship at a range of over 10 miles.

Two hours later, at approximately 2:40 P.M., the MADDUX was approached by a high speed—45 to 50 knot—craft. She reported that the apparent intention of this craft was to conduct a torpedo attack and that she intended to open fire in self-defense if necessary. She was attacked by the three PT craft at 3:08 P.M. She opened fire with her five-inch battery after three warning shots failed to slow down the attackers. The PTs continued their closing maneuvers, and two of the PTs closed to 5,000 yards, each firing one torpedo. The MADDUX changed

course in an evasive move and the two torpedoes passed on the starboard side at a distance of 100 to 200 yards.

The USS TICONDEROGA, which was operating in waters to the southeast and which had been alerted to the impending attack, advised she was sending four already airborne F-8E (CRUSADER) fighters with rockets and 20 mm ammunition to provide air cover for the MADDUX. At about 3:21 P.M., the third hostile PT moved up to the beam of the MADDUX and received a direct hit by a five-inch round; at the same time it dropped a torpedo into the water which was not seen to run. Machine gun fire from the PTs was directed at the MADDUX. However, there was no injury to personnel and no damage. The MADDUX continued in a southerly direction to join with a sister destroyer, the C. TURNER JOY, as TICONDEROGA aircraft commenced attacking the PTs. ZUNI rocket runs and 20 mm strafing attacks were directed against two of the PTs, and they were damaged. The third PT remained dead in the water after the direct hit by the MADDUX. At 3:29 P.M., the engagement terminated and the aircraft escorted the MADDUX southward on its patrol course.

On Monday, August 3, the President made public instructions that he had issued the day before regarding future patrols and engagements with enemy craft. He instructed the Navy, first, to continue the patrols in the Gulf of Tonkin; second, to double the force by adding an additional destroyer to the one already on patrol; third, to provide a combat air patrol over the destroyers; and fourth, to issue instructions to the combat aircraft and to the destroyers (a) to attack any force which attacked them in international waters, and (b) to attack with the objective of not only driving off the force but of destroying it.

At the same time as these instructions were being broadcast throughout the world, the State Department, acting pursuant to the President's further instructions, took steps to deliver a note of protest to the North Vietnam regime. The note was also widely publicized. It concluded with the words, "The United States Government expects that the authorities of the regime in North Viet-Nam will be under no misapprehension as to the grave consequences which would inevitably result from any further unprovoked offensive military action against United States forces."

Our hopes that the firm defensive action taken in response to the first attack and the protest to Hanoi would end the matter were short-lived.

After the first attack on Sunday, the MADDUX joined with its sister destroyer, the USS TURNER JOY, in the Gulf of Tonkin and resumed its patrol in international waters, as directed by the President.

Monday, August 3, was uneventful.

The patrol was also uneventful during most of the daylight hours of Tuesday, August 4. In the early evening of August 4, however, the MADDUX reported radar contact with unidentified surface vessels who were paralleling its track and the track of the TURNER JOY. It was 7:40 P.M. when the MADDUX reported that, from actions being taken by those unidentified vessels, an attack by them appeared imminent. At this time the MADDUX was heading southeast near the center of the Gulf of Tonkin in International waters approximately 65 miles from the nearest land.

The MADDUX at 8:36 P.M. established new radar contact with two unidentified surface vessels and three unidentified aircraft. At this time, U.S. fighter aircraft were launched from the TICONDEROGA to rendezvous with the MADDUX and the TURNER JOY to provide protection against possible attack from the unidentified vessels and aircraft, in accordance with the President's previously issued directives. Shortly thereafter, the MADDUX reported that the unidentified aircraft had disappeared from its radar screen and that the surface vessels were remaining at a distance. The aircraft from the TICONDEROGA arrived and commenced defensive patrol over the MADDUX and the TURNER JOY.

At 9:30 P.M., additional unidentified vessels were observed on the MADDUX radar, and these vessels began to close rapidly on the destroyer patrol at speeds in excess of 40 knots. The attacking craft continued to close rapidly from the west and south and the MADDUX reported that their intentions were evaluated as hostile. The destroyers reported at 9:52 P.M. that they were under continuous torpedo attack and were engaged in defensive counterfire.

Within the next hour, the destroyers relayed messages stating that they had avoided a number of torpedoes, that they had been under repeated attack, and that

they had sunk two of the attacking craft. By Midnight local time, the destroyers reported that, even though many torpedoes had been fired at them, they had suffered no hits nor casualties and that the defensive aircraft from the TICONDEROGA were illuminating the area and attacking the enemy surface craft. Shortly thereafter, they reported that at least two enemy craft had been sunk although low ceilings continued to hamper the aircraft operations. The TURNER JOY reported that during the engagement, in addition to the torpedo attack, she was fired upon by automatic weapons while being illuminated by searchlights.

Finally, after more than two hours under attack, the destroyers reported at 1:30 A.M. that the attacking craft had apparently broken off the engagement.

The deliberate and unprovoked nature of the attacks at locations that were indisputably in international waters compelled the President and his principal advisers to conclude that a prompt and firm military response was required. Accordingly, the President decided that air action, in reply to the unprovoked attacks, should be taken against gunboats and certain supporting facilities in North Vietnam which had been used in the hostile operations. On Tuesday evening, after consulting with Congressional leadership, he so informed the American people.

The United States military response was carefully planned and effectively carried out. The U.S. air strikes began approximately at noon Wednesday local time against North Vietnamese PT and gun boats, their bases and support facilities. These reprisal attacks, carried out by naval aircraft of the United States Seventh Fleet from the carriers TICONDEROGA and CONSTELLATION, were limited in scale—their primary targets being the weapons against which our patrolling destroyers had been forced to defend themselves twice in the prior 72 hours.

Specifically, our naval air forces launched 64 attack sorties against 4 North Vietnamese patrol boat bases and their boats and against a major supporting oil storage depot. Strike reports indicate that all targets were severely hit, in particular the petroleum installation where 10% of North Vietnam's petroleum storage capacity was 90% destroyed. Smoke was observed rising to 14,000 feet. Some 25 North Vietnamese patrol boats were destroyed or damaged.

Our losses were two aircraft destroyed and two damaged. One of the pilots is believed to have crashed with his plane between two PT craft he had under attack. Another pilot reported that he was ejecting from his downed aircraft. His whereabouts is at present listed as unknown.

In view of the unprovoked and deliberate attacks in international waters on our naval vessels and bearing in mind that the best way to deter escalation is to be prepared for it, the President and his principal advisers concluded that additional precautionary measures were required in Southeast Asia. Certain military deployments to the area are therefore now underway. These include:

- a. Transfer of an attack carrier group from the Pacific Coast to the Western Pacific;
 - b. Movement of interceptor and fighter bomber aircraft into South Vietnam;
 - c. Movement of fighter bomber aircraft into Thailand;
 - d. Transfer of interceptor and fighter bomber squadrons from the United States to advance bases in the Pacific;
 - e. Movement of an antisubmarine force into the South China Sea;
 - f. The alerting and readjusting for movement of selected Army and Marine forces.
- In the meantime, U.S. destroyers with protective air cover as needed, continue their patrol in the international waters of the Gulf of Tonkin.

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

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

Chairman FULBRIGHT. Thank you, Mr. Secretary.
General Wheeler, do you wish to add anything?

STATEMENT OF GENERAL EARLE G. WHEELER, CHAIRMAN,
JOINT CHIEFS OF STAFF

General WHEELER. I have no statement, sir, except to state that the action that was taken was considered by the Joint Chiefs of Staff and unanimously recommended to the Secretary of Defense and later on to the President, to President Johnson, as being the response which the Joint Chiefs of Staff thought was appropriate under the circumstances, Mr. Chairman.

Chairman FULBRIGHT. Well, gentlemen, I don't wish to ask any questions. I only want to make a very brief statement. The promptness and decision with which all of you exhibited on this occasion was commendable and I also think the restraint with which you used overwhelming power in the area is a new attitude on the part of a great power that is extremely beneficial and I think will be effective.

Senator Russell?

Chairman RUSSELL. I would like to suggest that the resolution referred to by the Secretary of State be inserted in the record following his remarks.

Chairman FULBRIGHT. Without objection.

Chairman RUSSELL. Mr. Secretary McNamara, do you have any theory with respect to these unidentified aircraft picked up on radar?

Secretary McNAMARA. We have no information other than the first report of the *Maddox* that three unidentified aircraft had been discerned on the radar at about the time the radar disclosed the approach of the patrol boats.

There was no action by the aircraft, however, directed against our vessels.

Chairman RUSSELL. Nor against our aircraft the following day?

Secretary McNAMARA. Nor against our aircraft.

Chairman RUSSELL. How is petroleum delivered to North Vietnam, by sea?

Secretary McNAMARA. Principally by sea.

Chairman RUSSELL. It could be cut off then?

Secretary McNAMARA. Yes, sir; it could be.

Chairman RUSSELL. I have nothing further, I believe, Mr. Chairman.

Chairman FULBRIGHT. Senator Sparkman?

SIZE OF NORTH VIETNAMESE NAVY

Senator SPARKMAN. Does North Vietnam have a navy of any strength?

Secretary McNAMARA. We believe it has had about 12 patrol boats known as PT-4's, and something on the order of 30 similar type boats known as Swatow boats, something on the order of 40 to 50 patrol-type vessels, therefore.

Senator SPARKMAN. I have no questions. I would like to make just this comment, particularly regarding Secretary Rusk's statement.

I am glad to see that the resolution has on the face of it a recognition of the constitutional right of the President to take these actions and that this really amounts to confirmation or a ratification by the Congress of the action taken and a pledge to lend all support that may be necessary.

Is that a correct interpretation?

Secretary RUSK. As you know, sir, the Presidents, since President Jefferson, have taken the view that the President of the United States has the authority to use the Armed Forces——

Senator SPARKMAN. I believe he has.

Secretary RUSK (continuing). To protect American interests. This resolution approves and supports the action taken by the President in the protection of national interests as spelled out in the resolution.

Senator SPARKMAN. Both the Formosa resolution and the Near East resolution recognized that right, too.

Secretary RUSK. That is correct, sir.

Senator SPARKMAN. That is all, Mr. Chairman.

Chairman FULBRIGHT. Senator Stennis?

WIDE AGREEMENT ON RESOLUTION

Senator STENNIS. Mr. Chairman, most of us around the table have been in favor of this resolution. There would be mighty little exception to that but what many of us are interested in is who are involved in this attack. Let's go over it again if you don't mind, whichever one wishes to, who is involved.

What do you know about it and what do you believe about it.

Secretary McNAMARA. I think it is very clear that the attack of August 2 and of August 4 was carried out exclusively by patrol craft of North Vietnam. There was an allusion a moment ago to three unidentified aircraft which appeared on the radar screens. Whose aircraft these were, where they came from we don't know but they did not participate in the attack, in any event.

Senator STENNIS. But they were unexplained and unknown?

Secretary McNAMARA. Yes, sir; we don't know whether they were transport aircraft, combat aircraft. We don't know their point of origin or their purpose.

ROLE OF RED CHINA

Senator STENNIS. Well, the background, what led up to all this. What do you think about the possibility of Red China's direct participation or prompting or indirect, what is your idea?

Secretary McNAMARA. We see no evidence of their direct participation in the attack.

What their counsel may have been from North Vietnam I can't say.

Senator STENNIS. You don't have any intelligence on that?

Secretary McNAMARA. No, sir; we do not.

Secretary RUSK. Mr. Chairman, I might just add one comment on that.

The immediate action that was here does seem to be exclusively North Vietnamese, but the Chinese Communists have been giving strong public support to the position of North Vietnam, and they recently made a statement on the 6th of August:

Aggression by the United States against North Vietnam means aggression against China. The U.S. Government must stop its armed provocations against the democratic Republic of Vietnam. Otherwise it must be held responsible for all the grave consequences arising therefrom.

It is our impression that the Chinese would give at least very strong political and public support to the North Vietnamese in this situation. We just frankly do not know whether they will translate that into action of any sort. [Deleted.]

Senator STENNIS. Thank you, sir.

Secretary McNAMARA. Senator Stennis, there are Chinese bases on Hainan Island. Our destroyers were operating in this area as were our aircraft.

During the period our destroyers and aircraft were operating on patrol in this area, during the time of the North Vietnamese attack on them, Chinese aircraft were operating out of Hainan Island in this direction. They did not approach our vessels or aircraft and they did not in anyway attack.

Senator STENNIS. Not wanting to take much time, Mr. Chairman, but I feel all are interested and may we call on General Wheeler to say if he had any additional comment to that question?

General WHEELER. I have none, sir. I think Secretary McNamara has covered it. We are confident that the attacks were launched by Vietnamese patrol craft. There was no participation so far as we are aware by any other nationality.

Of course, what support might have been given in the form of counsel or other things of that kind we don't know.

Senator STENNIS. Did you say the extent of that naval power was just about a dozen PT boats?

General WHEELER. They have got about a dozen of these PT boats of the type that made these attacks. They have 30 slightly larger craft but they are also patrol craft known as Swatows and then they have, of course, the usual support installations, smaller craft, barges, and things of that kind.

