

SECRET/SENSITIVE

May 9, 1969

MEMORANDUM FOR THE PRESIDENT

ON-FILE NSC RELEASE
INSTRUCTIONS APPLY

FROM: Henry A. Kissinger
SUBJECT: Analysis of the NLF's Ten Points

Attached at Tab A is an excellent CIA analysis of the general implications and possible significance of the NLF 10-Point statement (text at Tab B). This memorandum contains a point-by-point analysis and then lists the positive elements, the negative elements and the elements subject to negotiation.

State Dept. review completed pages
1-21

The Ten Points

Point 1, calling for the independence, sovereignty, unity, and territorial integrity of Vietnam, is standard NLF language and is acceptable to us.

Point 2 calls for U.S. withdrawal, including all military personnel. This is standard and acceptable, except that we would, of course, insist upon the withdrawal as well of North Vietnamese forces.

Point 3 is new and states that "the Vietnamese people's rights to defend their fatherland is inalienable. The problems of the Vietnamese armed forces in South Vietnam will be settled by the Vietnamese sides." The first sentence is a standard assertion to justify the right of the North Vietnamese forces to be in the south. The second sentence implies that the withdrawal should be settled among the ~~South~~ Vietnamese including a South Vietnamese Government. If this government is meant to be an NLF-dominated coalition, this is, of course, totally unacceptable. If it is the GVN, it is a step forward in accepting negotiations on the North Vietnamese withdrawal with the US/GVN side. However, to ask the GVN to negotiate alone with Hanoi on withdrawals would put all the pressures on them and is unacceptable. We would not object to the GVN participating with us in negotiations about the withdrawal of North Vietnamese forces.

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Point 4 presents a plan for a political settlement involving elections, a constitutional assembly, a new constitution and then a coalition government. It needs to be read in conjunction with Point 5 which calls for an interim coalition government prior to the elections. With regard to Point 4, itself, if the point means that a coalition government must result from the elections, this is, of course, unacceptable. If it means that one possible result of an election is a coalition government, we would not object. We have not yet addressed the question of whether we are prepared to accept the need for a new constitution.

Point 5 deals with a period prior to an election. In stating that "no side is to force the South Vietnamese people to accept its political regime," it appears to imply that there is an interim period during which the GVN, the NLF and other groups in the south would negotiate about the setting up of a caretaker government. Hanoi's description of those who could participate in such a government appears to rule out the GVN, although the statement omits the NLF's usual assertion that the U.S. must remove the GVN government. Thus, the words, themselves, could permit GVN participation. They also could be read to exclude the NLF from the caretaker government, although this is almost certainly not the NLF's intention. Whatever arrangements are made, the actual political evolution in the south will depend on the actual balance of forces. The prevention of an NLF takeover will require an effective and functioning non-Communist political ~~group~~ group.

Point 6 is a standard call for good relations with Laos and Cambodia and diplomatic relations with other countries. The only new point is the reference to the need to establish diplomatic and economic relations with the United States and the assertion that South Vietnam must be able to accept economic and technical assistance from any country. This point is acceptable to us.

Point 7 calls for a step-by-step move toward reunification on the basis of negotiation between the two zones and for normal relations between the zones in the interim. It accepts the military demarcation line but notes that it is only provisional in character and not a political border. Finally, it states that the two zones will decide on the status of the demilitarized zones and the measures for crossing the provisional demarcation line. Most of this language is standard and acceptable to us. The final sentence seems to call for a new agreement between

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the two zones about the DMZ. This is acceptable if it means negotiations between the GVN and Hanoi and if it leads to re-establishment of an effective demilitarized area.

Point 8 provides that prior to reunification, North and South Vietnam will not enter into military alliance and will not accept any foreign military personnel on their territory. This is standard language. We have not decided that we are prepared to agree to keeping no advisors in South Vietnam or to accept renunciation of the SEATO protocol by South Vietnam.

