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TOP SECRET SENSITIVE 200350Z OCT 72 VIA CAS CHANNELS (BUNKER)  
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SECTION 1 OF 2

FROM: HENRYJ

. KISSINGER SAIGON 0199 FLASH

TO: THE WHITE HOUSE, EXCLUSIVELY EYES ONLY FOR GENERAL HAIG  
NAKTO 22 OCTOBER 20, 1972

PLEASE TRANSMIT THE FOLLOWING MESSAGE TO COLONEL GUAY IMMEDIATELY  
WITH INSTRUCTIONS TO DELIVER IT TO HIS CUSTOMER AS SOON AS POSSIBLE.

BEGIN TEXT: THE FOLLOWING IS A MESSAGE ON BEHALF OF THE PRESI-  
DENT OF THE UNITED STATES OF AMERICA TO THE PRIME MINISTER OF THE  
DEMOCRATIC REPUBLIC OF VIETNAM.

1. THE U.S. SIDE APPRECIATES THE GOOD WILL AND SERIOUS ATTITUDE  
OF THE DRV SHOWN IN ITS MESSAGE OF OCTOBER 19, 1972. WITH THE TWO  
PROVISIONS FOR ARTICLES 7 AND 8 AGREED TO BY THE DRV SIDE IN ITS  
MESSAGE, THE TEXT OF THE AGREEMENT CAN NOW BE CONSIDERED COMPLETE.  
FOR PURPOSES OF CLARITY AND TO AVOID ANY AMBIGUITY, THE U 2. SIDE  
HAS DELETED THE FIRST CLAUSE OF THE SECOND PARAGRAPH OF ARTICLE 7,  
AND THE ENTIRE ARTICLE 7 AS ACCEPTED BY THE U.S. SIDE NOW READS AS  
FOLLOWS:

QUOTE: ARTICLE 7. - FROM THE ENFORCEMENT OF THE CEASEFIRE TO  
THE FORMATION OF THE GOVERNMENT PROVIDED FOR IN ARTICLES 9B AND  
9I OF THIS AGREEMENT, THE TWO SOUTH VIETNAMESE PARTIES SHALL NOT  
ACCEPT THE INTRODUCTION OF TROOPS, MILITARY ADVISERS, AND  
MILITARY PERSONNEL INCLUDING TECHNICAL MILITARY PERSONNEL,  
ARMENTS, MUNITIONS, AND WAR MATERIAL INTO SOUTH VIETNAM.  
THE TWO SOUTH VIETNAMESE PARTIES SHALL BE PERMITTED TO  
MAKE PERIODICAL REPLACEMENTS OF ARMENTS, MUNITIONS AND WAR  
MATERIAL WHICH HAVE BEEN WORN OUT OR DAMAGED AFTER THE CEASE-  
FIRE, ON THE BASIS OF PIECE-FOR-PIECE, OF THE SAME CHARACTER-  
ISTICS AND PROPERTIES, UNDER THE SUPERVISION OF THE JOINT  
MILITARY COMMISSION OF THE TWO SOUTH VIETNAMESE PARTIES AND  
OF THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION.  
END QUOTE.M

2. THERE REMAINS TO BE SETTLED, HOWEVER, THE MATTER OF UNILATERAL  
DECLARATIONS BY THE TWO SIDES. IN ORDER TO AVOID STARTING A NEW  
RELATIONSHIP ON THE BASIS OF MISUNDERSTANDINGS, CLARIFICATION OF  
THESE STATEMENTS IS ABSOLUTELY NECESSARY.

