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State Dept. review completed

~~TOP SECRET SENSITIVE~~ 311545Z AUG 71 VIA CAS CHANNELS
FROM: AMBASSADOR BUNKER, SAIGON 0844 IMMEDIATE
TO: THE WHITE HOUSE, EXCLUSIVELY EYES ONLY FOR HENRY A. KISSINGER
REFS: A) WHS 1090; B) SAIGON 0818; C) SAIGON 0714
SUBJECT: MEETING WITH PRESIDENT THIEU, AUGUST 31: ELECTIONS.

1. I DISCUSSED WITH THIEU AGAIN TODAY THE PROS AND CONS OF THE ALTERNATIVES MENTIONED IN MY 0818. I EMPHASIZED THE URGENT NEED OF HIS TAKING SOME CONSTRUCTIVE ACTION BEFORE CONGRESS RECONVENES ON SEPTEMBER 7, FOR WE WOULD FIND OURSELVES IN AN EXTREMELY DIFFICULT POSITION IF WE FACED THE PROSPECT OF AN UNCONTESTED ELECTION. THE PRESENT QUIET IS NOT AN INDICATION OF SUPPORT OR WHAT THE SITUATION WILL BE LIKE WHEN CONGRESS RECONVENES.
2. THIEU SAID THAT HE HAD TODAY AGAIN REVIEWED WITH HIS ADVISERS THE ALTERNATIVES WE HAD DISCUSSED YESTERDAY.
3. WITH REGARD TO ALTERNATIVE A (REF B) THE MINISTRY OF THE INTERIOR HAD REPORTED THAT, ASSUMING THREE TO FIVE CANDIDATES, THE AMENDED LAW WOULD HAVE TO BE PROMULGATED BY SEPTEMBER 5 WITH FINAL DATE FOR BEGINNING PREPARATIONS SEPTEMBER 11. SINCE IT WAS CLEARLY IMPRACTICAL TO GET ACTION BY THE NATIONAL ASSEMBLY WITHIN THIS TIME FRAME, THIS ALTERNATIVE HAD TO BE DISCARDED.
4. POSTPONING THE ELECTIONS (OPTION B) ALSO PRESENT DIFFICULTIES WHICH SEEM TO MAKE IT IMPRACTICAL. DEFERMENT OF THE ELECTION WILL REQUIRE A CONSTITUTIONAL AMENDMENT. THE PRESENT NATIONAL ASSEMBLY WILL EXPIRE OCTOBER 1 AND THIEU BELIEVES THAT IN VIEW OF THE PROCEDURE NECESSARY TO ENACT A CONSTITUTIONAL AMENDMENT, IT WILL BE DIFFICULT IF NOT IMPOSSIBLE TO PASS THE NECESSARY LEGISLATION WITHIN A MONTH. SINCE MANY OF THE INCUMBENTS HAVE BEEN DEFEATED, IT MAY NOT BE POSSIBLE TO CONVENE THE MEMBERSHIP NEEDED TO SECURE A TWO-THIRDS VOTE. THE NEW ASSEMBLY WILL MEET OCTOBER 4 AND WILL REQUIRE APPROXIMATELY A MONTH FOR VALIDATION OF ITS MEMBERSHIP, ELECTION OF OFFICERS, AND ORGANIZATION, AND THERE IS NO TELLING AT THIS STAGE WHAT THE TEMPER OF THE NEW MEMBERSHIP WILL BE.
5. THIEU AND HIS ADVISERS, THEREFORE, HAVE COME TO THE CONCLUSION THAT THE ONLY PRACTICAL SOLUTION OF THE PROBLEM IS TO CONVERT THE OCTOBER 3 ELECTION TO A REFERENDUM (OPTION C) AND HE PLANS TO GO AHEAD ON THIS BASIS. THE SUPREME COURT HAD GIVEN ITS OPINION THAT SINCE KY HAD STATED THAT HE WOULD NOT TAKE PART IN THE ELECTION, THE PRACTICAL RESULT WAS THAT THERE WOULD BE ONLY ONE TICKET, AND THAT THE MINISTRY OF INTERIOR COULD CARRY OUT THE ARRANGEMENTS FOR THE ELECTION. THIEU HAS BEGUN WORK ON A STATEMENT HE WOULD MAKE, POSSIBLY TOMORROW NIGHT, SEPTEMBER 1. THIS WOULD RECOUNT THE EVENTS WHICH HAVE TAKEN PLACE; THE JURIDICAL SITUATION; AND A STATEMENT MODIFYING 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 ADMINISTRATION. THE PART OF THE STATEMENT REFERRING TO A REFERENDUM WOULD BE ALONG THE LINES MENTIONED IN MY 0714. I SUBMITTED A DRAFT TO HIM SUGGESTING LINE HE MIGHT TAKE.
TEXT FOLLOWS.

