

APPLY

TO SAN CLEMENTE

SECRET  
220

~~TOP SECRET SENSITIVE~~ 230340Z AUG 71 VIA CAS CHANNELS  
FROM: AMBASSADOR BUNKER, SAIGON 0714 IMMEDIATE  
TO: THE WHITE HOUSE, EXCLUSIVELY EYES ONLY FOR HENRY A. KISSINGER  
REFS: A) WHS 1083; B) WHS 1087; C) SAIGON 0692

SUBJECT: CONVERSION OF THE OCTOBER 3 ELECTION INTO A REFERENDUM.  
1. I MET WITH THIEU AGAIN ON THE EVENING OF AUGUST 25 FOR FURTHER DISCUSSION AS TO PROCEDURE AND SCENARIO FOR CONVERSION OF THE OCTOBER 3 ELECTION INTO A REFERENDUM. I HAD PREPARED A MEMORANDUM SUGGESTING PROCEDURES WHICH MIGHT BE FOLLOWED IN THE ANNOUNCEMENT AND IMPLEMENTATION OF THE REFERENDUM. TEXT OF MEMORANDUM FOLLOWS:  
BEGIN TEXT:

A. STEP 1

1. SUBSEQUENT TO THE LOWER HOUSE ELECTION, PRESIDENT THIEU MIGHT ISSUE A PUBLIC STATEMENT SAYING THAT HE WANTS TO OBTAIN A CLEAR EXPRESSION OF THE PEOPLE'S WILL AS TO WHETHER HE SHOULD OR SHOULD NOT CONTINUE IN OFFICE. IN ORDER TO DETERMINE THIS, HE PROPOSES TO TURN THE OCTOBER 3 ELECTION INTO A REFERENDUM.

- IF THE OUTCOME IS AFFIRMATIVE, HE WILL CONSIDER THIS A MANDATE TO CONTINUE IN OFFICE FOR A FULL FOUR YEAR TERM.
- IF THE OUTCOME IS AGAINST HIM, HE WOULD CONSIDER IT A VOTE OF NO CONFIDENCE AND WOULD RESIGN, CALLING FOR A NEW ELECTION WITHIN 90 DAYS.

2. HE WOULD SAY THAT WITHIN A FEW DAYS, HE WILL MAKE ANOTHER STATEMENT OUTLINING HOW THE REFERENDUM WOULD BE ORGANIZED AND THE PROCEDURES THAT WOULD BE FOLLOWED.

MORI C05142789

B. STEP 2

3. A SECOND STATEMENT MIGHT TAKE THE FOLLOWING LINE:

- PRESIDENT THIEU MIGHT REFER TO HIS FIRST STATEMENT AND THEN SAY THAT HE HAD HOPED ABOVE ALL TO HAVE AN OPPORTUNITY FOR A FREE ELECTION, VIGOROUSLY CONTESTED BY RESPONSIBLE OPPOSITION LEADERS. UNFORTUNATELY, OPPOSITION CANDIDATES HAVE CHOSEN TO WITHDRAW FROM THE ELECTORAL CONTEST FOR REASONS HE DOES NOT CONSIDER VALID. MUCH HAS BEEN SAID BY BOTH CANDIDATES TO EXPLAIN THEIR DECISIONS IN THE MOST FAVORABLE LIGHT. THESE STATEMENTS HAVE INCLUDED CHARGES AGAINST HIMSELF, THE SUPREME COURT, AND OTHER INSTITUTIONS OF GOVERNMENT. WHILE HE REJECTS THESE CHARGES, HE RECOGNIZES NOTHING WILL BE GAINED IN CONTINUING ARGUMENT. HIS PRIMARY INTEREST IS IN MAINTAINING THE CONSTITUTIONAL SYSTEM AND THE COMMITMENT TO THE PRINCIPLE OF FREE AND FAIR ELECTIONS. IN VIEW OF THESE DEVELOPMENTS AND SINCE HE STILL BELIEVES A CLEAR EXPRESSGON OF THE POPULAR WILL IS ESSENTIAL FOR VIETNAM'S FUTURE, HE HAS DECIDED TO MODIFY THE CHARACTER OF THE OCTOBER ELECTION TO A SIMPLE MANDATE BY WHICH THE ELECTORATE CAN REGISTER A VOTE OF CONFIDENCE OR NO CONFIDENCE IN HIS REGIME.