OSD review completed

ON-FILE NSC RELEASE INSTRUCTIONS APPLY

A) WITH RESPECT TO THE QUESTION OF PRISONERS, THE U.S. SIDE HAS STATED ON INNUMERABLE OCCASIONS THAT UNDER NO CIRCUMSTANCES CAN IT SIGN AN AGREEMENT THAT DOES NOT UNCONDITIONALLY GUARANTEE THE RETURN OF ALL ITS MILITARY AND CIVILIAN PRISONERS THROUGHOUT INDOCHINA. ACCORDINGLY, THE FORMULATION IN THE DRV UNILATERAL STATEMENT HANDED OVER ON OCTOBER 17 WHICH MAKES THE RETURN OF PRISONERS IN LAOS CONDITIONAL ON A LAOTIAN SETTLEMENT AND MAKES NO MENTION OF PRISONERS IN CAMBODIA IS UNACCEPTABLE. THE U.S. SIDE HAS PROCEEDED ON THE ASSUMPTION OF THE ASSURANCES GIVEN BY SPECIAL ADVISOR LE DUC THO THAT THE DRV WILL MAKE ITSELF RESPONSIBLE FOR THE RETURN OF ALL U.S. MILITARY AND CIVILIAN PRISONERS HELD THROUGHOUT INDOCHINA. THEREFORE, THE U.S. SIDE REQUIRES A DRV UNILATERAL STATEMENT ALONG THE LINES OF THE TEXT HANDED OVER ON OCTOBER 8, 9 AND 12, 1972, TO READ AS FOLLOWS:

QUOTE. WITH RESPECT TO U.S. MILITARY MEN AND CIVILIANS HELD IN INDOCHINESE COUNTRIES OUTSIDE OF VIETNAM, THE DRV UNDERTAKES TO MAKE ARRANGEMENTS FOR THEIR IDENTIFICATION AND RETURN TO UNITED STATES AUTHORITY IN ACCORDANCE WITH THE SAME SCHEDULE ESTABLISHED FOR THE RELEASE OF U.S. MILITARY MEN AND CIVILIANS DETAINED IN VIETNAM. THE DRV WILL ALSO ASSURE THAT THE PROVISION IN THE OVERALL AGREEMENT FOR VERIFICATION OF THOSE U.S. MILITARYMEN AND CIVILIANS CONSIDERED MISSING IN ACTION WILL BE APPLIED ALSO IN LAOS AND CAMBODIA.  
END QUOTE.

B) WITH RESPECT TO LAOS, THE U.S. SIDE ACCEPTS THE VERSION HANDED OVER BY THE DRV SIDE ON OCTOBER 13, 1972, CONFORMING TO THE U.S. TEXT HANDED OVER ON OCTOBER 12, 1972, AS FOLLOWS:

QUOTE: ON THE BASIS OF RESPECT OF THE PRINCIPLES OF THE 1962 GENEVA AGREEMENT ON LAOS, THE DEMOCRATIC REPUBLIC OF VIETNAM AND THE UNITED STATES WELCOME THE CURRENT NEGOTIATIONS BETWEEN THE TWO CONCERNED LAO PARTIES, AND WILL ACTIVELY CONTRIBUTE TOWARD RAPIDLY BRINGING THESE NEGOTIATIONS TO A SUCCESSFUL CONCLUSION, SO AS TO MAKE POSSIBLE A CEASEFIRE IN LAOS WITHIN ONE MONTH AFTER THE "AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM" COMES INTO FORCE.

AFTER THE CEASEFIRE IN LAOS THE FOREIGN COUNTRIES IN LAOS WILL ARRANGE THE MODALITIES OF IMPLEMENTING ARTICLE 15 B) OF THE "AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM."  
END QUOTE.

C) WITH RESPECT TO CAMBODIA, THE U.S. SIDE OPERATES ON THE BASIS OF THE FOLLOWING STATEMENTS MADE BY SPECIAL ADVISOR LE DUC THO AT PRIVATE MEETINGS WITH DR. KISSINGER ON SEPTEMBER 26 AND 27 AND OCTOBER 8 AND 11, 1972.