Point 9 deals with return of prisoners of war in more explicit terms than in the past. However, it also calls for reparations by the U.S. to both North and South Vietnam and implies a possible leakage between prisoner release and reparations. Reparations in either circumstance would be unacceptable to us.

Point 10 calls for all parties to agree on international supervision of the U.S. withdrawals. This is the first time Hanoi has proposed any international supervision. It could provide an opening for a discussion of international supervision for the withdrawal of North Vietnamese forces as well.

Positive Elements

1. Acceptance by implication of the presence of North Vietnamese forces in the south and indication that this is negotiable even if only by the Vietnamese sides.
2. Presentation of a detailed plan for a political settlement with some new and potentially acceptable elements and without insisting explicitly that this government be in accordance with the program of the Front.
3. Implication that the GVN might participate in negotiations about a caretaker government and the absence of an explicit statement that the U.S. must remove the GVN.
4. Statement that there should be no retaliation against those who cooperated with either side.

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5. Recognition of the DMZ as a provisional boundary and willingness to negotiate about it if only with the GVN.

6. Explicit reference to release of prisoners (although possibly linked to reparations).

7. Initial reference to international supervision, if only related to withdrawal of U.S. forces.

Negative Elements

1. Absence of an explicit statement of withdrawal of North Vietnamese forces.

2. Call for both an interim and permanent coalition government with refusal to accept the present constitutional structure of the GVN.

3. Language which implies that coalition government should be restricted to Communist or sympathetic elements.

4. Demand for U.S. reparations.

5. International supervision limited to U.S. withdrawals.

Elements Subject to Negotiation

1. Procedures for negotiating withdrawal of North Vietnamese forces and the relationship of this withdrawal to the withdrawal of U.S. forces.

2. Election procedures in South Vietnam.

3. Political arrangements prior to an election.

4. Status of the demilitarized zone.

5. Application of international supervision to North Vietnamese withdrawal.

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If Hanoi and the NLF are now ready for serious, detailed discussion, there are many elements in the 10-Point Program which we could probe, perhaps finding the basis for agreement. If Hanoi has presented this on a take-it-or-leave-it basis, it is very far from being satisfactory.

Attachments

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SCENARIO FOR PRESIDENTIAL STATEMENT ON VIETNAM

Saturday, 8:00 p.m.

Transmit text of message in SECRET/NODIS/EXCLUSIVE message back-channel to Bunker and Lodge; and by personal messenger to Secretaries Rogers' and Laird's offices (Eyes Only for them) for comment. Request Bunker and Lodge to comment by Sunday, 6:00 p.m., in message Exclusive for the President, the Secretary, and Kissinger.

Sunday, 9:00 p.m.
(Washington time)

Authorize Bunker to begin consultations with President Thieu, requesting comments by Tuesday, noon, Washington time.

Tuesday, 2:00 p.m.

Final text approved.

Tuesday, 6:00 p.m.

Reproduce final text of statement.

Tuesday, 8:00 p.m.

Call Walt Rostow and transmit speech to LBJ

Tuesday, 8:00 p.m.

Special messages to Prime Ministers Gorton and Wilson

Tuesday, 8:00 p.m.

Transmittal of instructions and final text to key diplomatic posts to permit advance notice to governmental leadership at H-2 (TCC, Japan and NAC).

Tuesday, 10:00 p.m.

Meeting with Ambassador Dobrynin.

Wednesday, 10:00 a.m.

Consultation with Congressional leadership.

Wednesday, 10:00 a.m.

Consultation with other selected Congressional members.

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Wednesday, 10:00 a.m.

Consultation with Ambassadors from Troop Contributing Countries, Japan, U.K, and France. U.S. Ambassadors simultaneously brief Prime Ministers where appropriate and NAC briefed.

Wednesday, 10:00 a.m.

Transmit text to Ambassador Yost.

Wednesday, 11:00 a.m.