Senator STENNIS. And this is the extent of their—

General WHEELER. Their navy consisted of about 200 officers and 2,000 enlisted men.

Senator STENNIS. Air power?

General WHEELER. They have no combat aircraft at all.

Senator STENNIS. Thank you, Mr. Chairman.

Chairman FULBRIGHT. Senator Hickenlooper?

Senator HICKENLOOPER. I would like to ask Secretary McNamara, where were our two planes lost?

Secretary McNAMARA. One aircraft was lost over Hon Gay which is the most northerly point, as you can see, Hon Gay torpedo boat area, and the other was at Loc Chao.

Senator HICKENLOOPER. I see.

In reading the newspaper dispatches it seemed to me that the strikes were at different times, in other words, there were some strikes and then subsequently strikes at other installations.

I was just wondering why the original strikes were not simultaneous so that they would all strike the same time? Because manifestly a strike at one would alert the others.

Secretary McNAMARA. They were off the two carriers, the carriers at the time of launch were not in the position shown on the map: the *Constellation* [deleted] was not in, as far south as is shown there. Its aircraft were required to fly a longer distance than the *Ticonderoga's*, and we knew they would be picked up at time of launch by radar and as it turned out they were, it was a simultaneous launch rather than a

simultaneous attack which was the important point in relation to the disclosure of intent.

Senator HICKENLOOPER. I see.

I only want to say that I think the United States had no other recourse. The decisions were sound. I certainly support the necessity of vigorous and immediate retaliation in this situation. I have no particular questions having gone through this to some extent otherwise.

Chairman FULBRIGHT. Senator Saltonstall?

Senator SALTONSTALL. Mr. Chairman, I have no questions.

I think this is, I know that this is, the fourth time since I have been a Member of Congress that we have had these resolutions. I believe the action of the President was essential to defend the prestige of our Armed Forces, and certainly the submission of this resolution is in accordance with our Constitution to have Congress support the President in these defensive actions and I intend to support this resolution wholeheartedly and with my best efforts.

Chairman FULBRIGHT. Senator Morse?

U.S. ACTION OPPOSED

Senator MORSE. Mr. Chairman, my views are pretty well known. I am unalterably opposed to this course of action which, in my judgment, is an aggressive course of action on the part of the United States. [Deleted.]

I think what happened is that Khanh got us to backstop him in open aggression against the territorial integrity of North Vietnam. I have listened to briefing after briefing and there isn't a scintilla of evidence in any briefing yet that North Vietnam engaged in any military aggression against South Vietnam either with its ground troops or its navy.

[Deleted.]

Mr. MORSE. I shall vote against the resolution.

Secretary RUSK. Mr. Chairman, I feel compelled to make a brief comment on what the distinguished Senator from Oregon has just said.

Since 1954 the North Vietnamese have been undertaking to undermine and take over the Government of South Vietnam. There was some surcease from those depredations during the years about 1956 to 1958, but in 1959 the North Vietnamese again came back to it, made a decision to step up their activities, and in 1960 publicly proclaimed their purpose.

Now, the shape and form of armed attack and of aggression have been changing in this postwar world. I cannot myself, see any lack of aggressiveness or any lack of military action in the infiltration of parties of individuals, some of them running up to 150 and 200 at a time, infiltrating through Laos, contrary to agreements, into South Vietnam contrary to their obligations, for the purpose of carrying on armed action against the authorities and the people of South Vietnam.

So, that I think we ought to try our best to keep very clear who is the aggressor here, and what the purposes of the United States and the free world are. We have helped country after country, through the Marshall plan and NATO right around the world in this postwar period in maintaining their security and independence, and we don't control any of them. We have none of them in any American empire.

The issue here, it seems to me, is a very clear one between a persistent course of aggression and an attempt on our side and the side of our friends in southeast Asia to create independent, secure, and prosperous countries who have a chance to live their own lives without interference from their neighbors.

BASIS OF DISAGREEMENT REVOLVES AROUND ROLE OF
NORTH VIETNAM

Senator MORSE. I don't propose to engage in a debate with the Secretary of State here. I disagree on the basis of the many replies presented, on the basis of his own testimony before this committee when we have asked time after time for evidence from the Secretary of State and the Pentagon Building of any proof of any organized military operation of North Vietnam going into South Vietnam. You have never been able to produce a scintilla of evidence. We have all recognized the vicious infiltration tactics of the Communist system trying to undermine South Vietnam, but it has been going back and forth across the borders. The sad thing is that we were in there all the time when, in my judgment, we shouldn't have been in there except to keep the peace. We ought to have been at the conference table.

Secretary McNAMARA. Mr. Chairman, may I respond to this? There have been several misstatements made and I would like to correct them for the record.

Chairman FULBRIGHT. Yes.

NO RELATION BETWEEN UNITED STATES AND SOUTH VIETNAMESE
ACTIONS

Secretary McNAMARA. I would like to cover three points. First, [deleted]. The *Maddox* was operating in international waters, was carrying out a routine patrol of the type we carry out all over the world at all times. [Deleted.]

I think it is extremely important that you understand this. If there is any misunderstanding on that we should discuss this point at some length.

Senator MORSE. I think we should.

Secretary McNAMARA. I say this flatly; this is the fact.

Senator MORSE. What was your testimony the other day, Mr. Secretary, on the record [deleted].

Secretary McNAMARA. I testified the other day that the American vessels were, or the American vessel was—it was the *Maddox* at that time—was operating on a southerly course in routine patrol in international waters in this area [deleted].

Senator MORSE. [Deleted.]

Secretary McNAMARA. [Deleted.]

PROOF OF NORTH VIETNAMESE ACTIVITIES IN THE SOUTH

Now if you want to discuss actions by South Vietnam I will discuss them, but before doing so I want to make one other point. This Government has positive proof of the organized effort of North Vietnam to subvert the Government of South Vietnam. It has posi-

tive proof of the direction of the military actions in South Vietnam by North Vietnam. This proof has been available for a long time. I assume this committee is aware of it. If it isn't aware of it, I will be perfectly happy to expose it to a selected group of members of the committee. There should be no misunderstanding on the part of any of you of the direction of the attempt to subvert the Government of South Vietnam by North Vietnam, of a day-by-day command of that effort, of the continued support of it.

Senator MORSE. I want to make perfectly clear I have never questioned the subversive activities of North Vietnam. But I also want to make perfectly clear, Mr. Secretary, that you have not put in the record of this committee any proof at any time of any overt military operations of North Vietnam into South Vietnam.

We have asked you time and time again; you people come before this committee, "Well, we think a cadre now and then but there has been no organized military invasion of North Vietnam into South Vietnam," that has been the testimony time and time again.

Secretary McNAMARA. I dispute that, Senator.

Senator MORSE. Well, the record will speak for itself.

Secretary McNAMARA. You said there has been none.

I don't know what the record shows because I am not familiar with the record of this committee but I do know there is an organized effort of North Vietnam using men and materiel to destroy the Government of South Vietnam, and we have ample evidence of that, and if this committee wishes to enter into a discussion of that evidence I am perfectly willing to supply it to you, although some of it is so highly classified that I would have to ask you to appoint a selected committee.

DIFFERENCE BETWEEN REGULAR TROOPS AND INFILTRATORS

Secretary RUSK. Mr. Chairman, since I have been before the Foreign Relations Committee a number of times, I would like to point to the distinction between organized units of North Vietnamese in their own uniforms, flying their own flag, coming into South Vietnam, and groups of infiltrators trained and organized by North Vietnam, bearing arms, who come down into South Vietnam, organizing operations against the people of South Vietnam.

This is what I said, what I had in mind, when I said the shape of aggression is changing in the postwar world. That doesn't mean it is not just as much aggression as if they were flying their own flags. There are certain technical distinctions, but the aggression in fact is here.

Senator MORSE. [Deleted.]

That is what the Communists are going to try to play up and I don't think we ought to let ourselves get into that position.

SCOPE OF COMMUNIST INFILTRATION

Secretary McNAMARA. Mr. Chairman, may I respond again very briefly to this?

I think you should understand the infiltration of South Vietnam by sea that has taken place for 2½ years, and the degree to which South Vietnam has endeavored to respond to that, and I will cover it very briefly for you.

Between July and December of 1961 there were 140 incidents of infiltration from North Vietnam into South Vietnam by sea. These included infiltration of bazookas. It included infiltration of groups as large as 65 by single junks. There were 1,400 probable or confirmed infiltrations of personnel at that time.

Then South Vietnam had no organized force to combat these infiltrators. They had only 80 sailing junks. None of these were motorized, obviously an ineffective sea patrol. We assisted them in organizing a sea patrol starting in December 1961.

At that time we started their junk force. A portion of that force was financed by military assistance funds. About 500 junks were built. Using those funds, the Vietnamese added about 60 more financed by their own funds. These junks fall in four categories.

There are command junks, about 28 of them, that have a crew of 10, carry automatic weapons and radios. There are about 240 sailing junks that carry out surveillance. These are in a sense pickets or patrols, stationed in particular areas carrying out routine surveillance of that area.

There are several hundred motorized sailor junks or motorized junks carrying automatic weapons, patrolling an extended area of the sea. This patrol of some 600 or 700 junks in the 8 months—of the last 8 months of 1963—searched 130,000 junks, searched 350,000 people, discovered 140 Vietcong agents among them.

In the first 7 months of this year, they have searched 149,000 junks, some 570,000 people. This is a tremendous operation endeavoring to close the sea coasts of over 800 miles. [Deleted.]

Senator MORSE. [Deleted.]

Senator SALTONSTALL. [Deleted.]

Secretary McNAMARA. [Deleted.]

Chairman FULBRIGHT. Senator Mansfield?

Senator MANSFIELD. No questions.

Chairman FULBRIGHT. Senator Symington?

Senator SYMINGTON. Thank you, Mr. Chairman.

COMMUNIST ANTIAIRCRAFT WEAPONS

Mr. Secretary, could you tell us what type of antiaircraft weapons have been used by North Vietnam to the best of our knowledge?

Secretary McNAMARA. Perhaps General Wheeler can respond.

General WHEELER. No missile, it is all field artillery of the smaller calibers, 57, 37 millimeter and, of course, automatic weapons of various kinds.

Senator SYMINGTON. Did any of our planes rearm and fly two sorties from the carriers?

General WHEELER. A limited number, 14.

Senator SYMINGTON. Fourteen out of sixty-four?

General WHEELER. Yes, sir.

Senator SYMINGTON. Would you give details of the F-8E Crusader?

General WHEELER. It is a jet.

Senator SYMINGTON. Will you furnish for the record what its characteristics are?

General WHEELER. I will, sir.

Senator SYMINGTON. You say that, in addition to the torpedo attack on page 4 of your statement, Mr. Secretary, that the *Turner Joy* was fired upon by automatic weapons?

What is the definition of an automatic weapon?

Secretary McNAMARA. These were probably 3-inch or something of that size on the Swatow and/or PT-4 boats.

Senator SYMINGTON. So an automatic weapon would be a 3-inch shell?

Secretary McNAMARA. Yes, sir.

Senator SYMINGTON. And then, not in any sense of criticism but just for information, on page 5 you talk about destroying 90 percent of a tank which was 10 percent of North Vietnam's petroleum.

Secretary McNAMARA. Yes.

Senator SYMINGTON. May I ask why you didn't go for more of their petroleum?

Secretary McNAMARA. Well, the remaining portion of their petroleum depots were associated with other parts of their economic system. This seemed very clearly to be associated with the Swatows and, therefore, it was a relevant target attack.

Senator SYMINGTON. Finally, you mentioned the various additional equipment that you are sending out in reenforcement, A, B, C, D, E, F.

Secretary McNAMARA. Yes.

Senator SYMINGTON. Would you give for the record the type and character of planes?

Secretary McNAMARA. Yes, perhaps I can put that, insert that, in the record, Senator Symington.

Chairman FULBRIGHT. Senator Aiken?

Senator AIKEN. Mr. Secretary, do our preparations take into consideration the possibility of war with Red China?

Secretary McNAMARA. We have contingency plans, Senator Aiken, which take account of that. [Deleted.]

Senator AIKEN. You are fully prepared then?

Secretary McNAMARA. Yes, sir.

Senator AIKEN. In the case that Red China attacks?

Secretary McNAMARA. Yes, sir.

Senator AIKEN. That is all.

Chairman FULBRIGHT. Senator Smith?

Senator SMITH. Yes.

Mr. Secretary, or Secretary McNamara, you referred a while ago to your statement that you made on Monday—

Secretary McNAMARA. Yes.

Senator SMITH (continuing). About the incident being an isolated one.

Secretary McNAMARA. Yes, sir.

Senator SMITH. Was that because of lack of intelligence or error in judgment?

Secretary McNAMARA. I think it was because with hindsight I personally consider the action of the North Vietnamese a form of suicide and I didn't expect them to undertake that.

Senator SMITH. Thank you.

Senator AIKEN. [Deleted.]

Secretary McNAMARA. [Deleted.]

Senator AIKEN. I see.

That is all.