QUOTE:

-- THE QUESTIONS OF THE WAR IN VIETNAM AND CAMBODIA ARE CLOSELY LINKED; WHEN THE WAR IS SETTLED IN VIETNAM, THERE IS NO REASON FOR THE WAR TO CONTINUE IN CAMBODIA (SEPTEMBER 27);

-- ONCE THE VIETNAM PROBLEM IS SETTLED, THE QUESTION OF CAMBODIA CERTAINLY WILL BE SETTLED; AND THE END OF THE VIETNAMESE WAR WILL CREATE A VERY GREAT IMPACT THAT WILL END THE WAR IN CAMBODIA PREHAPS IMMEDIATELY (OCTOBER 8)

YES ONLY

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T O P S E C R E T S E N S I T I V E 200350Z OCT 72 VIA 6 CHANNELS (BUNKER)  
DELIVER IMMEDIATELY  
FINAL SECTION OF 2

FROM: HENRY A. KISSINGER SAIGON 0199 FLASH  
TO: THE WHITE HOUSE, EXCLUSIVELY EYES ONLY FOR GENERAL HAIG  
HAKTO 22 OCTOBER 27, 1972

-- IT IS AN UNDERSTANDING BETWEEN US THAT THE DRV WILL ABIDE BY THE PRINCIPLE THAT ALL FOREIGN FORCES, INCLUDING ITS OWN, MUST PUT AN END TO THEIR MILITARY ACTIVITIES IN CAMBODIA AND BE WITHDRAWN FROM CAMBODIA AND NOT BE REINTRODUCED (SEPTEMBER 26);

-- THE DRV WILL FOLLOW THE SAME PRINCIPLES IN CAMBODIA THAT IT WILL FOLLOW IN SOUTH VIETNAM AND LAOS, THAT IS, IT WILL REFRAIN FROM INTRODUCING TROOPS, ARMAMENT, AND WAR MATERIAL INTO CAMBODIA (OCTOBER 11); AND

-- AS ARTICLE 18 STATES, THE OBLIGATIONS OF THIS AGREEMENT COME INTO FORCE ON THE DAY OF ITS SIGNING (OCTOBER 11).

THE UNITED STATES REITERATES ITS VIEW AS EXPOUNDED BY DR. KISSINGER ON OCTOBER 11, 1972, THAT IF, PENDING A SETTLEMENT IN CAMBODIA, OFFENSIVE ACTIVITIES ARE TAKEN THERE WHICH WOULD JEOPARDIZE THE EXISTING SITUATION, SUCH OPERATIONS WOULD BE CONTRARY TO THE SPIRIT OF ARTICLE 15(B) AND TO THE ASSUMPTIONS ON WHICH THIS AGREEMENT IS BASED. END QUOTE.

3. WITH RESPECT TO OTHER UNILATERAL STATEMENTS HANDED OVER BY THE DRV SIDE ON OCTOBER 17, 1972, THE U.S. POSITION IS AS FOLLOWS:

A) WITH RESPECT TO ECONOMIC RELATIONSHIPS BETWEEN THE U.S. AND DRV IN THE POST-WAR PERIOD, THIS MATTER WILL BE DISCUSSED DURING DR. KISSINGER'S VISIT TO HANOI AND CAN BE SETTLED SATISFACTORILY.

B) WITH RESPECT TO RECONNAISSANCE ACTIVITIES, THE U.S. SIDE CONFIRMS THAT WITH THE COMING INTO EFFECT OF THE AGREEMENT, RECONNAISSANCE ACTIVITIES AGAINST THE DEMOCRATIC REPUBLIC OF VIETNAM WILL CEASE.

C) WITH RESPECT TO U.S. AIRCRAFT CARRIERS, THE U.S. SIDE CANNOT ACCEPT ANY RESTRICTIONS REGARDING THE TRANSIT OF AIRCRAFT CARRIERS, AS WAS POINTED OUT BY DR. KISSINGER TO SPECIAL ADVISOR LE DUC THO ON OCTOBER 11, 1972. THUS THE UNDERSTANDING ON THIS QUESTION REFERS ONLY TO THE STATIONING OF U.S. AIRCRAFT CARRIERS.

D) WITH RESPECT TO INTERNAL DEVELOPMENTS WITHIN SOUTH VIETNAM, THE MATTER REFERRED TO IN THE DRV STATEMENT WAS BEING DISCUSSED IN THE CONTEXT OF THE U.S. PROPOSALS OF SEPTEMBER 26 AND 27, 1972. THESE PROPOSALS ARE SUPERSEDED BY THE AGREEMENT NOW BEING COMPLETED. THE U.S. SIDE TAKES THE VIEW THAT THE QUESTION OF INTERNAL DEVELOPMENTS IN SOUTH VIETNAM IS SUFFICIENTLY COVERED BY ARTICLE 9 OF THE DRAFT AGREEMENT AND THAT NO ADDITIONAL UNDERSTANDINGS EXIST.

