

ON-FILE NSC RELEASE
INSTRUCTIONS APPLY

~~TOP SECRET SENSITIVE~~

State Dept. review completed

MORI/CDP
C03322154

~~TOP SECRET SENSITIVE~~ 091220Z SEP 72 [REDACTED] (BUNKER) 25X1
FROM: AMBASSADOR BUNKER SAIGON 0153 IMMEDIATE
TO: THE WHITE HOUSE, EXCLUSIVELY EYES ONLY FOR HENRY A. KISSINGER
REF: A) WHS 2154; B) SAIGON 0150; C) WHS 2157

1. AT NOON TODAY DUC AND NHA PERSONALLY DELIVERED FOLLOWING THREE DOCUMENTS:

- A) COMMENTS OF THE REPUBLIC OF VIET-NAM ON REVISED U.S. PEACE PROPOSALS AND PROCEDURES FOR CONDUCT OF NEGOTIATIONS AND COUNTER PROPOSALS BY THE REPUBLIC OF VIET-NAM.
- B) PEACE PROPOSAL OF THE REPUBLIC OF VIET-NAM.
- C) PROCEDURES FOR CONDUCT OF NEGOTIATIONS PROPOSED BY THE REPUBLIC OF VIET-NAM.

TEXTS FORWARDED IN IMMEDIATELY FOLLOWING MESSAGE.

- 2. CONCERNING OUR PEACE PROPOSAL, YOU WILL NOTE THAT CHANGES ARE SUGGESTED ONLY IN POINT 4, ALL OTHER POINTS BEING ACCEPTABLE.
- 3. CHANGES ARE SUGGESTED IN POINTS 1 THROUGH 4 OF THE PROCEDURES FOR CONDUCT OF NEGOTIATIONS. POINTS 5, 6, AND 7 OF OUR DRAFT ARE ACCEPTABLE.
- 4. CONCERNING THE GVN'S PROPOSED CHANGES IN POINT 4 OF OUR PROPOSAL:

IT SEEMS TO ME THAT THE ADDITION OF THE WORDS "FREE FROM ANY OUTSIDE INTERFERENCE" IN THE FIRST SENTENCE OF POINT 4 COULD BE LIVED WITH.

IN SECTION (A), FIRST PARAGRAPH, THEY HAVE DELETED "REVIEW OF THE CONSTITUTION". THIS DUC EXPLAINED AS BEING IN ACCORD WITH THEIR ELIMINATION OF PARAGRAPH (F). YOU WILL NOTE THEIR EXPLANATION OF THE ELIMINATION OF THAT PARAGRAPH IS THAT AFTER THE ELECTION, THERE WILL BE A GOVERNMENT IN POWER AND THAT THE CNR WOULD IN EFFECT BE A PARALLEL GOVERNMENT. THEIR POINT IS THAT IF THE CONSTITUTION IS TO BE REVIEWED OR REVISED, IT SHOULD BE BY THE GOVERNMENT IN POWER. HOWEVER, I SEE NO REASON WHY THE GOVERNMENT THEN IN POWER SHOULD NOT REVIEW THE CONSTITUTION. I DISCUSSED THIS LATER WITH THIEU WHO HAS AGREED TO THE FOLLOWING WORDING FOR PARAGRAPH (F):

"AFTER THE PRESIDENTIAL ELECTION THE CONSTITUTION WILL BE REVIEWED FOR ITS CONSISTENCY WITH THE CONDITIONS OF PEACE WITH A VIEW TOWARD RESTORING A SPIRIT OF NATIONAL RECONCILIATION THROUGHOUT THE COUNTRY."

SECTION (A), FIFTH PARAGRAPH, YOU WILL NOTE THEY HAVE NEW WORDING FOR THE COMPOSITION AND CHOOSING OF THE COMMITTEE. IN DISCUSSION WITH THIEU, I POINTED OUT TO HIM THAT IT SEEMED TO ME HE HAD GIVEN UP HIS VETO POWER BY THIS FORMULATION AND HE SAID HE WOULD WANT TO THINK THIS OVER. THE CHANGE IN THE WORDING OF THE SECOND SENTENCE OF SECTION (B) SEEMS TO ME A FORMULATION THAT CAN BE LIVED WITH.

THE CHANGE IN SECTION (D) HAS BEEN MADE WITH THE VIEW TOWARD ITS DOMESTIC POLITICAL IMPACT. THERE SEEMS TO BE A FEELING THAT IN SPECIFYING THAT, AS OUR SECTION D) DOES, "ALL POLITICAL FORCES WILL BE ELIGIBLE ... TO POSITIONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF GOVERNMENT" THE IMPRESSION WILL BE GIVEN THAT THE WHOLE GOVERNMENT IS GOING TO BE TURNED OUT. THE WORDING "VARIOUS" IS VAGUER, BUT DOES NOT EXCLUDE ELIGIBILITY TO ANY BRANCH OF GOVERNMENT.

I HAVE REFERRED TO GVN VIEWS ON PARAGRAPH (F) AND A NEW SUGGESTED WORDING ABOVE.

5. I REGRET DELAY IN FORWARDING THIS, BUT I WAS UNABLE TO SEE THIEU UNTIL LATE THIS AFTERNOON DESPITE MY REQUEST FOR AN EARLY APPOINTMENT.
6. BEST WISHES FOR A SUCCESSFUL TRIP. WARMEST REGARDS.

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