Press backgrounder. (Text given to press. Doors locked.)

Wednesday, 11:00 a.m.

Transmittal of speech text to all other diplomatic posts.

Wednesday, noon

Release of Presidential statement. Press conference. President summarizes statement.

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VIET - DRAFT V - 5/9/69

Kissinger/Haig/Eagleburger/Sneider/Halperin

Since taking office four months ago, the question to which I have devoted more of my own time and energy than to any other is how to achieve peace in Vietnam.

The issue has not been whether peace is desirable. On that we all agree. The issue is how it can be achieved.

I wish now to report on some of the things we have done in these four months, and especially on the judgments we have reached about the nature of an acceptable negotiated settlement and about possible ways of approaching it. I also want to explain some of the considerations that have entered into these judgments.

REVIEW AND REASSESSMENT

Our first step began even before Inauguration. This was to launch an intensive review of every aspect of the Nation's Vietnam policy. We accepted nothing on faith. We challenged every assumption and every statistic, knowing that in Vietnam, disagreement has concerned not only judgments but the facts themselves. We made a systematic,

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serious effort to examine all the options and alternatives that might be open to us, including those that have been offered both by critics and by supporters of past policies.

One of the first conclusions from our review was that we faced a set of immediate operational problems. These included enemy preparations for the second Tet offensive, which was launched in February; a wide gulf of distrust between Washington and Saigon, which hindered cooperation; and the fact that in eight months of talks in Paris, there has been no negotiations directly related to the nature of a final settlement.

We therefore moved on several fronts at once.

Militarily, we countered the Tet offensive. As a result, the enemy failed to achieve his military objectives.

We restored a close working relationship with Saigon. As a result, President Thieu and his ministers have taken important initiatives in the search for a settlement.

We accelerated the strengthening of the South Vietnamese forces. This has two purposes. One is to enable South Vietnamese troops to shoulder more of the burden of fighting, as President Thieu has indicated they are prepared to do as they become trained and

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equipped. The other purpose is to diminish Hanoi's hope that time is on its side.

Our deepest concern has been the development of a coherent, coordinated peace policy, so that our various moves would be mutually reinforcing; we have established the limits of what we would consider an acceptable settlement; and we have sought to press the Paris talks toward the substantive issues essential to an agreement.

In weighing alternative courses, we have had to recognize that the situation as it exists today is far different from what it was two years ago, or four years ago, or ten years ago. These differences have closed old options, and opened new ones.

One difference is that we no longer have the option of not intervening. We have intervened. There are now more than half a million American troops in Vietnam, and 35,000 young Americans have lost their lives there. Other countries have sent troops to Vietnam in reliance on American pledges.

We are thus involved in solemn commitments to the people of South Vietnam and to our other allies. The situation that confronts us today is different because of these commitments. The question is not whether we should have gone in, but what we do now that we are

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there; not whether we should have entered on these commitments, but what they require of us today.

Against that background, let me discuss first what we have rejected, and second what we are prepared to accept.

ESSENTIAL PRINCIPLES

We have ruled out either a unilateral disengagement from Vietnam, or the acceptance in Paris of terms that would amount to a camouflaged surrender.

We also have ruled out attempting to impose a purely military solution on the battlefield. Our objectives are limited, and they do not require it.

I want to be quite precise about why we reject surrender, however disguised.

First; When we assumed the burden of helping defend South Vietnam, millions of South Vietnamese men, women and children placed their trust in us. To abandon them now would risk their massacre.

Abandoning our allies, however, would jeopardize more than lives in South Vietnam. It would threaten our longer-term hopes for peace in the world. A great power cannot renege on its

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commitments. Too many other nations rely too heavily on the integrity of its pledges.

When it comes to maintaining peace, "prestige" is not an empty word. I am not speaking of false pride or bravado -- they should have no place in our policies -- but rather of the respect that one nation has for another's steadfastness in defending its principles and meeting its obligations.