DOS Review Completed

- HE WOULD REPEAT THAT IF THE OUTCOME IS AFFIRMATIVE, HE WILL THEN CONSIDER THAT THE CONFIDENCE VOTE CONSTITUTES A GEMANDATE TO CONTINUE IN OFFICE FOR A FULL FOUR YEAR TERM.
- IF THE OUTCOME SHOULD PROVE TO BE A VOTE OF NO CONFIDENCE, HE WOULD RESIGN AND CALL FOR A NEW ELECTION WITHIN 90 DAYS.

C. STEP 2

4. AT THE SAME TIME, PRESIDENT THIEU WOULD OFFER BOTH GENERAL MINH AND VICE PRESIDENT KY THE FULL OPPORTUNITY TO CAMPAIGN ON THE "CONFIDENCE OR NO CONFIDENCE" ISSUE. HE WOULD ASSURE BOTH MEN THE OPPORTUNITY TO CAMPAIGN ACTIVELY IN AN OPPOSITION ROLE. HE WOULD OFFER THE PROVISION OF FREE RADIO AND TELEVISION TIME, GOVERNMENT HELICOPTERS, AND OTHER ASSETS IN ORDER TO ASSURE FAIRNESS AND EQUAL OPPORTUNITY TO BOTH SIDES.

STEP 2 AND STEP 3 WOULD BE TAKEN CONCURRENTLY.

5. (NOTE: THE FOREGOING PROCEDURE WOULD ALLOW PRESIDENT THIEU TO SEIZE THE INITIATIVE, TO CHALLENGE HIS OPPONENTS TO A REAL CONTEST AND BE IN A POSITION TO PLACE MAXIMUM EMPHASIS ON THE POPULAR WILL. THIS COURSE OF ACTION WOULD STRIP BOTH MINH AND KY OF THE CAUSE CELEBRE WITH WHICH A STRAIGHT NO-CONTEST ELECTION COULD PROVIDE THEM.)

OTHER FACTORS WHICH WOULD NEED TO BE CONSIDERED.

DATE. IT WOULD SEEM WISE TO ADHERE TO THE OCTOBER 3 DATE FOR NG IN ORDER TO AVOID CONFLICTS WITH THE CONSTITUTION OR THE MORAL LAW.

BALLOTING. THE FORM OF BALLOTING WILL HAVE TO BE DETERMINED. MEETINGS WITH KY AND MINH. TO SET THE STAGE FOR HIS PUBLIC ATTITUDE REGARDING THE LEGALITY OF THE ELECTION/REFERENDUM, PRESIDENT THIEU WOULD ATTEMPT TO MEET, SEPARATELY OR JOINTLY, WITH GENERAL MINH AND VICE PRESIDENT KY. AT THESE MEETINGS HE WOULD EXPLAIN HIS REASONS FOR CONTINUING WITH THE SCHEDULED ELECTION. HE WOULD STATE THAT HE STANDS FIRMLY BEHIND THE LAW AS OUTLINED IN THE CONSTITUTION AND THE ELECTION LAW. HE WOULD EXPLAIN THAT THE LAW IS CLEAR, AN ELECTION IS TO BE HELD AND ACCORDING TO THAT LAW, KY IS ON THE BALLOT AS AN OPPONENT OF THIEU, EVEN THOUGH KY HAS CHOSEN NOT TO COMPETE IN THE ELECTION. IN VIEW OF THIS UNWILLINGNESS ON KY'S PART, PRESIDENT THIEU WOULD SAY THAT HE HAS DECIDED TO MAKE THE ELECTION BOTH A CHOICE BETWEEN THE TWO LEGAL CANDIDATES AND A REFERENDUM WHEREBY THE VOTERS OF VIET-NAM COULD MAKE A DECISION ON WHETHER THEY DESIRE A CONTINUANCE OF HIS RULE AND HIS POLICIES. HE WOULD STATE THAT HE WISHES TO GIVE BOTH KY AND MINH THE OPPORTUNITY TO ACTIVELY CAMPAIGN AGAINST THE REFERENDUM IF THEY SO DESIRE, AND WILL MAKE TRANSPORTATION AND INFORMATION FACILITIES AVAILABLE FOR THEM TO DO SO.