4. AS SOON AS THE DRV SIDE CONFIRMS THESE UNDERSTANDINGS AS SET FORTH IN PARAGRAPHS 2 AND 3 ABOVE, THE AGREEMENT CAN BE CONSIDERED COMPLETED.

5. ON THE ASSUMPTION THAT THE QUESTION OF THE UNILATERAL STATEMENTS WILL BE SATISFACTORILY SETTLED, THE U.S. SIDE PROPOSES THE FOLLOWING SCHEDULE WHICH WOULD NOT INVOLVE MORE THAN A 24-HOUR CHANGE IN THE TIME OF THE SIGNING OF THE AGREEMENT.

A) BECAUSE OF THE DELAY CAUSED BY THE NEED TO RECEIVE REPLIES ON REMAINING MATTERS, THE U.S. SIDE PROPOSES THAT DR. KISSINGER ARRIVE IN HANOI ON OCTOBER 24 AT THE TIME AGREED UPON AND LEAVE ON OCTOBER 26.

B) THERE WOULD BE A JOINT ANNOUNCEMENT OF THE AGREEMENT IN WASHINGTON AND HANOI ON OCTOBER 27, 1972 AT 2100 WASHINGTON TIME.

C) THE SIGNING OF THE AGREEMENT WOULD TAKE PLACE ON OCTOBER 31 IN PARIS.

D) WHILE THE AGREEMENT WOULD NOT GO INTO EFFECT UNTIL ITS SIGNATURE, IN ORDER TO SHOW ITS GOOD WILL THE U.S. SIDE IS PREPARED TO OBSERVE A CEASEFIRE AS OF OCTOBER 28, NOON, WASHINGTON TIME AND ARRANGE FOR SIMILAR ACTION BY THE FORCES OF THE GOVERNMENT OF THE REPUBLIC OF VIETNAM.

E) ASSUMING THE DRV SIDE AGREES TO THIS MODIFIED SCHEDULE, THE U.S. WOULD STOP BOMBING NORTH OF THE 20TH PARALLEL ON THE MORNING OF OCTOBER 23, 1972, AND ALL BOMBING, SHELLING AND MINING OF NORTH VIETNAM ON THE EVENING OF OCTOBER 23, 1972.

F) THE U.S. SIDE REQUESTS URGENT CONFIRMATION WITH RESPECT TO THE UNDERSTANDINGS IN THIS MESSAGE. THE U.S. SIDE ALSO REQUESTS THE DRV SIDE TO CONFIRM THE ARRANGEMENTS REGARDING PUBLICITY OF DR. KISSINGER'S VISIT TO HANOI SET FORTH IN THE PAPER HANDED OVER TO MINISTER XUAN THUY BY DR. KISSINGER ON OCTOBER 17, 1972. AS SOON AS THESE CONFIRMATIONS ARE RECEIVED THE DRV SIDE CAN COUNT ON THE U.S. SIDE PROCEEDING WITH THE SCHEDULE PROPOSED ABOVE.

G) THE U.S. SIDE REGRETS THE 48-HOUR DELAY IN CARRYING OUT THIS SCHEDULE, BUT CONSIDERS THIS IS UNAVOIDABLE BECAUSE OF THE COMPLEXITY OF THE SUBJECT AND THE NEED FOR PRECISE MUTUAL UNDERSTANDING. IT DOES NOT BELIEVE THAT NOW THAT TWO SIDES ARE SO CLOSE TO THE COMPLETION OF SO LONG A CONFLICT THE DRV SIDE WOULD PROCEED ON THE BASIS OF THREATS.

H) THE U.S. SIDE REITERATES ITS CONVICTION THAT THE END OF THE WAR, VW SO IMMINENT, SHOULD USHER IN A NEW ERA IN THE RELATIONSHIP BETWEEN THE U.S. AND THE DRV.  
END TEXT

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