Chairman FULBRIGHT. Senator Long.

Senator LONG. Mr. Secretary, to what extent did our people achieve surprise when they struck back at the mainland?

Secretary McNAMARA. There is ample evidence they achieved complete surprise because as General Wheeler pointed out to me yesterday that it is inconceivable that a military force expecting an attack would have its boats lying dead in the water at the base, and this is exactly the way we found most of the North Vietnamese.

Senator LONG. That is the point I had in mind. It sounded from what you say here as though we achieved about—considering the size—that we achieved about the kind of surprise on their navy that the Japanese achieved in Pearl Harbor.

Secretary McNAMARA. I think that is exactly true. That applies to all of the four bases.

Senator LONG. Would you comment on that, General Wheeler?

General WHEELER. Yes, sir; Senator.

U.S. ATTACK A SURPRISE

I believe that our quick and firm reaction took them by tactical surprise, but as the Secretary said, in thinking this one over, I can't imagine any military commander putting his boats into these limited anchorages when he expected an attack on them.

Senator LONG. I suppose it is good that the world be told we have been attacked before we struck back but once I knew that was a deliberate attack on my Government my reaction is you should have struck back as quickly as you could, and I commend you for that.

I will vote for the resolution. I think it is perhaps to the enemy's advantage that we have more international lawyers than they do. My guess is they don't spend as much time arguing about the international niceties about what they are going to do. If they decide they are going to do it they do it. I believe they understood better as soon as you struck back.

As much as I would like to be consulted with on this kind of thing the less time you spend on consulting and the quicker you shoot back the better off you are.

That is what I understand.

Chairman FULBRIGHT. Senator Jackson?

Senator JACKSON. [Deleted.]

Secretary RUSK. [Deleted.]

Senator JACKSON. Thank you.

LITTLE SOVIET SUPPORT FOR RED CHINA

Secretary McNAMARA, I wonder if you could briefly update the committees on the situation with reference to Chinese arms as it has been affected by the withdrawal of the Soviet support, starting apparently in 1960; if that has continued, what impact it has had on the air force and ground forces.

Secretary McNAMARA. We believe that the Chinese have received little support from the Soviet since 1960. It seems unlikely that they have received any modernization of their major weapons systems with but one or two minor exceptions.

The result is that their air force does not include many modern jets. It is made up principally of Mig 15's, 17's, and 19's, and bombers known as the IL-28 which is a relatively obsolete twin-engine jet bomber, plus a bomber known as the Bat which is a twin-engine piston

bomber. It seems probable that the air force has suffered from lack of spare parts and proper maintenance during that period, because the petroleum supplies have been limited, for the same reasons, the pilot training has almost certainly suffered.

We estimate the number of hours of training each pilot has received per year in the past 3 years is far below the level required for maintenance of proficiency. So, I think we can say their air force is seriously deficient in equipment and competence today.

The ground forces suffered but probably to a lesser degree, since they are able to manufacture some of their own ground force equipment.

They have a tremendous advantage of large numbers of men, and a willingness and capability for subsistence on a very low level of support.

Senator JACKSON. If they should desire to escalate, there is more probability that they would move from a ground point of view rather than air at this time?

Secretary McNAMARA. [Deleted.]

General WHEELER. [Deleted.]

Senator JACKSON. [Deleted.]

General WHEELER. [Deleted.]

Senator JACKSON. That is all, Mr. Chairman.

Chairman FULBRIGHT. Senator Carlson?

Senator CARLSON. Mr. Secretary, I have been interested in hearing these briefings as to our intelligence.

As I gather this strike on the U.S.S. *Maddox* was a surprise. Press reports indicate there is a continuous infiltration of southern Vietnamese into North Vietnam. [Deleted.]

How good is our intelligence in this area?

Secretary McNAMARA. This is such a highly classified subject, Senator Carlson, it is difficult for me to answer your question fully.

Senator CARLSON. I will not ask you to discuss it then.

Secretary McNAMARA. [Deleted.]

Senator CARLSON. That is all, Mr. Chairman.

Chairman FULBRIGHT. Senator Case?

Senator CASE. First, in general, I want to associate myself with those who gave their hearty support to the actions taken by the President and the Secretary. I think it would be unfortunate if we did not support immediate action in response to aggression and on the spot because this is where the decisions are made and anything we do afterward will be affected favorably or adversely by our failure to take action or whatever action we take.

I would like to ask two questions. One, in relation to the resolution. I have not been a member of the committee when any of the former resolutions were presented.

LANGUAGE OF SUCH RESOLUTIONS HAS BEEN CONSISTENT

Have they all had the provision which appears on line 13 on page 2, "As the President determines" or is that unique to this or has it been in some?

Chairman FULBRIGHT. They have had language equivalent to that, the equivalent, "As he deems necessary."

I think that in three previous resolutions, the language is almost the same, either "As he determines" or "As he deems necessary."

Senator CASE. This is the heart of the matter so far as discretion is concerned. At the first briefing we had, after the first strike, I was somewhat concerned at the ineffectiveness of our response. Why didn't we get all of our ships in right away? I don't want to get into classified stuff—but when we had certain air response as well as the guns from the *Maddox*, we were still unable to do more than sink, I believe, one and disable another. We didn't have, as I understand it, homing devices on rockets that either the ships or the aircraft had.

Are you satisfied, Mr. Secretary, and you, General Wheeler, with the adequacy of our capability in this respect?

U.S. MILITARY STRENGTH IS ADEQUATE

Secretary McNAMARA. Yes; and I think the strike of yesterday indicates the capability we have.

Perhaps you would like to ask General Wheeler.

General WHEELER. I think you can say, Senator, it is satisfactory. When we spoke to you the other day we really didn't know that one of those boats had been destroyed or not. Later on we determined it had and we also determined that the other two had been fairly heavily damaged, and I think that we can take satisfaction in that. It was a night action and we think we got two more. I think this was good, particularly in the hours of darkness, very dark, as a matter of fact, and then the strikes of yesterday, I think, were most successful.

So, I am satisfied with them.

Senator MORSE. Will the Senator from New Jersey yield for 30 seconds?

I just wanted to point out that there was great discussion of the Cuban resolution. At the time there was not any authority given the President by direct language. The fact that it wasn't, produced unanimity in committee that considered the situation quite different from both the Formosa and Lebanon resolutions.

Senator CASE. That is all, thank you.

Chairman FULBRIGHT. Senator Lausche?

CHRONOLOGY OF EVENTS OF AUGUST 2, 1964

Senator LAUSCHE. I want to get clear in the record and in my own mind exactly what happened on the 2d. The testimony given thus far indicates that the *Maddox* reported hostile patrol vessels to some superior office and that it believed that those patrol vessels were intent upon hostile action.

Do the records of the vessels show a communication from the *Maddox* to a superior officer stating that they are being followed and that it looked as if hostile action would take place?

Secretary McNAMARA. I think General Wheeler can answer whether the higher headquarters show that.

General WHEELER. The records of higher headquarters do show a stream of communications, a continuous stream of reports, from the *Maddox* back to the task force commander who was on the *Ticonderoga*. What actually happened was that on 3:50, eastern daylight time on the 2d, the *Maddox* was approached by three North Vietnamese motor torpedo boats with the apparent intention of launching a

torpedo attack. That is when the *Maddox* retired to the east at 27 knots.

The torpedo boats came on after her and she got within 9,000 yards which was at 4:08 eastern standard time, the *Maddox* fire three warning shots from a 5-inch battery.

Senator LAUSCHE. That is not what I want. I want to know if your records show a communication; that is, the *Maddox* reporting to the *Ticonderoga* that it looked as though they are going to be subjected to an attack.

General WHEELER. That is correct.

Senator LAUSCHE. That would prove the *Maddox* did not precipitate the thing but was awaiting instructions from the *Ticonderoga*.

General WHEELER. That is correct, sir.

Not only that, Senator, we not only have a communication record but the fact that the *Maddox* turned to the eastward and proceeded out to sea.

Senator LAUSCHE. To avoid?

General WHEELER. To avoid any contact with hostile PT boats.

Senator LAUSCHE. Then the *Maddox* did nothing until it was actually fired upon?

General WHEELER. Fired three warning shots when these PT boats approached within 9,000 yards. That was the first action, sir.

Secretary RUSK. Despite the warning shots, the PT boats continued to close at a high speed.

Senator LAUSCHE. Continued to close?

According to your reports the torpedoes were set into motion and it was then that you began your firing.

General WHEELER. That is correct, sir. They came within 5,000, two of them, PT boats came up within 5,000 yards away and launched torpedoes which the *Maddox* evaded by changing her course.

Senator LAUSCHE. Now then, on August 3, the President made his statement. You appeared before us.

Secretary McNAMARA. Yes.

Senator LAUSCHE. But there was nothing of any consequence happening in the area.

General WHEELER. That is right.

Senator LAUSCHE. Now then, on August 4, you again have the *Maddox* supposedly reporting radar contact with unidentified surface vessels who were paralleling its track and the track of the *Turner Joy*.

Secretary McNAMARA. That is correct.

Senator LAUSCHE. To whom was that report made by the *Maddox*?

Secretary McNAMARA. That was made by the *Ticonderoga* and, of course, transmitted to higher headquarters, CincPac and Washington as well.

Senator LAUSCHE. Then at 7:40 p.m., the *Maddox* reported again to headquarters that from the actions being taken by those unidentified vessels an attack by them appeared imminent?

Secretary McNAMARA. That is correct.

Senator LAUSCHE. Now, at this time the *Maddox* was heading southeast near the center of the Gulf of Tonkin in international waters approximately 65 miles from the nearest land; 8:36 *Maddox* again established radar contact with two items by vessels. It still did nothing, is that correct?

Secretary McNAMARA. That is correct.

Senator LAUSCHE. Were there shots fired by the North Vietnamese on the 4th before you went into these lands?

Secretary McNAMARA. Oh, yes: the *Maddox* was attacked as was the *Turner Joy* on the 4th.

Senator LAUSCHE. Do you know how many of the torpedoes were set into motion and what small arms were used?

Secretary McNAMARA. It is difficult to estimate. This was a very dark night. This attack was carried out during the night, the hours of darkness. It was a premeditated attack, a preplanned attack. It was described as an ambush in the reports from the commanders, but because it was night it is very difficult to estimate the total amount of fire.

Senator LAUSCHE. The shots were again initiated by the North Vietnamese?

Secretary McNAMARA. Yes.

General WHEELER. That is correct.

Senator LAUSCHE. [Deleted.]

Secretary McNAMARA. [Deleted.]

Senator LAUSCHE. The attacks upon us occurred in international waters?

Secretary McNAMARA. That is right.

General WHEELER. That is right.

First one was 28 miles or 30 miles offshore and the second one was about 65 miles offshore.

Senator LAUSCHE. Then our course would be to either maintain our honor and our security or drop tail and run for the ocean, I suppose?

General WHEELER. That is correct.

Chairman FULBRIGHT. Senator Ervin?

Senator ERVIN. I would like to ask Secretary Rusk a couple of questions.

BACKGROUND OF U.S. INVOLVEMENT

As I infer from your statement we first became involved in South Vietnam, in this area, in 1954.

Secretary RUSK. Well, in the postwar period we had been giving assistance to France in connection with Indochina. We gave a considerable amount of assistance during that period.

But we became directly involved with the Government of South Vietnam after the partition of Vietnam into two, and after it became apparent to the administration at that time that South Vietnam would require outside assistance if it was to have a chance to maintain its independence.

Senator ERVIN. Did we have any treaty obligation which imposed any duty in that respect on us prior to the making of the SEATO Treaty?

Secretary RUSK. No, sir; there was no treaty obligation. This was on the basis of a request from the Government of Vietnam to us, and our acceptance of that request and action under our aid programs for South Vietnam.

Senator ERVIN. Is it your position that we are now rendering such aid as we are rendering to Vietnam under an obligation assumed by us under the SEATO Treaty.

Secretary RUSK. Well, there are several aspects of this.

In the first place, the President, we believe, has authority under aid programs and under his own responsibility as President and Commander in Chief to give assistance of the sort we have been giving there.

Of course, all this assistance that is provided, the tangible assistance, is done on the basis of congressional appropriations which are fully discussed here. We do believe that the obligations of the SEATO Treaty are both joint and several, and that the SEATO Treaty is a substantiating basis for our presence there and our effort there, although, however, we are not acting specifically under the SEATO Treaty.

Senator ERVIN. Are our assistance efforts to South Vietnam assisted in any tangible way by any of the other signatories to the SEATO pact?

Secretary RUSK. This is something on which we have not by any means been satisfied. The Government of South Vietnam very recently has addressed communications to 32 other governments asking for their assistance and we are giving that the strongest possible supporting diplomatic effort on our own. We think this is beginning to yield some results, but I would not wish to make too much point of this because we are still very dissatisfied.

But governments—of Japan, Korea, [deleted]—from southeast Asia all around to Europe, are now putting in additional assistance and considering what they can do.

SCOPE OF SEATO SUPPORT

Senator ERVIN. Has the United Kingdom or France or the Philippines, Australia, New Zealand, Pakistan afforded any assistance?

