

C AD 13

2 December 1970

## MEMORANDUM

SUBJECT: The Understandings on the Bombing Halt

Summary

1. During the summer and autumn of 1968, US and North Vietnamese negotiators in Paris worked out a series of unwritten, but fairly well defined "understandings" about what we expected to happen if the US stopped the bombing of North Vietnam. The US specified that a bombing cessation could not be maintained unless Communist forces refrained from certain actions in the area of the DMZ and against major cities. The North Vietnamese and Soviets indicated that they understood what the US had said in this regard.

2. The understandings also included explicit agreement that representatives of the Republic of Vietnam and of the Communists' Liberation Front would participate in post-bombing talks. Finally, the understandings included a mutual commitment to begin post-bombing talks as soon as possible. The North Vietnamese were certainly aware that we intended to conduct aerial reconnaissance over North Vietnam after the bombing stopped, and they raised no objection until after it actually was stopped. The subject was never covered in any detail, however. We have no record of any explicit discussion of what might happen if the North Vietnamese fired on reconnaissance flights or if the US retaliated for such action.

NSA, OSD, and State Dept. reviews completed

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The Military "Facts of Life"

3. In the plenary sessions and in 12 secret meetings with the North Vietnamese between June and October 1968, the US indicated that under certain "circumstances" it was prepared to stop the bombing and other actions "involving the use of force" against North Vietnam. The specific "circumstances" and the ways in which we presented them to the North Vietnamese changed during this period. Eventually, in an attempt to get around Hanoi's rejection of "conditions" or "reciprocity," a formula was worked out during Ambassador Vance's consultations in Washington in early October. The formula became the basic statement of the US position and it was delivered to North Vietnamese politburo member Le Duc Tho and Xuan Thuy at a secret meeting with Harriman and Vance on 11 October 1968. The North Vietnamese asked about conditions and reciprocity and the US replied as follows:

*"In responding to your question, it is very important there be no misunderstanding between us. It is very important to understand that we are not talking about reciprocity or conditions but simply a fact that after cessation of all bombardment the President's ability to maintain that situation would be affected by certain elemental considerations.*

*"We do not look on them as a condition for stopping the bombing but as a description of the situation which would permit serious negotiations and thus the cessation to continue. You will understand, therefore, that the circumstances we have discussed in our various private meetings about military activity in and around the DMZ are essential to the maintenance of that situation. And, of course, you know from our various discussions that indiscriminate attacks launched against major cities would create a situation*

*which would not permit serious talks and thus the maintenance of a cessation."*

4. The US had specified clearly at earlier meetings what was expected of Communist forces regarding the DMZ and attacks on cities:

--The DMZ: The US position was that there would be no firing of artillery, rockets, or mortars from across and within the DMZ; there would be no movement of troops from across and within the DMZ; and there would be no massing or movement of troops near the DMZ in a manner threatening to the other side.

--Attacks on Cities: The US position was that there would be no indiscriminate attacks against major cities. Major cities were defined at least once as being Saigon, Da Nang, and Hue.

5. The basic US position was repeated to the North Vietnamese in forceful, explicit terms on several occasions. During a secret meeting on 16 October, Xuan Thuy noted that Le Duc Tho was on his way back to North Vietnam and that he would report to Hanoi. Thuy noted that Tho "fully understood" the content of previous US-DRV meetings. He added that the North Vietnamese in Hanoi also understood the US position, but that with Le Duc Tho present they would understand even better.

6. The Soviets were given our position several times and they assured us repeatedly that Hanoi understood it. Ambassador Dobrynin, for example, told Mr. Rostow on 25 October that he was sure Hanoi understood the "facts of life" to which the US referred because they had been made clear "many, many times."

7. For about three months after the bombing halt, Communist forces generally played by the "rules" we had laid down regarding the DMZ and the cities. There was some minor military activity in the DMZ,

of course, and dozens of "incidents," but no major Communist units moved across the line into South Vietnam for more than two months after the bombing stopped. Moreover, some large units were moved far north of their normal positions just above the DMZ. With regard to cities, the Communists rocketed Saigon on 31 October, the eve of the bombing halt, but not again until 23 February 1969 when the enemy launched a so-called post-Tet offensive in South Vietnam. Hue was hit once by a light shelling in early February.

8. The "rules" were, in effect, scrapped by the Communists when they launched their post-Tet offensive in February 1969. Regimental-sized units moved into the area north of the DMZ and finally into South Vietnam itself. There were repeated shellings across and from within the DMZ, and all three major cities were shelled indiscriminately. There has not been a consistent pattern to Communist military activity since the spring of 1969. Major cities are shelled from time to time, and Communist forces continue to move across the DMZ, even though their present low-profile tactics do not include extensive use of the zone as in the past. Thus, the extent to which the Communists now feel constrained by the military terms of the understanding is unclear.