If we collapsed our effort in Vietnam, the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability.

Another reason stems from the debates raging within the Communist world between those who argue for the use of force and those who argue against the use of force. Though the war in Vietnam is not masterminded by Peking, for Hanoi to succeed in taking over South Vietnam by force even after the power of the United States had been engaged would greatly strengthen the advocates within the Communist world of Peking's policy of confrontation.

If we are to move successfully from an era of confrontation to an era of negotiation, then we have to demonstrate -- at the

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point at which confrontation is being tested -- that confrontation serves nobody's interests.

I would add one thought. Almost without exception, the leaders of non-Communist Asia have made clear -- in private if not in public -- that they would consider a unilateral American disengagement from Vietnam as a threat to the security of their own nations.

These larger considerations are what compel the conclusion that anything amounting to surrender would not serve the cause of peace.

In determining what options would be acceptable, we have to look first at the question of what our essential objectives are:

These can be stated quite simply. We seek the opportunity for the South Vietnamese people to determine their own political future without outside interference.

Because our aims are limited to this one objective, we can be very clear about several other points:

- We seek no bases.
- We will insist on no military ties.
- We are willing to agree to neutrality for the South Vietnamese people, if that is what they choose.

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- We believe there should be an opportunity for full participation in the political life of South Vietnam by all political elements that are prepared to do so without the use of force or intimidation.
- We are prepared to accept any government in South Vietnam that results from the choice of the South Vietnamese people themselves, exercised freely and without outside coercion.
- We have no objection to reunification, if that turns out to be what the people of North Vietnam and South Vietnam want; we ask only that the decision reflect the free choice of the people concerned.

In pursuing our limited objective, we insist on no rigid diplomatic formula. It could be reached by a formal negotiated settlement, by an informal understanding, or simply by a de facto establishment of the necessary conditions -- provided only that the understanding was clear, and that there were adequate assurances that it would be observed.

THE NEGOTIATIONS

This brings us, then, to the matter of negotiations.

I recognize that peace in Vietnam cannot be achieved overnight. The war has been waged by dedicated and courageous men, on both sides, for many years. No matter how much we yearn for peace, we

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must recognize that a civil war which has raged for twenty years can only be settled by detailed negotiations and then not at a single stroke.

We ask nothing more than a settlement that will permit the South Vietnamese people to determine freely their own political future. This requires, first, the withdrawal of all non-South Vietnamese forces from South Vietnam; and second, procedures for political change that give each significant group a real opportunity to participate in the political life of the nation.

In this spirit, I reaffirm now our willingness to withdraw our forces on a specified timetable, without political conditions. We ask only that North Vietnam regroup its forces in North Vietnam, withdrawing them from South Vietnam, Cambodia and Laos.

We include Cambodia and Laos to ensure that these would not be used as bases for a renewed war. The Cambodian border is only 50 miles from Saigon; the Laotian border is only 50 miles from Hue.

I would stress three points in relation to this offer: It provides for a simultaneous start on withdrawal by both sides; for agreement on a mutually acceptable timetable; and for withdrawal to be accomplished as quickly as possible.

If North Vietnam wants to insist that it has no forces in South Vietnam, we will no longer debate the point -- provided that its

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forces cease to be there, and that we have reliable assurances that they will not return.

The North Vietnamese delegates have been saying in Paris that political issues should be discussed along with military issues, and that there must be a political settlement in the South. We will not dispute this. But the military withdrawal involves outside forces, and can therefore be properly negotiated by North Vietnam and the United States; the political settlement is an internal matter, which ought to be decided among the South Vietnamese themselves and not imposed by outside powers. However, if our presence at these political negotiations would be helpful, and if the South Vietnamese concerned request it, we would be willing to participate, along with the representatives of Hanoi if that were also desired.