Secretary RUSK. In the case of France, France's assistance in South Vietnam is basically in the field of investment and technical assistance.

They have, for example, a considerable number of teachers there and medical personnel, but they do not have military personnel there and it has been made very clear they do not contemplate putting military personnel in there.

In the case of Britain, they have had some personnel in there. They are pretty well occupied in other areas [deleted]. But they are looking again at what they can do.

Australia has been increasing their help. They have personnel in the field serving as advisers with the South Vietnamese units as we do. [deleted].

New Zealand is adding personnel. [Deleted.]

Pakistan is preoccupied with its problems over Kashmir and with India that there is no indication that they are likely to put in any personnel [deleted].

Senator ERVIN. There is no question about the fact we are actually involved there in South Vietnam and in southeast Asia, is there?

Secretary RUSK. There is no question about it.

Senator ERVIN. Is there any reasonable or honorable way we can extricate ourselves without losing our face and probably our pants?

Secretary RUSK. Senator, the problem of extrication is utterly simple and terribly difficult.

U.S. PRESENCE TO DEFEND INDEPENDENCE

We didn't go there just because we wanted to be there or we wanted a U.S. presence in that area. We went there because the independence of these countries was under direct pressures from the north and direct intervention from the north.

Now, we have been trying to find a basis for establishing the security of these countries in such a way that we are not needed there. In the case of Cambodia we had supported over a period of some years their independent policy of neutrality in an attempt to build their country. [Deleted.]

In Laos, the 1962 agreement on Laos was to create a situation in Laos where all the foreigners get out and leave those people alone. We are convinced that, if you leave the Laotians to themselves, they are not going to tear each other to pieces in internal fighting. They are just not that kind of people. So, the whole purpose there is to get the North Vietnamese out, to get all the foreigners out, including ourselves. We took our 666 military people out in connection with the Geneva accords in 1962.

Now, in the case of South Vietnam, if the north would leave the south alone, there is no problem. We would get out. We would get out. But we haven't been able yet to bring Hanoi and Peiping to that essential decision that they must leave their southern neighbors alone.

And that is the whole purpose of our effects there over a period of years.

Senator ERVIN. I would like to ask one question of either Secretary McNamara or General Wheeler.

Do we have evidence or intelligence to the effect that Red China's submarines are present or operating in the Gulf of Tonkin?

Secretary McNAMARA. No, we do not, Senator Ervin.

General WHEELER. No.

Senator ERVIN. Do we have evidence or intelligence that they have submarine bases in that general area?

Secretary McNAMARA. No. Not in a formal sense. I suppose they could use port facilities but their bases are north.

Senator ERVIN. Thank you, that is all.

Chairman FULBRIGHT. Senator Williams?

Senator WILLIAMS. [Deleted.]

Secretary McNAMARA. [Deleted.]

General WHEELER. [Deleted.]

Chairman FULBRIGHT. Senator Thurmond?

U.S. ACTION WAS NECESSARY AND HONORABLE

Senator THURMOND. Mr. Chairman, I was—I just want to say that I think the action that we took over there was absolutely necessary, and that we couldn't have done anything else to preserve the honor of this country and the security of this Nation.

I expect to support this resolution.

I am concerned about the situation in general, however, in whether we are taking steps that will eventually bring freedom to that area and whether we are going to have to continue to maintain forces there indefinitely as we now are doing in Korea.

I would just like to ask the Secretary of Defense, do we have a policy to win the Vietnam war, so we can get out of there, or are we going to stay in there indefinitely?

U.S. HOPES TO WITHDRAW AS SOON AS POSSIBLE

Secretary McNAMARA. Our policy is a simple one as Secretary Rusk has stated. It is our objective to move our forces as rapidly out of Vietnam as that Government can maintain its independence and as rapidly as the North Vietnamese stop their attempts to subvert it.

Senator THURMOND. I believe Secretary Rusk stated that since 1954 the North Vietnamese Government has been trying to take over South Vietnam. I believe Secretary McNamara stated that they have proof the North Vietnamese Government has been trying to subvert the Government of South Vietnam; that has been an organized effort and infiltration of South Vietnam by sea from North Vietnam.

There have been over 140 instances. We are there, our people are there, working with the South Vietnamese defending and they are responding to aggression.

The North Vietnamese are coming down south of the 17th parallel to wage aggression and we merely defend.

When are we going to get on the initiative there and win this war and get out?

Maybe Secretary Rusk knows the policy on that. Would you care to answer that?

U.S. POLICY MUST BE TO ASSIST ASIANS

Secretary RUSK. Well, Senator, I think a highly relevant factor here is that there are a billion and a half people of Asia, half of them in the Communist world and half of them in the free world. I don't see how we are going to get a long-range solution to this problem on the basis of our trying to go in there, into this vast mass of people, and try to do a job as Americans in lieu of Asians. I think that it is important for us to try to assist those Asians who are determined to be free and independent to put themselves in a position to be secure.

Now, there have been a lot of situations in this postwar period which could easily have gone to a larger war: the pressures on Iran in 1945, and the Greek guerrilla situation a year later, the Malayan episode, where some external support for the Communists was occurring.

These and other problems have all been troublesome and difficult and hard to manage, but the end result, it seems to me, ought to be a stable situation with free and independent nations capable of maintaining their own security, rather than to try to bring everything to a great cataclysm because, on that basis, there isn't much to settle any more in terms of organized societies maintaining their own independence.

So, I think we have to stay with this effort which has been successful in a considerable number of places around the world since 1945. We can't now say what the future is going to hold in southeast Asia, because the other side is making its own decisions, and will have its own attitude, but I think there is much to be said for a persistence and a

determination to put other people in a position to maintain their security.

Senator THURMOND. Are we in South Vietnam at the request of South Vietnam?

Secretary RUSK. Yes, sir.

U.S. OBJECTION TO DIEM POLICIES

Senator THURMOND. Well, I understood President Diem's administration wanted to go north of the 17th parallel, and that was one reason that may have toppled that government over there.

We objected to that. His brother wanted to send guerrilla forces up there. They felt it was necessary to eliminate communism over there in order to have any stability and peace.

I understand now that General Khanh wants to go above the 17th parallel and eliminate communism so that he can bring about stability and peace.

But our Government objected then and objects now to such course, is that true?

Secretary RUSK. Do you want to comment initially on that?

Secretary McNAMARA. Yes; I want to comment on that. I don't know of any desire of President Diem to go north, Senator Thurmond. I don't recall ever having heard him say that. He certainly did not say that to me when I met with him. I don't recall any statements from him that was his purpose or that he thought his country would be served by any such action.

General Wheeler, do you know anything as far as President Diem is concerned?

General WHEELER. On the occasion I talked to him he was deeply concerned with eradicating communism in South Vietnam, Senator. He didn't even mention the north.

Secretary McNAMARA. Secondly, as to President Khanh, I met with him along with General Taylor in March of this year as well as in May and I specifically asked him his views on actions by South Vietnam against the north, and at that time he stated he did not believe that it would be in the interests of his country to undertake such action.

That he felt the war against the Vietcong must be won in the south. That at some point in the future it might be necessary to supplement that action with action in the north, depending on the action of the North Vietnamese, but he didn't think the situation at that time warranted such action.

Since then I see from his public statements he has been giving more thought to action against the north. But it is my impression from the reports we have, of conversations with him, that he recognizes it would be desirable to concentrate his resources on combating the Vietcong in the south.

Senator THURMOND. Thank you.

I would like to ask Secretary Rusk if General Khanh and the leaders there in South Vietnam, at whose invitation we are in South Vietnam, feel it is necessary to eliminate communism there and go to the source of it in North Vietnam, the primary source, then would our Government object?

EFFORTS SHOULD BE CONCENTRATED IN SOUTH VIETNAM

Secretary RUSK. In the first place there is a tremendous job to be done in South Vietnam itself even if he had already determined to go north.

In other words, there are a lot of steps there, and the steps which would be necessary as preparation for going north are very close to the very steps that are needed to make going north unnecessary, because you have got to deal with the security of the countryside, and the security of the principal centers, in South Vietnam itself, in order to stand the shock of any such effort.

But again, I don't myself believe that now is the time for us to, on our side by our own initiative, to enlarge this war on the theory that that is the way to bring about peace in southeast Asia and give these people a chance to be secure and independent on their own.

Senator THURMOND. General MacArthur was not allowed to go north of the 38th parallel in Korea and destroy communism, which he wanted to do, and I think if he had been allowed to do it, would have prevented all the trouble we are having now.

My judgment is that we are just heading for another Korea there, that we are going to have a stalemate, and, if so, we are going to have to keep forces in there for years and years, indefinitely, unless we go to the source of it and eliminate it, and I just hate to see this. It is going to cost this country thousands of lives and hundreds of millions of dollars, and we are going to have to keep forces over there for years and years, unless we go ahead and strike at the heart of the trouble which, as I understand, South Vietnam wants to do, and it seems to me this is a very important decision.

In other words, I think we ought to make up our minds that we are going to have victory in the war in Vietnam or get out.

I think we ought to have victory in the war in South Vietnam, and I think it can be done without bringing on any general war.

I think if we are firm with the Communists, that we can win the war over there. The way we are handling the matter now, I don't foresee victory. I foresee another Korea and I just want to say that for the record.

Chairman FULBRIGHT. Senator Church?

Senator CHURCH. Mr. Chairman, as one who has spent a couple of years in that part of the world I just want to say that I wholeheartedly support the position taken by the Secretary of State.

AMERICAN WAR IN ASIA IS UNDESIRABLE

I think it would be the height of folly to believe that American war on the Asian Continent, particularly for a western nation against Asians could have any durable result that would be tenable or successful.

Now, I have three questions that I would like to ask.

First, Secretary McNamara, you said in your testimony that the patrol is being resumed and will continue its normal course.

Secretary McNAMARA. Yes.

Senator CHURCH. Does this mean that these ships will be leaving the area where these incidents have occurred?

Secretary McNAMARA. Well, the patrol requires that they carry on a certain number of hours of operation in certain areas, and they will be back in approximately this area later this week.

Senator CHURCH. Will they continue to patrol these waters?

Secretary McNAMARA. They will continue to patrol south of here during daylight hours and approximately this course during night hours advancing to sea, during daylight hours approaching a course approximately—approximating that and presenting from the other direction.

Senator MORSE. Will the Senator yield just for a factual question?

Senator CHURCH. May I finish my question because I am late for another committee hearing I am supposed to be conducting.

There were reports in the news last night to the effect that Chinese nationalist sources had reported that the Chinese Communists had moved 200,000 troops to the border and 70 missiles to Hainan Island. Do we have an indication from our own intelligence that these reports are accurate?

Secretary McNAMARA. We do not.

Senator CHURCH. Mr. Secretary Rusk, we had very precise information on the military phase of this situation and I think you would want to give as equally precise information on the diplomatic phase and there is one other area here raised by Senator Morse to some degree. [Deleted.]

Secretary RUSK. [Deleted.]

Senator CHURCH. [Deleted.]

Secretary RUSK. [Deleted.]

Senator CHURCH. Thank you, Mr. Chairman.

Senator MORSE. Could I ask in his question one question of fact on patrol?

Senator SMATHERS. Mr. Chairman, I would like to go to a meeting.

Chairman FULBRIGHT. Also the Secretary is committed to go to a House meeting. We will have some other representatives who will stay but the Secretary has agreed to open, I believe, the House meeting.

Next is Senator Byrd of West Virginia.

Senator BYRD of West Virginia. I would like to ask a question of Secretary Rusk first of all.

Mr. Secretary, is there any indication that the South Vietnamese are becoming more enthusiastic about pressing this war to victory?

Secretary RUSK. There have been some statements, public statements, by General Khanh and one or two others, following that commemoration which they held out there about 2 weeks ago of the partition of the country.

That, I think, got some of them thinking about the split between north and south and their relatives, and their other national interests in the north. But we do not get the impression that this is a widespread desire throughout the countryside or among the people, and nor do we get the impression that this is a responsible recommendation from an operational point of view on the part of the government.

SOVIET ADHERENCE TO TEST BAN TREATY

Senator BYRD of West Virginia. Secretary Rusk, is there any indication that the Russians are not fully living up to their obligations under the test ban treaty at this point?

Secretary RUSK. No, sir; we have no evidence of violations of the test ban treaty.

Senator BYRD of West Virginia. Secretary McNamara, are we prepared for eventualities that might occur in Korea and Berlin in conjunction with the situation that is developing in the area of North Vietnam.

Secretary McNAMARA. Yes, sir; I believe we are. We have had very substantial increases in both our ground and air forces.

As a matter of fact, in our Navy as well, over the past 3 years, and this has given us a capability for preparing for action on all of those fronts.

Senator BYRD of West Virginia. Do you, Mr. Secretary, feel that while there is a possibility that there is any likelihood at this point, at least, of some difficulties developing in Korea and Berlin at the same time we are having trouble in Vietnam?

Secretary McNAMARA. I see no evidence of any preparations by the Soviets or the Communist Chinese for such action but I think we must be prepared for whatever develops.