ON-FILE NSC RELEASE INSTRUCTIONS APPLY

6. BEGIN TEXT: I HAD HOPED ABOVE WILL TO HAVE AN OPPORTUNITY FOR A FREE ELECTION VIGOROUSLY CONTESTED BY RESPONSIBLE OPPOSITION LEADERS. THIS IS WHAT THE CONSTITUTION PROVIDES FOR. THE PEOPLE WOULD THEN HAVE HAD AN OPPORTUNITY TO DECIDE BETWEEN THE POLICIES I HAVE PURSUED DURING THE LAST FOUR YEARS AND THOSE PROPOSED BY MY OPPONENTS.

UNFORTUNATELY, THE OPPOSITION CANDIDATES HAVE CHOSEN TO WITHDRAW FROM THE ELECTORAL CONTEST FOR REASONS I DO 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 ME, AGAINST THE SUPREME COURT, AND OTHER INSTITUTIONS OF GOVERNMENT. WHILE I REJECT THESE CHARGES I SEE NOTHING TO BE GAINED IN CONTINUING ARGUMENT. MY PRIMARY INTEREST IS IN MAINTAINING THE CONSTITUTIONAL SYSTEM AND THE COMMITMENT TO THE PRINCIPLES OF FREE AND FAIR ELECTIONS.

IN VIEW OF THESE DEVELOPMENTS AND SINCE I STILL BELIEVE THAT A CLEAR EXPRESSION OF THE POPULAR WILL IS ESSENTIAL FOR VIET-NAM'S FUTURE, I HAVE 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 MY ADMINISTRATION.

IF THE OUTCOME IS AFFIRMATIVE, I WILL CONSIDER THAT THE CONFIDENCE VOTE CONSTITUTES A MANDATE TO CONTINUE IN OFFICE FOR ANOTHER TERM.

IF THE OUTCOME SHOULD PROVE TO BE A VOTE OF NO CONFIDENCE, I WILL RESIGN AND CALL FOR A NEW ELECTION WITHIN 90 DAYS.

I OFFER BOTH GENERAL MINH AND VICE PRESIDENT KY THE FULL OPPORTUNITY TO CAMPAIGN ON THE "CONFIDENCE OR NO CONFIDENCE" ISSUE. I ASSURE THEM THAT THEY WILL HAVE AN OPPORTUNITY TO CAMPAIGN ACTIVELY IN AN OPPOSITION ROLE AND WILL GUARANTEE THEM THE FACILITIES THEY NEED TO CARRY ON THEIR CAMPAIGN IN ORDER TO ASSURE FAIRNESS AND EQUAL OPPORTUNITY TO BOTH SIDES.

MY AMBITION IS NOT TO BE PRESIDENT, BUT TO RESTORE PEACE TO MY COUNTRY AND MY PEOPLE. I PLEDGE TO WORK SINCERELY AND VIGOROUSLY TOWARD THAT END IF I AM RETURNED TO OFFICE. IF I SUCCEED IN ACHIEVING A SETTLEMENT OF THE WAR, I WILL RESIGN SO THAT NEW ELECTIONS CAN TAKE PLACE. END TEXT.

7. THIEU COMMENTED THAT HE SHOULD NOT INVITE GENERAL MINH AND VICE PRESIDENT KY TO CAMPAIGN AGAINST HIM. THEY WOULD CONSIDER IT TRICKERY AND AN ATTEMPT TO USE THEM TO JUSTIFY HIS VICTORY. HE WOULD, HOWEVER, MAKE IT CLEAR THAT THEY HAD AN OPPORTUNITY TO OPPOSE HIM. HE ALSO SUGGESTED CHANGING THE FINAL SENTENCE OF THE LAST PARAGRAPH TO READ, "IF I SUCCEED IN ACHIEVING A SETTLEMENT OF THE WAR, I WILL HAVE ACHIEVED MY MISSION. I WILL THEN ASK YOU TO PERMIT ME TO RETIRE SO THAT YOU CAN CHOOSE ANOTHER PRESIDENT THROUGH NEW ELECTIONS."

8. THIEU AGREED TO SHOW ME A DRAFT OF HIS STATEMENT TOMORROW AFTERNOON.

9. IT IS CLEAR THIEU HAS GIVEN MUCH THOUGHT TO THE PROBLEM HE FACES AND IS NOW PREPARED TO GO AHEAD WITH THE REFERENDUM AS THE MOST PRACTICAL WAY OUT OF THE DIFFICULT SITUATION IN WHICH HE FINDS HIMSELF.

10. I AM SENDING ABBREVIATED MESSAGE

11. WARM REGARDS.

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