Recent statements by President Thieu of South Vietnam have gone far toward opening the way to a political settlement. He has publicly declared -- for the first time -- his government's willingness to discuss a political solution with the National Liberation Front.

The South Vietnamese Government recognizes, as we do, that a settlement must permit all individuals and groups that are prepared to renounce the use of force to participate freely in the political life of South Vietnam. To be effective, such a settlement would require

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two things: first, a process that would allow the South Vietnamese people to express their choice; and second, a guarantee that this process would be a fair one.

Such guarantees could take many forms. One possible form would be the creation of an international supervisory group, composed of other Asian Nations. Such a group would also be in a position to monitor the withdrawal of outside forces.

The principal point I want to make, however, is that the forms of such guarantees are negotiable. The important thing is that the guarantees should have the confidence of the South Vietnamese people, and that they should be broad enough and strong enough to protect the interests of all major South Vietnamese groups.

This, then, is the outline of the settlement that we seek to negotiate in Paris. Its basic terms are very simple: mutual withdrawal of non-South Vietnamese forces from South Vietnam, and free choice for the people of South Vietnam. I believe that the long-term interests of peace require that we insist on no less, and that the realities of the situation require that we seek no more.

PROGRAMS AND ALTERNATIVES

To make very concrete what I have said, I propose the following seven steps, which seem to me consistent with the principles of all parties:

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Step 1 -- As soon as agreement can be reached, U. S. forces, those of our allies and those of North Vietnam would simultaneously begin withdrawal from South Vietnam.

Step 2 -- An international force drawn from Asian nations acceptable to both sides would be created, and would begin moving into South Vietnam.

Step 3 -- Over a period of twelve months, by agreed-on stages, the major portion of the non-South Vietnamese troops would be withdrawn. The remaining North Vietnamese and U.S. forces would remain in designated bases and not engage in combat operations.'

Step 4 -- The international force would move into the provinces in accord with an agreed timetable, and would arrange local ceasefires.

Step 5 -- As soon as possible after a ceasefire was arranged in a particular area, local elections would be held under agreed procedures and under the supervision of the international force. All groups in the South would have the right to full participation in these elections.

Step 6 -- The remaining U.S. forces would complete their withdrawals as the North Vietnamese forces were withdrawn from South Vietnam and returned to North Vietnam.

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Step 7 -- All parties would agree to observe the Geneva Accords of 1954 regarding South Vietnam and Cambodia and the Laos Accords of 1962 regarding Laos.

The United States Government believes this proposal for peace is realistic, and takes account of the legitimate interests of all concerned. It is consistent with President Thieu's six points, and it can accommodate the various programs put forth by the other side. We and the Government of South Vietnam are prepared to discuss its details with the other side.

However, I would stress that this proposal is not offered on a take-it-or-leave-it basis. We are quite willing to consider other approaches.

We recognize that negotiations can only succeed when each side is willing to consider alternatives to its own proposals. Our interest is not in the words, but in the substance behind them; and not in who initiates a proposal, but in whether it offers a possible path to settlement. We are willing to talk about anybody's program -- Hanoi's four points, the NLF's 10 points -- provided it can be made consistent with the few basic principles I have set forth here.

Last week, the NLF put forward a ten-point peace plan. Most of what it contained was familiar, and some of what it contained or

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appeared to contain was unacceptable -- for example, its apparent implication that as a condition of settlement, a coalition government including the NLF should be imposed on South Vietnam. It also failed to provide explicitly for the withdrawal of North Vietnamese forces from South Vietnam. However, it contained a great deal on which we could agree in principle, such as the right of self-defense, the establishment of broad democratic freedoms, healing of the war wounds, freedom of individuals from retaliation for having supported one side or the other in the struggle.

The ten points dealt mostly with means, rather than ends; and with the particular details of a political settlement in South Vietnam. These are matters that can appropriately be discussed at the negotiating table if the other side is indeed prepared for serious negotiations.