Senator BYRD of West Virginia. Mr. Chairman, I support the action that has been taken by the President, and I add my compliments to those that have previously been expressed by other members. I intend to support the resolution as I have supported similar resolutions in the past.

Chairman FULBRIGHT. Thank you.

Senator Mundt?

Senator MUNDT. Mr. Secretary, on page two, I would call your attention to your statement which says on Monday, August 3, the President made public instructions he had issued the day before, and then I will skip the part that does not particularly concern me, to number B, to read on Monday, August 3, the President made public instructions that he had issued the day before to attack any force which attacked them in international waters.

What kind of instructions were they operating under on August 1 and 2?

U.S. CRAFT AUTHORIZED TO PROTECT THEMSELVES

Secretary McNAMARA. They were operating under all of the instructions that all of our forces operate worldwide to fire when attacked and to defend themselves. But lest there be——

Senator MUNDT. I would have assumed so but your statement indicates that was issued on August 3.

Secretary McNAMARA. No, sir; it doesn't. Quite the contrary.

Senator MUNDT. How do you read the contrary into it?

Secretary McNAMARA. Because my statement indicates that the instructions issued on August 3 were designed to clarify any ambiguity that might have existed in the August 1 and standing instructions regarding destruction of the attacking force.

The normal instruction, the rules of engagements for our forces worldwide, are to protect themselves. When attacked, to protect yourself, defend yourself in any way necessary.

These have been longstanding rules of engagements for years and years. The President wanted to make it perfectly clear.

Senator MUNDT. Will you explain that—

Secretary McNAMARA. Let me finish my statement. I am still answering, if I may.

Senator MUNDT. All right; go ahead.

Secretary McNAMARA. The President wanted to make perfectly clear that, in addition to defending the force, he wanted the force to destroy the attackers. Those are two entirely separate actions, and it was to make that clear that the instruction was sent out on August 4—or I should say on August 2, Sunday.

Senator MUNDT. Then am I to understand on August 1, and prior thereto, they were to attack any force which attacked them in international waters without trying to destroy the defending force?

Secretary McNAMARA. They were to defend themselves and drive it off, and if in driving, the First was not necessary to pursue and destroy if their mission required them to take other action.

In this case this mission was a patrol mission and it was perfectly appropriate and they continued their patrol after they drove off the attacking force but the President wanted them to go beyond that and not resume the patrol until they had endeavored to destroy the attacking force.

Senator MUNDT. In other words, the only new aspect then was part B rather than A?

Secretary McNAMARA. Exactly so.

Senator MUNDT. So that as I read into it "A" was also part of the instructions that had been made at the time on August 3. If you say otherwise OK, but I think the average reader is going to agree with me that this is a new element because it is listed under the heading of the new instructions.

Secretary McNAMARA. All I can say is it is not a new element. General Wheeler can tell you of the longstanding rules of engagement which existed for decades.

Senator MUNDT. I am not arguing about conditions there but I am reading as a normal student of the English language what you convey by your statement.

You don't always convey what is in your mind; neither do I.

Secretary McNAMARA. The facts in the record are clear, I think.

CHANGE IN AMERICAN ARMY OPERATIONS

Senator MUNDT. Now, I would like to ask this question: What different policies or programs or maneuvers, if any, are we taking on land in Vietnam as a consequence of this very brazen attack which we have answered properly on the sea?

General WHEELER. Shall I answer?

General Westmoreland met the other day with General Khanh and his principal military advisers and they agreed that they should go on the alert with all of the Vietnamese forces particularly in port areas, around airfields, and in other sensitive supply areas or operational areas.

To this end General Khanh has always—has all his troops in barracks on alert. He has alert forces ready to move on 30-minutes' notice in critical areas. They are establishing a special patrol in the Saigon River area in order to guard against mines and things of that sort.

They are particularly sensitive about the POL facilities in South Vietnam. They are establishing a special guard there. In addition to that, as I believe you know, sir, we have moved fighter-interceptor aircraft into South Vietnam as well as some fighter-bomber aircraft into South Vietnam, and in addition we have alerted and are moving—we have alerted certain ground elements for follow-on in case they are needed.

Senator MUNDT. One final question, General, what can you tell us from our intelligence concerning the reaction of the North Vietnamese through the strike we made on them by air?

General WHEELER. There has been no reaction that we know of to date.

In other words, they have not increased their activity either in South Vietnam or in North Vietnam. I would assume they are on a very tight air alert status fearing we might do something again although we have not, and do not contemplate it.

Senator MUNDT. That is all, Mr. Chairman.

Chairman FULBRIGHT. Senator Young?

Senator YOUNG. I have no questions.

I shall support the resolution, Mr. Chairman.

Chairman FULBRIGHT. Thank you.

Senator SMATHERS?

Senator SMATHERS. Mr. Chairman, first I want to commend the President and the Secretaries and the Joint Chiefs of Staff for the decision which they made, its decisiveness, its effectiveness, and its prudence. I certainly shall support the resolution.

Two questions: First, what has been—or is it too early to determine—the reaction to our action in Japan, with the Government of Japan, and with the Government of the Philippines? I am particularly interested in those two areas.

ALLIES SUPPORT U.S. ACTION

Secretary RUSK. The Government of the Philippines gave us wholehearted support on this, very glad to see the action taken.

In Japan the attitude was that taken in many countries around the world, complete understanding of the necessity of the action.

The Japanese Government referred to this as inevitable, this response. But on the other hand, expressed some strong hope that this itself would not lead to a major escalation of the war. We have had that right around the world, a high degree of understanding of the necessity for the counteraction, and also a hope that it will not escalate.

Senator SMATHERS. One further question. Up to this point have you had any unfavorable reaction with respect to our action from that area from any of the governments in that area of the world?

Secretary RUSK. The free world nations in that entire region have been strongly in support. We haven't heard from Sukarno yet.

Senator SMATHERS. All right. General Wheeler, what is the submarine capability of the Red Chinese in that area?

General WHEELER. They have nothing that I know of in that area, Senator, their submarine bases are generally to the north. This doesn't mean they couldn't move some submarine units down into the Gulf of Tonkin and I would assume operate from ports on the island of Hainan if they cared to do so.

Senator SMATHERS. What is their submarine capability overall?

General WHEELER. I can't give the numbers offhand. I can supply it for the record.

Secretary McNAMARA. It is limited.

General WHEELER. I was thinking in terms of [deleted] units.

Secretary McNAMARA. My recollection is that it is around [deleted].

Chairman RUSSELL. It is more than that, Mr. Secretary. It is around [deleted]. Of course, some of them are very limited in their operational area.

Secretary McNAMARA. That is right.

Chairman RUSSELL. But the last statistics were [deleted] some odd, and [deleted] of them are long range.

Secretary McNAMARA. That is correct.

The others are so short range that they cannot get down to the area and operate effectively.

Senator SMATHERS. Can we have it supplied for the record?

Secretary McNAMARA. Yes.

Chairman FULBRIGHT. Senator Inouye?

Senator INOUE. I have just one question for clarification.

Secretary McNAMARA, you just stated your formal policy has been to defend if attacked and now it is defend and destroy if attacked. The testimony also shows that in both cases, both attacks, our ships did not respond until torpedoes were fired.

Does this mean from now on we will have to await until the adversary fires either a burst of machinegun or fires a torpedo before we respond?

U.S. CRAFT TO RESPOND TO FUTURE THREATS

Secretary McNAMARA. No, the commanders have been instructed to defend themselves if there is an indication of hostile intent from opposing—opposition forces.

Senator INOUE. You don't have to wait for a positive act?

Secretary McNAMARA. No.

Senator INOUE. Thank you very much.

Chairman FULBRIGHT. Well, does that complete the hearing?

Anyone have any questions?

Senator MORSE. The Secretary can go. I thought he ought to tell us in the establishment of patrols of our ships, how close they will come to the North Vietnam border. The other day the Secretary testified that the ships at a time were within 11 miles, which shows we did not recognize their 12-mile limit, and the record will speak for itself.

But I think it will show at some times we were less than 11 miles, but beyond 3 miles.

Are we taking the position of the 3-mile limit, which has to be right, disputed by some. When you reestablish these patrols how close do these ships come to the North Vietnam ports?

Secretary McNAMARA. Mr. Chairman, perhaps General Wheeler can stay for a few minutes and answer any questions.

Chairman FULBRIGHT. General Wheeler?

Secretary RUSK. [Deleted] miles.

General WHEELER. [Deleted] miles is the answer.

Senator MORSE. I just want to say it is too close if you want to keep yourself in position and not be subject to the charge of provocation.

Chairman FULBRIGHT. Does anyone have any other factual questions to ask?

Senator STENNIS. Senator Cooper came in and he may have one.

Senator SPARKMAN. Mr. Chairman, I need to leave. I would like for us to bring the resolution to a vote.

Chairman FULBRIGHT. The committee is open to a motion.

Senator SMATHERS. I so move.

Senator SPARKMAN. I so move a favorable report.

Senator LAUSCHE. I second it.

Senator MORSE. I ask for a rollcall.

Senator THURMOND. Mr. Chairman, I might say this. I might have a very short amendment. But I can do it on the floor. I will vote for it now.

Senator LAUSCHE. Mr. Chairman, I would like to have included in the record the statement which I made on this issue yesterday on the floor of the Senate, if one of the staff men will look in the record.

Chairman FULBRIGHT. Without objection it will be entered in the record.

(The statement referred to follows:)

[From the Congressional Record, August 5, 1964]

SOUTHEAST ASIA PROBLEM

Mr. LAUSCHE. Mr. President, I desire to speak briefly concerning the grave problem facing us in southeast Asia.

The course adopted by the President is not of his choosing, but has been forced upon him and our Nation by the offenses committed by the Communists of North Vietnam. Our ship that was attacked was in international waters, where it had a right to be free from attacks by North Vietnam or any other nation. Neither in the interests of the security of our country nor in the proper maintenance of our honor can we afford a course of action other than the one adopted.

Southeast Asia is our first line of defense; when an enemy attacks us there, he is, in principle, attacking us on our native land. To pull out of southeast Asia would be to surrender that entire area to the Communists. Not only would it mean the capture of South Vietnam and the other lands that once were French Indochina, but it also would definitely endanger all of the lands occupied by friends of the West, including the Philippines and Australia. The stakes are graver than is generally understood. A second course would be to convert South Vietnam into a coalition government made up of friends of the West, Communists, and neutrals. Three-headed governments of this type have always been taken over by the Communists, because the Communists do not keep either the spirit or the letter of their promises.

In 1954, Indochina was broken into small nations; pursuant to solemn promises made by the Communists, Laos was to be independent, and Vietnam was to be divided into North Vietnam and South Vietnam. Never has Communist China or Communist North Vietnam kept its word in the fulfillment of the 1954 Geneva agreement. In 1962, we yielded in Laos, and established a three-headed coalition government, only to realistically discover, within a short time thereafter, that the Communists would not cooperate to maintain the coalition reign.

If we yield to the Communists in their attack upon our country's honor, we definitely shall lose the respect of the people of the world who want to be with us, not with the Reds. We shall also bring the enemy materially closer to our shores. Above everything else, our problem will not be solved or bettered, but in fact, will be substantially worsened. I am convinced that Congress will overwhelmingly stand by the President in the decision which has been made. To do otherwise would be to manifest a will not to resist lawless, unwarranted, and unjustified attacks upon our sovereignty.

Chairman FULBRIGHT. The staff will call the roll.

Mr. HOLT. Mr. Sparkman?

Senator SPARKMAN. Aye.

Mr. HOLT. Mr. Humphrey?

Chairman FULBRIGHT. Aye.

Mr. HOLT. Mr. Mansfield?

Chairman FULBRIGHT. Aye.

Mr. HOLT. Mr. Morse?

Senator MORSE. No.

Mr. HOLT. Mr. Long?

Senator STENNIS. I have his proxy. Aye.

Mr. HOLT. Mr. Gore?

Mr. Lausche?

Senator LAUSCHE. Aye.

Mr. HOLT. Mr. Church.

Chairman FULBRIGHT. Senator Church stated he wanted to vote "Aye."

Senator SMATHERS. I would like to vote Senator Gore "Aye." I know he wants to vote for it.

Chairman FULBRIGHT. Mr. Symington gave me his proxy.

Mr. HOLT. Mr. Symington?

Chairman FULBRIGHT. Aye.

Mr. HOLT. Mr. Dodd?

Mr. Smathers?

Senator SMATHERS. Aye.

Mr. HOLT. Mr. Hickenlooper?

Senator HICKENLOOPER. Aye.

Mr. HOLT. Mr. Aiken?

Senator HICKENLOOPER. I would ask Senator Aiken be asked how he wants to vote. He did not leave his proxy with me.

Mr. HOLT. Mr. Carlson?

Senator HICKENLOOPER. Aye.

Mr. HOLT. Mr. Williams?

Senator HICKENLOOPER. Aye.

Mr. HOLT. Mr. Mundt.

Senator MUNDT. Aye.

Mr. HOLT. Mr. Fulbright?

Chairman FULBRIGHT. Aye.