D. FOLLOW-UP LETTERS AND SUBSEQUENT PUBLICATION. PRESIDENT THIEU WOULD (WHETHER MINH AND KY ACCEPTED HIS REQUEST TO MEET OR HIS OFFER TO CAMPAIGN AGAINST HIM IN THE REFERENDUM) THEN PRESENT THE SAME ARGUMENTS AND OFFER IN A LETTER TO EACH. THE OBJECTIVE OF THIS WOULD BE NOT SO MUCH TO RECONVEY HIS THOUGHTS TO THE OPPOSITION, BUT TO CREATE THE RAISON D'ETRE FOR MAKING THESE OFFERS PUBLIC WHICH HE WOULD DO BY RELEASING THE LETTERS TO THE PRESS.

E. JOINT SESSION OF NATIONAL ASSEMBLY. PRESIDENT THIEU WOULD NEXT CONVENE A JOINT SESSION OF THE NATIONAL ASSEMBLY, TO WHICH HE WOULD EXPLAIN HIS REASONS FOR THE DECISION TO HOLD AN ELECTION/REFERENDUM, AND OUTLINE HOW IT WOULD BE CONDUCTED. HE WOULD EXPLAIN THAT HE PREFERS, IN THE INTERESTS OF LAW AND THE CONSTITUTION, NOT TO HOLD THE ELECTION (EVEN THOUGH HE IS LEGALLY QUALIFIED AND BOUND TO DO SO) AS A STRAIGHT ELECTION BETWEEN HIMSELF AND KY, BUT BY MAKING IT A REFERENDUM, HE WOULD THUS GIVE THE VOTERS THE OPPORTUNITY TO STATE CLEARLY THEIR DESIRES CONCERNING THE GOVERNING OF THE COUNTRY.

F. MEETING WITH POLITICAL PARTY LEADERS AND PRESS REPRESENTATIVES. FOLLOWING HIS APPEARANCE BEFORE THE NATIONAL ASSEMBLY, PRESIDENT THIEU WOULD SCHEDULE A MEETING OR MEETINGS WITH POLITICAL PARTY LEADERS AND PRESS REPRESENTATIVES TO FURTHER AMPLY HIS PRESENTATION OF THE REFERENDUM PROPOSAL.

G. TV/RADIO APPEARANCE. TO REACH THE PEOPLE DIRECTLY, THUS CLARIFYING ANY POINTS WHICH AN UNFRIENDLY PRESS MIGHT HAVE PRESENTED INADEQUATELY, PRESIDENT THIEU WOULD MAKE A TV/RADIO ADDRESS OUT-LINING HIS REFERENDUM PROPOSAL.

H. INFORMATION AND GET-OUT-THE-VOTE CAMPAIGN. A MASSIVE INFORMATION CAMPAIGN, WITH PRESIDENT THIEU TAKING AN ACTIVE ROLE, WOULD BE UNDERTAKEN TO FURTHER EXPLAIN TO THE VOTING PUBLIC THE REASONS FOR THE DECISION FOR THE JOINT ELECTION/REFERENDUM AND TO EXPLAIN SIMPLY THE PROCEDURES TO BE FOLLOWED TO REGISTER THEIR CHOICE AT THE POLLS ON ELECTION DAY. IN THE EVENT THAT KY AND MINH DID NOT ACCEPT ANY OF THIEU'S OVERTURES AND, INSTEAD, CALLED UPON THE VIETNAMESE VOTERS TO BOYCOTT THE ELECTION/REFERENDUM, THE MINISTRY OF INFORMATION, AS WELL AS PRESIDENT THIEU AND HIS SUPPORTERS, WOULD LAUNCH A MAJOR EFFORT TO GET AS LARGE A VOTER TURN-OUT AS POSSIBLE IN ORDER TO GIVE MAXIMUM WEIGHT TO THE VOTERS' DECISION.  
END TEXT.

2. THIEU SAID THAT HE THOUGHT THE MEMORANDUM HELPFUL AND WOULD WANT TO GIVE IT FURTHER STUDY. HE COMMENTED THAT HE THOUGHT IT WOULD NOT BE DIFFICULT TO MAKE THE PEOPLE UNDERSTAND THE PURPOSE OF THE REFERENDUM. THE MAIN PROBLEM WOULD BE IN WORKING OUT PROPER PROCEDURES SO THAT THE REFERENDUM WILL BE CARRIED OUT IN CONFORMITY WITH THE CONSTITUTION AND THE LAW. CONSULTATIONS WITH THE SUPREME COURT AND THE ASSEMBLY WOULD BE NECESSARY. WE AGREED TO MEET AGAIN AFTER HE HAD GIVEN THE MATTER FURTHER STUDY.

3. BEST REGARDS.

LU

TOP SECRET SENSITIVE EXCLUSIVE

EYES ONLY