Every day that the war drags on, the toll in lives mounts higher. There is no need for the suffering to continue; there is no need to prolong the agony further.

I have outlined tonight what I think are reasonable steps, and reasonable requirements. I have indicated our willingness to listen to other proposals, and to consider other approaches. But I

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must also make clear, in all candor, that if time goes on and the needless suffering continues, this will affect other decisions. Hanoi has nothing to gain by delay. The principles I have set forth here can, I believe, be made to accommodate the essential interests of both sides; but the principles themselves will not be compromised. We are not going to soften. We are not going to let our military situation weaken.

We will continue to insist on our one fundamental objective: the right of the people of South Vietnam to choose their own future course. We are prepared to negotiate among a variety of alternative means of securing that right. For ten months now, our representatives and those of Hanoi have been meeting in Paris. For those same ten months, the killing has continued. I now appeal publicly to the leaders of Hanoi to join with us in beginning a speedy and serious consideration of the issues necessary to settlement. Let us swing open the doors of peace, so that the killing can stop, the land can be returned to its people, and the anguish at last can be brought to an end.

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INFORMATION

SECRET/NODIS
PARIS MEETINGS/PLUS

May 8, 1969

MEMORANDUM FOR DR. KISSINGER

FROM: Dean Moor

THROUGH: Richard L. Sneider

SUBJECT: Assessment of the Private Meeting with the DRV in Paris
on 7 May

There were no changes in the substantive position of the Communist side at this session. Xuan Thuy and Le Duc Tho seemed primarily interested in setting out very basically, simply, and forcefully the long espoused fundamentals of the Communist stand. There were hints that they regarded this as the first of a new series of meetings.

According to Ambassador Lodge, there was nothing in the Communist statements inconsistent with the theory that Hanoi believes by stalling in the present talks it can eventually get a better deal with the U.S. At the same time, Lodge believes the Communists will study the U.S. statement with care; they showed special interest in the U.S. comments on a political settlement in the South.

Following are some of the more interesting aspects of the Communist presentation:

1. They were concerned at getting some assurance that the U.S. would keep the meeting secret; they claimed we had broken our agreement on this after the last meeting. Hanoi, of course, does not want the U.S. to be able to give the impression that some progress may be occurring behind the scenes in Paris. They believe this tends to mollify anti-war sentiment in the U.S.

2. The Communists argued, as they often have in the past, that there was "nothing new" in the U.S. statement. Xuan Thuy said Hanoi needed to know the "new and specific" views of the U.S. government on the Communist proposals; the way the U.S. was approaching the matter was not a "correct" approach.

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3. According to Communists, their "immediate" proposals, or the "three things to be fulfilled," were as follows: 1) U.S. withdrawal without conditions; 2) replacement of the Thieu/Ky/Huong administration; 3) U.S. to hold serious talks with the NLF. They appear to be trying to get the U.S. to take some actual action on at least one of these elements.

4. The Communists rejected the competency of the GVN to speak for SVN, and called for U.S. negotiations with the Front on "all questions concerning" SVN. However, they did not rule out NLF-GVN talks.

5. The Communists reiterated their assertion that the Vietnamese would create "favorable conditions" for a U.S. withdrawal. However, they refused to be drawn out on this point by Lodge's effort to probe its meaning.

6. The Communists established an interesting definition of their adherence to the Geneva Accords. They said they viewed it in general terms of respect for the sovereignty, independence, unity, territorial integrity of Vietnam as a whole. They said nothing about respect for individual provisions. Under this definition, of course, the presence of NVN forces in the South would not be a violation of the Accords.

7. Le Duc Tho's presentation was diplomatic, stressing the great cost of the war to both sides, but firm on the point that it was up to the U.S. to take the action necessary to make a settlement possible. This is the standard approach for Tho, the senior statesman of the DRV delegation. He said much the same thing in his earlier private talks with Harriman and Vance in January.

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