Mr. DARDEN. Mr. Byrd of Virginia?

Mr. Stennis?

Senator STENNIS. Aye.

Mr. DARDEN. Mr. Symington?

Senator JACKSON. He announced "aye."

Chairman FULBRIGHT. He is on both lists—on both committees.

Mr. DARDEN. Mr. Jackson?

Senator JACKSON. Aye.

Mr. DARDEN. Mr. Ervin?

Senator ERVIN. Aye.

Mr. DARDEN. Mr. Thurmond?

Senator THURMOND. Aye.

Mr. DARDEN. Mr. Cannon?

Mr. Byrd of West Virginia?

Senator BYRD of West Virginia. Aye.

Mr. DARDEN. Mr. Young of Ohio?

Chairman RUSSELL. He stated he wanted aye.

Mr. DARDEN. Mr. Inouye?

Senator INOUE. Aye.

Mr. DARDEN. Mr. Saltonstall?

Senator SALTONSTALL. Aye.

Mr. DARDEN. Mrs. Smith?

Senator SALTONSTALL. She did not leave her proxy with me but I would like to have her recorded as voting aye and, Mr. Darden, will you check that.

Senator LAUSCHE. Mr. Chairman, why don't we call them?

Chairman RUSSELL. I was going to suggest when we conclude the call of the roll we contact Senator Byrd's office and Senator Cannon because I am sure they would want to vote.

Chairman FULBRIGHT. We will hold it open until the staff can contact the offices.

Mr. DARDEN. Mr. Beall?

Senator SALTONSTALL. I would say the same about Mr. Beall.

Mr. DARDEN. Mr. Goldwater?

Mr. Case?

Senator CASE. Aye.

Mr. DARDEN. Mr. Chairman?

Chairman RUSSELL. Aye.

Senator THURMOND. Mr. Chairman—

Chairman FULBRIGHT. Just a moment until he announces the vote.

Mr. HOLT. The Foreign Relations Committee 14 yeas and 1 nay.

Mr. DARDEN. Armed Services is all yeas with some uncertainties.

Chairman FULBRIGHT. They are to be checked.

Senator HICKENLOOPER. Are you going to contact Senator Goldwater? I saw Senator Goldwater this morning and he unofficially told me we ought to support it.

Chairman RUSSELL. We will call their offices.

We will undertake to contact them.

Senator THURMOND. Have these statements been sanitized?

Chairman FULBRIGHT. This is an executive record.

Chairman RUSSELL. These are.

Senator MORSE. These statements say "Not for publication."

Chairman FULBRIGHT. It is my understanding—

Senator THURMOND. I am informed they already have been released.

Chairman RUSSELL. I am quite sure these are not classified.

Chairman FULBRIGHT. I thought you were referring to the record.

Senator CASE. These are OK.

Chairman FULBRIGHT. Isn't that right, Mr. Holt?

Senator HICKENLOOPER. Mr. Chairman. I think we ought to—you will see McNamara's statement says not to be released.

Chairman RUSSELL. He has given them to the press but they can't release it until released by these two committees meeting.

Senator MORSE. I move they be released.

Senator THURMOND. Senator Russell, can I take these out, sir?

Chairman RUSSELL. You are absolutely safe, sir, so far as the statements by Secretary of State Rusk and Secretary McNamara.

Senator MORSE. I move they be released.

Chairman FULBRIGHT. All in favor say aye.

Opposed no.

The ayes have it.

Senator ERVIN. I suggest that the results should not be released until the members have a chance to contact the Senators' offices.

Chairman FULBRIGHT. Did you announce the vote of the Armed Services as taken?

Senator LAUSCHE. When is it contemplated, Mr. Chairman, bringing this up on the floor?

Chairman FULBRIGHT. I would hope they would bring it up this afternoon but I haven't consulted the leadership.

Has anyone consulted the leadership?

Chairman RUSSELL. No, but I understood they had planned to bring it up without any committee meetings.

Chairman FULBRIGHT. Twelve to nothing on the Armed Services Committee subject to the call of all the absentees on the resolution.

Well, any further business?

Chairman RUSSELL. I move the committee be recessed subject to the call of the Chair.

(Whereupon, at 10:45 a.m., the committees recessed, subject to call of the Chair.)

ASSISTANT SECRETARY OF STATE,
Washington, D.C., July 12, 1966.

HON. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: We are returning herewith the transcript of a hearing August 6, 1964, in executive session before the Senate Foreign Relations and Armed Services Committees at which Secretary of State Dean Rusk and Secretary of Defense Robert McNamara testified on the Viet-Nam Resolution.

In accordance with your request that this transcript be edited for publication, the Department has reviewed the transcript with the Department of Defense, and deleted portions of testimony that should not be released for security reasons. In addition, we have marked with blue brackets additional portions of the transcript that we recommend be deleted before release, either because they are questions to which classified answers were given or because they make reference to matters that remain classified. Subject to these deletions, we would have no objection to releasing the transcript for publication.

If we can be of further assistance in this matter, please let me know.

Sincerely,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations.

○

GULF OF TONKIN

Chronological and Topical Summary of Testimony
before the Senate Foreign Relations Committee on
August 6, 1964 and February 20, 1968

The attack of August 2, you will recall, was by three North Vietnamese patrol boats against the destroyer *Maddox* operating in the Gulf of Tonkin between Hainan Island at the North Vietnamese coast in international waters between 25 and 30 miles off the coast.

Three PT boats attacked the *Maddox*, launched torpedoes against it; *Maddox* returned fire with her 5-inch guns, believed they destroyed one of the boats, the other two were destroyed either by the *Maddox* or the carrier *Ticonderoga*'s planes which you can see positioned south of Hainan Island.

page 7, 8

The first incident occurred on August 2. It concerned the USS MADDUX, one of our destroyers engaged in a routine patrol in International waters of the Gulf of Tonkin off the North Viet Nam coast. At about noon, when the MADDUX was about 30 miles from the coast, she reported that three torpedo boats were on a southerly course heading toward the ship at a range of over 10 miles.

Two hours later, at approximately 2:40 P.M., the MADDUX was approached by a high speed—45 to 50 knot—craft. She reported that the apparent intention of this craft was to conduct a torpedo attack and that she intended to open fire in self-defense if necessary. She was attacked by the three PT craft at 3:08 P.M. She opened fire with her five-inch battery after three warning shots failed to slow down the attackers. The PTs continued their closing maneuvers, and two of the PTs closed to 5,000 yards, each firing one torpedo. The MADDUX changed course in an evasive move and the two torpedoes passed on the starboard side at a distance of 100 to 200 yards.

The USS TICONDEROGA, which was operating in waters to the southeast and which had been alerted to the impending attack, advised she was sending four already airborne F-SE (CRUSADER) fighters with rockets and 20 mm ammunition to provide air cover for the MADDUX. At about 3:21 P.M., the third hostile PT moved up to the beam of the MADDUX and received a direct hit by a five-inch round; at the same time it dropped a torpedo into the water which was not seen to run. Machine gun fire from the PTs was directed at the MADDUX. However, there was no injury to personnel and no damage. The MADDUX continued in a southerly direction to join with a sister destroyer, the C. TURNER JOY, as TICONDEROGA aircraft commenced attacking the PTs. ZUNI rocket runs and 20 mm strafing attacks were directed against two of the PTs, and they were damaged. The third PT remained dead in the water after the direct hit by the MADDUX. At 3:29 P.M., the engagement terminated and the aircraft escorted the MADDUX southward on its patrol course.

Senator LAUSCHE. I want to get clear in the record and in my own mind exactly what happened on the 2d. The testimony given thus far indicates that the *Maddox* reported hostile patrol vessels to some superior office and that it believed that those patrol vessels were intent upon hostile action.

Do the records of the vessels show a communication from the *Maddox* to a superior officer stating that they are being followed and that it looked as if hostile action would take place?

Secretary McNAMARA. I think General Wheeler can answer whether the higher headquarters show that.

General WHEELER. The records of higher headquarters do show a stream of communications, a continuous stream of reports, from the *Maddox* back to the task force commander who was on the *Ticonderoga*. What actually happened was that on 3:50, eastern daylight time on the 2d, the *Maddox* was approached by three North Vietnamese motor torpedo boats with the apparent intention of launching a torpedo attack. That is when the *Maddox* retired to the east at 27 knots.

The torpedo boats came on after her and she got within 9,000 yards which was at 4:08 eastern standard time, the *Maddox* fire three warning shots from a 5-inch battery.

Senator LAUSCHE. That is not what I want. I want to know if your records show a communication; that is, the *Maddox* reporting to the *Ticonderoga* that it looked as though they are going to be subjected to an attack.

General WHEELER. That is correct.

Senator LAUSCHE. That would prove the *Maddox* did not precipitate the thing but was awaiting instructions from the *Ticonderoga*.

General WHEELER. That is correct, sir.

Not only that, Senator, we not only have a communication record but the fact that the *Maddox* turned to the eastward and proceeded out to sea.

Senator LAUSCHE. To avoid?

General WHEELER. To avoid any contact with hostile PT boats.

Senator LAUSCHE. Then the *Maddox* did nothing until it was actually fired upon?

General WHEELER. Fired three warning shots when these PT boats approached within 9,000 yards. That was the first action, sir.

Secretary RUSK. Despite the warning shots, the PT boats continued to close at a high speed.

Senator LAUSCHE. Continued to close?

According to your reports the torpedoes were set into motion and it was then that you began your firing.

General WHEELER. That is correct, sir. They came within 5,000, two of them, PT boats came up within 5,000 yards away and launched torpedoes which the *Maddox* evaded by changing her course.

On the 21 of August 1964, the U.S.S. *Maddox* was engaged in a patrol in international waters in the Gulf of Tonkin. At no time during the conduct of her patrol did *Maddox* depart from international waters, or engage in any hostile act. Yet, while she was 28 miles from the coast of North Vietnam, on a course away from the coast, *Maddox* was attacked by three North Vietnamese torpedo boats. At least three torpedoes were directed by the boats at the *Maddox*, as well as machinegun fire. The *Maddox* avoided all torpedoes and, together with aircraft arriving on the scene from the U.S.S. *Ticonderoga*, repelled the attack and sank or damaged the attacking craft.

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

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

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

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

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

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

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

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

It should be noted that neither the evidence available at the time nor that obtained subsequently establishes clearly whether the North Vietnamese ships or the U.S. ships fired first. However, in view of the attack on August 2 and the intelligence reports, it was reasonable for the U.S. task group commander to interpret the approach of the North Vietnamese ships in attack formation as sufficient evidence of an attack.

2. Was the attack unprovoked? This question should be considered in three parts.

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(a) Was the electronic and visual observation mission of the Desoto patrol legitimate?

Secretary McNamara stated the purposes of these patrols as follows:

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

Several Senators have questioned the provocative nature of such intelligence-gathering activity and have drawn obvious parallels with the case of the Pueblo. Senator McCarthy suggested, if the Desoto patrol was gathering information to assist South Viet Nam in its operations against the North, North Viet Nam might properly, or at least understandably, consider such patrols provocative. In addition to denying generally any link between the Desoto patrols and the South Vietnamese 34A operations, Secretary McNamara informed the Foreign Relations Committee

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

(b) Did the Maddox and Turner Joy penetrate the claimed territorial sea of North Viet Nam?

North Viet Nam did not, to our knowledge, make any claim concerning the expanse of its territorial sea prior to September 1, 1964, at which time Radio Hanoi stated "The Democratic Republic of Viet Nam declared that the territorial sea is 12 miles". Therefore, on August 4, 1964, we had no reason to believe that North Viet Nam had changed the 3-mile limit that had been claimed for Indo-China by the French. Both South Viet Nam and Cambodia maintained 3-mile claims, although Cambodia has more recently extended its claims to 5 miles. Moreover, it could not have been assumed that North Viet Nam, as a Communist country, claimed 12 miles; Cuba and Poland each adhere to the traditional 3-mile limit, and Yugoslavia and Albania each claim 10 miles.

Prior to the August 2 attack on the Maddox it had been authorized to go no closer than 8 nautical miles to the North Vietnamese coast and no closer than 4 nautical miles to any offshore island. When the patrol resumed on August 3 with the Maddox and the Turner Joy, instructions prohibited any approach closer than 11 miles from the coast. It appears that the Maddox went closer than 12 miles prior to the August 2 incident, but that it and the Turner Joy remained at all times more than 12 miles from the coast in the period between the two incidents.

(c) Was the mission sufficiently related to the South Vietnamese 34A operation in time, place, or activity to provoke North Vietnamese attack?

At the time of the 34A attack on July 30-31, the Maddox had not yet begun its patrol and was at least 130 miles away. At the time of the 34A attacks on

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August 3-4, the two destroyers were at least 70 miles from the point of attack.

Secretary McNamara cited the testimony of several captured North Vietnamese naval officers in support of his assertion that North Viet Nam clearly understood the distinction between the two operations. With respect to the message from the task group commander on August 3 indicating that he believed the North Vietnamese associated his ships with 34A operations, Secretary McNamara stated that the commander had no basis for such a conclusion and that the commander agrees today that he did not in fact have any basis for such a conclusion.

Secretary McNamara was closely questioned on his statement in the Tonkin Gulf hearings in 1964 that "Our Navy played absolutely no part in, was not associated with, was not aware of, any South Vietnamese action, if there were any." Secretary McNamara defended that statement on the ground that the Maddox was not aware of any South Vietnamese actions, although some elements of our Navy were aware of them. It appears that Secretary McNamara was not aware, on August 4, or even on August 6, 1964, of the 34A operations on the night of August 3-4, although he was aware of the general plan of 34A operations and of the specific operation on July 30-31.

In response to allegations that a telegram from CINCPAC fleet stated that the Desoto patrol would possibly draw North Vietnamese Navy patrol boats northward away from the area of 34A operations, Secretary McNamara responded that that was not an objective of the Desoto patrol as decided on in Washington, and reiterated the lack of knowledge on the part of the Maddox and Turner Joy of specific targets and times of 34A operations.

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3. Were the 34A operations, which began in February 1964, justifiable in themselves?

Although this question was not pressed in the hearing on February 20, 1968, it is conceivable that the Committee will make an argument that these operations, with equipment supplied by the United States, were unjustified and undercut to some degree our assertion that North Viet Nam was guilty of an armed attack against South Viet Nam which justified, in turn, our air strikes against the North. It can be pointed out, in response to such an argument, that North Vietnamese infiltration into the South, by land and by sea, had occurred for many years and that the 34A operations were justifiable measures of defense against sea infiltration.

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Summary - Debate on Tonkin Gulf Resolution - 1964

The Senate and House took up identical resolutions approving and supporting "The determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." This resolution was debated in the Senate on August 6 and 7 and was passed by a vote of 88 to 2. Only Senators Morse and Gruening spoke and voted in opposition to the Joint Resolution (H.J. Res. 1145).

The basis of Senator Morse's opposition was that "the pending resolution tinkers with and impairs the great, procedural rights of the American people written in article 1, section 8 of the Constitution - namely, that the power and right to declare war is vested in the Congress and not in the President of the United States." He stated that the language in this resolution - as the language in the 1955 resolution - authorized not a defense to actual attack but also aggressive action, a "preventive war." (Cong. Record, p. 18444)

Senator Gruening based his opposition on the ground that the joint resolution "presents an unlimited authorization for war anywhere in southeast Asia, including Pakistan . . ." (Cong. Record, p. 18447)

Senator Fulbright stated "I do not believe that there is any probability of their going off and involving us where we do not wish to be involved. I believe we can maintain complete control over our own commitments." (Cong. Record, p. 18457) * * * * * "I should like to make two statements which I believe are appropriate. First, both the present administration and the previous administration have been very good about reporting to us and briefing us about the situation. I do not believe there has been any tendency to withhold anything. I do not believe that at any time when representatives of the administration came to brief us and we requested information they have refused to divulge it. In many cases

they

they themselves have initiated such a request as far as the information goes.

"Second, the more important point in this case, I believe, is the fact that the administration went to great lengths to find the best equipped and qualified men to send to Vietnam. I personally felt great satisfaction in the selection of U. Alexis Johnson to be our civilian representative. He is one of the most experienced men we have. I know of no one who does not have a high regard for General Taylor. After all, on these difficult subjects there is no way of enacting a law or promulgating a rule which would be self-executing. We must rely to a great extent upon the wisdom, judgment, and experience of those actually in charge. I believe that is the most reassuring aspect of the question. The Government has sent two of the best men available into this very critical area. * * * * *

"I do not wish to mislead anyone. As the Senator knows, any role is one of an advisory nature. Information is submitted to the committee. The administration has never held anything back, to my knowledge. It has been frank. We have an opportunity to advise them, and that is all. We cannot direct or force them. Even within the committee, as the Senator knows, there are some sharp differences of opinion. So all we can do is to advise with them, which we have done.

"On questions of importance, the administration has consulted, in addition to the committee or the senior members of the committee, and the leadership of both Houses. We have the further assurance of the majority leader, the minority leader, the whips, and senior members of the committees of both Houses." (Cong. Record, p. 18458)

Senator Dirksen stated "I attended the briefing at the White House. It lasted for almost an hour and a half. The whole case was laid on the table by the President, by the Director of the Central Intelligence

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Agency, by the Secretary of Defense, and by the Secretary of State. Thereafter, there was no limit on the amount of discussion or on the questions that any member of the joint leadership from both the House and Senate might have wished to propound, whether they were addressed to the Secretaries or to the President.

"When the meeting was over, we discussed the content of a resolution, with the understanding that the resolution could be modified and simplified, if that were necessary or deemed desirable. That was the whole story.

"Before we left the Cabinet room, the President asked every Member who was present whether he would give support to the resolution. Every Member responded. I am rather proud of the fact that every Republican who responded said that, speaking for himself and, hopefully, for the party, he would support the President in his determination to meet the crisis now before us in the South Pacific. * * * * *

"The President could have taken this action in his own right as the Commander in Chief. He does not have to ask Congress about the deployment of troops, submarines, bombers, and fighter planes.

"What is involved is a demonstration that the executive and legislative branches of the Government stand together in an hour of need and threat, and when there is peril in a section of the world that could easily jeopardize the entire free world.

"I wished to make clear how the minority stands, and how it stood in that briefing session, and also when this subject was before the various committees of the Senate and House." (Cong. Record, p. 18462)

To the above statement Senator Fulbright replied:

"I wish

"I wish to affirm what the distinguished minority leader has said. I was present at the briefings. There was not the slightest indication of any kind of partisanship in any sense. Back through the years, when similar resolutions have been under consideration, this has also been true. It was true when there was a Republican administration.

"I cannot resist paying a compliment to the distinguished Senator from Illinois (Mr. Dirksen). While on certain matters he is a great partisan leader, nevertheless, on all matters affecting the security of this country, matters which are comparable to this kind of situation. I have never seen him be partisan, either on the floor or off the floor of the Senate. He always rises above partisanship in dealing with problems that directly involve our security and reserves his partisanship, as all of us do, for less profound subjects than those which threaten the security of our country. This is, of course, normal and demonstrates the distinction between foreign relations and domestic relations. * *

* * *

"Now I wish to say a word or two about the House joint resolution. It passed the House by a vote of 414 to 0. I do not believe that in a democracy unanimity is always necessary. Certainly, it is not necessary when we are dealing with matters of substance involving domestic legislation, or even legislation dealing with foreign relations. However, in the expression of an advisory opinion of broad policy, which this resolution is, it is a happy and fortunate circumstance if there can be a high degree of unanimity. So I am much pleased by the House action. I hope the Senate will approach that unanimity, if possible." (Cong. Record, p. 18462)

Additional remarks by Senator Fulbright are as follows: * * * * * We are not giving to the President any powers he has under the Constitution as Commander in Chief. We are in effect approving of his use of the powers that he has. That is the way I feel about it. (Cong. Record, p. 17825)

* * * * * But in all frankness I cannot say to the Senator that I think the joint resolution would in any way be a deterrent, a prohibition, a limitation, or an expansion on the President's power to use the Armed Forces in a different way or more extensively than he is now using them. In a broad sense, the joint resolution states that we approve of the action taken with regard to the attack on our own ships, and that we also approve of our country's effort to maintain the independence of South Vietnam." (Cong. Record, p. 17823)

* * * * * However, the language of the resolution would not prevent it. It would authorize whatever the Commander in Chief feels is necessary. It does not restrain the Executive from doing it." (Cong. Record, p. 17820)

* * * * * In frankness, I do not believe the joint resolution would substantially alter the President's power to use whatever means seemed appropriate under the circumstances." (Cong. Record, p. 17823)

* * * * * The Senator did not ask me this precisely, but I must say that the Secretary of State has performed extremely well."

"MR. JAVITS: I agree with the Senator."

(Cong. Record, p. 17821)

* * * * * The resolution further expresses the approval and support of the Congress for the determination of the President to take such action as may be necessary, now and in the future, to restrain or repel Communist aggression in southeast Asia."

(Cong. Record, p. 17815)

Other Senators who spoke in behalf of the resolution were: Senators Brewster, (Cong. Record, p. 17819); Miller (Cong. Record, p. 17822);

Senator Hickenlooper: * * * * * In this case there is not the slightest question in my mind that the President not only has full authority, but has a responsibility, to protect American institutions and interests when they are attacked, without having to come to the Congress for that authority. * * * * * (Cong. Record, p. 17828 and 17829)

Also, Senators Kuchel (Cong. Record, p. 17830); Stennis (Cong. Record, p. 17831); Pell (Cong. Record, p. 17833); Cooper (Cong. Record, p. 17834); Lausche (Cong. Record, p. 17835); Randolph (Cong. Record, p. 17836); Sparkman (Cong. Record, p. 17838) Bartlett (Cong. Record, p. 17839); Byrd (West Virginia) (Cong. Record, p. 17839) and Clark (Cong. Record, P. 17841).

Senator Carlson in concluding his remarks said:
* * * * * I associate myself with the remarks of the Senator from Idaho. We have reached a place where we have not only to support the President, because he has the responsibility, but we have a duty and a privilege today, and we should exercise it. (Cong. Record, p. 17837)

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Source
Unknown

Probably: Dept. of State
Barkley Ser
Congressional Testimony

D. Vietnam Resolution

1. Background

On August 2, 1964, the U. S. destroyer MADDOX, while on routine patrol in international waters in the Gulf of Tonkin, was attacked by three North Vietnamese PT boats. The MADDOX returned the fire and hit one of the attacked vessels before the attack was broken off. There were no United States casualties in this brief encounter. The United States, on August 3, took steps to convey a note to the Hanoi regime, warning of the "grave consequences which would inevitably result from any further unprovoked offensive military action against United States forces." Further unprovoked attacks occurred the next night (August 4) when the destroyers MADDOX and C. TURNER JOY were again attacked by North Vietnamese PT boats 65 miles from the shore. There no longer seemed to be any doubt that this was a deliberate military aggression.

Soon after the reports were ^{received} in President Johnson announced in a television speech that retaliatory air action was being executed against Vietnamese gunboats and supporting facilities. He warned that all actions of violence against the United States would be met with a positive reply, but emphasized the "limited and fitting" nature of this reply, and assured the American public that "We still seek no wider war." He further stated that he had met with Congressional leaders to urge passage of a resolution expressing the united determination of the Government "to take all necessary measures in support of freedom and in defense of peace in Southeast Asia." An emergency meeting of the United Nations Security Council was called to report these acts of deliberate aggression.

In a message to Congress on August 5, the President requested passage of a resolution declaring Congressional support for the President in repelling any armed attack against United States forces and declaring that the United States is prepared to take all necessary steps to assist any SEATO member or protocol state requesting assistance in defense of its freedom. The resolution was based on the precedent of the Formosan Resolution of 1955, the Middle East resolution of 1957 and the Cuban resolution of 1962. The President urged the necessity of putting forth a united front in this, an election year.

2. Senate Committee Hearings

The Senate Committees on Foreign Relations and Armed Services met in joint executive session on August 6 to consider the following joint resolution introduced by Senator Fulbright. (The words "of the United States"

following *

following "Constitution" were initially omitted and were included at the start of the Senate debate as an amendment. The resolution was passed in this final form).

Secretary of State Rusk, Secretary of Defense McNamara and General Wheeler, Chairman of the Joint Chiefs of Staff testified. The Committee voted 31 to 1 to report the resolution favorably without amendment.

3. House Committee Hearings

The House Committee on Foreign Affairs also met in executive session on August 6, and heard Secretaries Rusk and McNamara and General Wheeler. The Committee voted 29-0, with two members voting present, to report the resolution favorably.

geographic area
to be included.
Instead, the area
was delineated
by reference to
The

The Committee reported that it had given special attention to three basic questions: (1) The resolution did not include an express reference to the SEATO Treaty to include the SEATO members and protocol states; (2) In a very brief paragraph, the Committee concluded that "the resolution does not enter the field of controversy as to the respective limitations of power in the executive and the legislative branches." The Formosa resolution was cited for this proposition; (3) the Committee agreed that the resolution should not include a time limit. They concluded that the termination will be a matter for Presidential determination that "the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise." The "otherwise clause" was approved as permitting alternative methods of bringing peace and security, such as the International Control Commission. It was also noted that termination could be effected by joint Congressional resolution.

4. Senate Debate and Passage

Senate debate began on August 6. The resolution itself was not the chief topic of debate. Rather, after a brief endorsement of the resolution itself most Senators addressed themselves to the various aspects of the Vietnam situation.

Senators Cooper and Fulbright engaged in an interesting exchange concerning the effect of the resolution. It was agreed that the provisions

of section 1

of section 1 concerning the power of the President "to take all necessary measures to repel any armed attack against the United States and to prevent further aggression" gives no new power to the President. Rather, it is a confirmation that the President has the powers. Further, in Senator Fulbright's words "We are in effect approving of his use of the powers that he has."

It was also agreed that the President was given a new power under section 2 of the Resolution. The President is given the authority to employ United States forces, not primarily to prevent an attack upon our forces, but to prevent further aggression against South Vietnam or aggression against any SEATO member. Senator Fulbright explained the need for such a power in light of "the new developments in the field of warfare." He pointed out that the President needs such a power in order to respond most effectively to new developments in the Southeast Asia area. He stated that the President is accustomed to consulting with the Joint Chiefs and Congressional leaders and will certainly continue to do so in most situations. "But he does not have to do that." Finally Fulbright assured the Congress that the President would use this power with discretion and would consult with Congress in case a major change in policy becomes necessary.

Senator Kuchel and several others emphasized the need for the resolution to demonstrate American unity behind a firm policy in Southeast Asia. The need for bipartisan support in an election year was also stressed.

Late in the August 6 debate, Senator Mansfield introduced a unanimous consent agreement concerning the August 7 debate preceding a vote on the resolution. The agreement, which was adopted, limited debate to three hours, two of which would be given to Senator Morse and the other to be divided among the majority and minority leaders.

Senators Morse and Gruening were a vocal minority of two in their opposition to the resolution. They based their argument on the premise that the resolution is an affirmation of the United States role as "provocateur" in Southeast Asia. They urged that this course be abandoned and that the problem be solved in a peaceful manner by the United Nations.

Morse argued that section 1 of the resolution, in recognizing "the inherent right of the President to meet an aggression in the self-defense of the Republic is concerned, is superfluous and not needed. More dangerous was section 2, which Morse described as giving the President the "right to commit an act of war in the absence of an aggression."

He felt

He felt that, in addition to being unwise from the standpoint of American foreign policy, this section constituted an unconstitutional delegation by Congress of its power to declare war.

Morse's arguments apparently fell upon deaf ears. Most Senators confined their comments to support for the President's position and actions in the Tonkin Gulf, and cited the Formosan, Middle East and Cuban resolutions as clear precedent for Congressional action supporting the President's determination. The resolution was passed 88-2 with the ten absent Senators indicating they would have voted "yea.."

5. House Debate and Passage

There were no dissenters to the resolution in the House. Representative Gross described it as "in the nature of an after-the-fact sense resolution endorsing an action already taken by the President." Representative Reuss urged invoking the moral authority of the United Nations in Southeast Asia. Representative Alger supported the resolution on the assumption that the President, after taking the initial action in an emergency, will then consult Congress for further authorization.

As in the Senate, the need for bipartisan unity was stressed by most speakers. The final vote was 416-0, with Representative Powell voting present and 14 members not voting.

See attached Resolution.

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File No. 1
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SENATOR FULBRIGHT'S STATEMENTS
IN THE SENATE DEBATE ON
THE SEA RESOLUTION

August 6 and August 7, 1964

1. Page 17815-16 *

After Senator Mansfield presented the resolution to the Senate, Senator Fulbright made the following statements, among others, in support of the resolution. I recommend overwhelming endorsement of the resolution. The President has taken "wise and necessary action." The resolution expresses "approval and support of the Congress for the determination of the President to take such action as may be necessary, now or in the future, to restrain or repel Communist aggression in Southeast Asia." The North Vietnamese regime is patently guilty of military aggression and demonstrably in contempt of international law. The American action was limited and measured in proportion to the provocation which gave rise to it. It was an act of self-defense wholly consistent with Article 51 of the UN Charter and an act of limited retaliation wholly consistent with the international law of reprisal. An act of unambiguous aggression cannot be tolerated or ignored without inviting further provocations, especially when the act is committed by a regime which has been engaged in consistent and repeated aggression against its neighbors. The retaliatory measures taken by the U.S. were necessary and justified.

Senator Fulbright stressed the principle of foreign policy that challenges are varying and need to be met with varying instruments and policy. As it's a mistake to say force is the only proper response to Communist power challenge, so it's a mistake to say military action is never a necessary instrument of policy. It is important that we refrain from sweeping generalizations as to provocations and our response. The current crisis in Asia is one in which use of limited American force has been necessary and may be necessary again. He spoke of the Asian crisis and situation in a global context and warned against being driven to actions and attitudes which would undermine current progress toward the relaxation of tensions with the Soviet Union and the European Communist regimes. We must have the wisdom and the discrimination to be able, when necessary, to engage simultaneously in the local prosecution of hostilities and the global pursuit of world peace.

He warned the Communist powers that they could enjoy peace and security only as long as they stayed within their own frontiers. He made clear that when a willingness is shown to settle by peaceful means, these problems can then be placed largely or entirely

* See Full Transcript (attached) pages are clipped and
all statements numbered in accordance with this Summary

under the jurisdiction of the United Nations.

Communist aggression and expansion activities, wherever advanced, will meet precisely that degree of American opposition which is necessary to frustrate them. The resolution is designed to shatter whatever illusions our adversaries may harbor about the termination of the US to act promptly and vigorously against aggression.

In addition Senator Fulbright inserted 5 editorials which supported the President's action, as further evidence of support in the country and in the press.

2. Page 17818

Senator McGovern asked for an explanation of the North Vietnamese attack, especially in light of a Murray Marder statement that the South Vietnamese attacked the North Vietnamese. Senator Fulbright cautioned against speculating about North Vietnamese motives, said the South Vietnamese did conduct some coastal raids, but the best information I have from high officials in our Government in this field is to the effect that our boats did not convoy or support or backup any South Vietnamese naval vessels that were engaged in such attacks. He further explained that the junks of the South Vietnamese did not have any American personnel aboard. Our ships were there on patrol duty only.

Senator McGovern asked whether in view of Gen. Khanh's statement that the war had to be won by carrying it to the North, we were, by this resolution, surrendering to Gen. Khanh's position our attitude as to where the war should be fought, since simultaneously Administration leaders are saying we should take on the guerrillas in the South and confine the war there. Senator Fulbright said that our policy of not going north is not inconsistent with a response to attacks on our vessels on the high seas.

3. Page 17819-20

Senator Brewster asked whether there is anything in the resolution which would authorize or recommend or approve the landing of large American armies in Vietnam or in China. Senator Fulbright said there was nothing, as he read it, that contemplates it. However, the language of the resolution would not prevent it. It would authorize whatever the Commander in Chief feels is necessary. It

does not restrain the Executive from doing it. Whether or not that should ever be done is a matter of wisdom under the circumstances that exist at the particular time it is contemplated. The last thing we want to do is become involved in a land war in Asia. Our power is sea and air, and that is what we hope will deter the Chinese Communists and the North Vietnamese from spreading the war. That is what is contemplated. The resolution does not prohibit that, or any other kind of activity.

4. Page 17820

Senator Morton asked if our presence in the Tonkin Gulf couldn't be justified on our interpretation of our obligations under the SEATO treaty. Senator Fulbright agreed that it fortifies our right or responsibility for being there. Senator Morton said he thought Congress should speak loud and clear and make it plain to any would-be aggressor that we intend to stand there. Senator Fulbright agreed and said that this action is limited, but very sharp. It is the best action to deter escalation. If we went further, and ruthlessly bombed Hanoi and other places, we would be guilty of bad judgment, both on humanitarian grounds and on policy grounds, because then we would certainly inspire further retaliation.

5. Page 17820

Senator Javits said he would support the resolution, but wanted to know -

1. Are we in effect implementing the SEA collective defense treaty
2. Have we consulted our allies
3. What assistance will they give
4. Can the President take all necessary steps, including the use of armed forces, to assist any member of protocol state, which would include Laos, Cambodia, and Vietnam, in the SEA collective defense treaty, that may request assistance in defense of its freedom
5. If the President gets this resolution, will our vote on it make everything else (e.g. SEATO consultation, UN, allied contributions) perfunctory

Senator Fulbright's answers were -

1. Action was not taken in consultation with SEATO signatories

2. Contribution to protocol states -
Laos is out of the treaty
Cambodia renounced the US
Vietnam is the only one left
3. Contributions from other members - too little. Some countries are becoming more capable but have not yet assumed what I consider to be their proper part of an overall effort to defend free countries
4. Approves UN effort, with reservation that it is not timely, when one is in dire straits, to turn over a situation such as this to a body which is not equipped to assert the kind of power I believe to be necessary to stabilize the area. We have to establish some sort of stability before we can say to the UN "You take it." I look forward to the time when this can be done. I am looking in any way I can to bring in with us both our allies and the UN, when and if conditions can be created that that would be a feasible procedure to follow. I believe this resolution is well designed to stabilize the area.

Mr. Javits agreed, provided we could have a really manful follow-through, which we have sometimes lacked before. Senator Fulbright commended the actions of the Secretary of State and the JCS and said all seemed to be in agreement. There seems to be no division in the highest circles of Government.

6. Page 17821

Senator Miller questioned whether the phrasing "to prevent further aggression" was too open. Aggression against whom? US or SVN? And is it present or only future aggression? Senator Fulbright explained that the resolution covers both present and future aggression, and covers SEATO powers.

7. Page 17822

Senator Holland wanted to be sure Congress was not being asked to make any advance commitment relative to Malaysia or Burma. Also that Congress can terminate any commitment (see Sec. 3 of Resolution) made under the resolution by passing a concurrent resolution which would not require Presidential approval. Senator Fulbright assured him that Congress was not making advance commitments to Malaysia or Burma and that the whole resolution could be terminated by a concurrent resolution as stated therein.

8. Page 17822-23-24

Senator Nelson questioned whether Congress is saying to the President - "If it becomes necessary to prevent further aggression, we agree now, in advance, that you may land as many divisions as deemed necessary, and engage in a direct military assault on North Vietnam if it becomes the judgment of the Executive, the Commander in Chief, that this is the only way to prevent further aggression."

Senator Fulbright stated that if the situation should deteriorate to such an extent that the only way to save it from going completely under to the Communists would be action such as the Senator suggests, then that would be a grave decision on the part of our country as to whether we should confine our activities to very limited personnel on land and the extensive use of naval and air power, or whether we should go further and use more manpower. I personally feel it would be very unwise under any circumstances, he said, to put a large land army on the Asian continent. But when we try to confine ourselves and say that this resolution either prohibits or authorizes such action by the Commander in Chief in defense of this country, I believe that is carrying it a little further than I would care to go. I do not know that the limits are. I do not think this resolution can be determinative of that fact. The resolution is consistent with what we have been doing. "In all frankness, I cannot say that the resolution would in any way be a deterrent, a prohibition, a limitation, or an expansion on the President's power to use the Armed Forces in a different way or more extensively than he is now using them."

He goes on to say that the Senator from Wisconsin prompts him to make a remark which he perhaps shouldn't -- that we might be mistaken in our action. If any mistake has been made -- and I do not assert that it has been -- the only questionable area is whether or not we should ever have become involved. He disposes of this by saying that he doesn't believe that question is particularly pertinent or proper to the debate, because we have in fact become involved in Vietnam, and after being involved for 10 years our question now is how to control the situation, and this resolution is an appropriate action.

Senator Nelson and Senator Fulbright discuss the principle of the 3 mile limit and the distance from shore of our naval vessels at the time of the incident. Senator Nelson raised the question of the purpose of having US vessels within 11 miles of North Vietnam in view of North Vietnamese sensitivity. Fulbright reiterated his view that the US has an internationally recognized right to patrol in the Gulf of Tonkin in its role of helping the South Vietnamese, and such patrol is necessary to our mission.

9. Page 17825

Senator Scott asked whether Congress is authorizing the President to continue to defend the US, even if it be against a so-called or hitherto described privileged sanctuary. Senator Fulbright agreed this was correct and said the retaliatory action against the bases fits this definition. He goes on to say that it was wise and proper to do it. The action was well calculated and designed to achieve the purpose. He hesitated to generalize too far, because the conditions under which these things are done must be understood.

10. Page 17825-26

In response to a question from Senator Cooper as to the extent of the powers given to the President, Senator Fulbright said, "We are not giving to the President any powers he has under the Constitution as Commander in Chief. We are in effect approving of his use of the powers that he has."

Senator Cooper also raised the question of whether in enacting the resolution Congress was, in effect, satisfying the requirement of Article IV of the SEATO Treaty ("resorting to constitutional processes), and giving the President advance authority to take any action necessary to defend South Vietnam or any other SEATO country. Senator Fulbright agreed that if the President decided that it was necessary to use such force as could lead into war, Congress would be giving that authority by this resolution. Further, that under modern conditions of warfare it is necessary to anticipate what may occur, since things move so rapidly there is not time to obtain a formal declaration of war from Congress.

In response to Senator Cooper's question about the authority in Section 2 "to prevent further aggression, Senator Fulbright agreed that it could cover further attack against North Vietnamese cities and ports, "if the President determines it necessary. We know that he is accustomed to consulting with the Joint Chiefs of Staff and with congressional leaders. But he does not have to do that." However he went on to say, I have no doubt that the President will consult with Congress in case a major change in present policy becomes necessary.

11. Page 17826

In a discussion with Senator McGovern about whether we were surrendering control of our actions in Southeast Asia to the Government of South Vietnam, Senator Fulbright assured him we were not; we would not be obliged to follow through on any action suggested by South Vietnam which we felt was unwise.