#### Other Aspects of the Understandings

9. There was explicit (but unwritten) agreement, not just an "understanding," on two non-military matters--who would participate in post-bombing talks and the need for a prompt meeting of all the participants after the bombing stopped. The US had always insisted that the Saigon government would have to take part in any negotiations involving the political future of South Vietnam. The North Vietnamese were equally insistent that only the National Liberation Front, and not Hanoi, could speak on matters concerning South Vietnam.

10. By September 1968, much of the conversation in Paris was concentrating on the question of GVN participation. We had made it clear that we were prepared to stop the bombing on the

assumption that the Communists "would know what to do" regarding the DMZ and attacks on major cities. But we insisted that the bombing could not actually stop until Hanoi explicitly agreed to the participation of the GVN in post-bombing talks.

11. The Communists initially stonewalled on this issue. The ice was finally broken on 12 October when the Soviets informed the US delegation they "had reason to believe" that if the bombing stopped, Hanoi would agree to GVN participation in talks on a political settlement in Vietnam. The North Vietnamese confirmed this at the next private meeting on 15 October by saying explicitly several times they "agreed that if the bombing stops there will be serious talks including representatives of the Saigon administration."

12. In a government statement after the bombing halt, North Vietnam hedged this commitment by noting that it would carry on discussions with the US "with a view to finding a political solution to the Vietnam problem." Regarding the GVN, however, the statement said only that the DRV would "participate in a conference" involving the "Saigon administration." Moreover, soon after the bombing actually stopped, the Communists began calling for a "peace cabinet" in Saigon. This call gradually evolved into the present Communist position of refusing to do business with the Saigon government until changes are made in its top leadership. Hanoi now privately insists that all matters, political as well as military, should be discussed bilaterally by US and North Vietnamese negotiators.

13. The Communists may never have been ready to carry out the part of the understandings calling for "serious" discussions involving the GVN. We cannot be positive on this point, however, since the prompt post-bombing talks for which the US delegation had been pressing were not held because the Saigon government refused to send its representatives to Paris. The North Vietnamese were

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clearly dismayed when we were unable to bring along what they regarded as our "puppets," especially when they had rushed their Liberation Front people to Paris only three days after the bombing stopped. One can speculate that Saigon's balking and the ensuing weeks of haggling over the shape of the table had a marked impact on Hanoi's attitude. The Communists might have been ready for negotiations in the autumn of 1968 because, with the Johnson Administration on the way out and with Saigon shaken and out of tune with US policy, they calculated that our side was an easy mark. When it became clear that allied concessions were not going to come easily, the Communists stiffened their terms and shunned "serious talks" with GVN representatives.

#### The Matter of Reconnaissance

14. The North Vietnamese had always couched their demand for a bombing halt in language that included "all other acts of war," which they publicly insisted covered reconnaissance flights. The US met this problem in July 1968 when Vance first used the formula that we were prepared to stop the bombing and all other actions "involving the use of force" against North Vietnam. This precise language was stressed because it was intended to allow for reconnaissance, but we did not make the point explicit or raise the possibility that North Vietnam might fire on such flights. There was no discussion of such "details" until after the bombing stopped. In effect, both sides finessed the reconnaissance issue.

15. Nonetheless, the North Vietnamese indicated more than once that they knew the meaning of our formulation. During a meeting on 21 October, when the negotiators were trying to devise language for a statement announcing a bombing halt, the North Vietnamese agreed to describe the cessation as an end to "all acts involving the use of force against North Vietnam." The US delegation interpreted this to mean that Hanoi was not going to use the issue of reconnaissance as an excuse to break off the talks. In the actual North Vietnamese

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statement on the bombing halt on 2 November, Hanoi acknowledged that the US had stopped the bombing, but it noted that the US had yet to "give up for good all encroachments on the sovereignty and security" of North Vietnam. Thus, while the North Vietnamese never raised any specific objections to our formulation, neither did they agree to accept reconnaissance flights passively.

16. In the autumn of 1968, before the bombing halt, the US concern about reconnaissance was focused on the issue of whether Hanoi would use the continuation of such flights as an excuse to stall or even break off the talks. [REDACTED]

[REDACTED] the North Vietnamese did not intend to use reconnaissance as a reason for disengaging from negotiations. Very soon after the bombing stopped, however, Hanoi began citing reconnaissance flights to counter US charges that the Communists were violating the terms of the understandings.

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17. This first happened on 11 November 1968 when Vance met with Ha Van Lau to protest Communist shellings from the DMZ. Lau sloughed off the DMZ matter and complained for the first time about reconnaissance activity. He used the argument that the US commitment to stop all "acts of force" included reconnaissance flights and he insisted that North Vietnam would take preventive measures. Vance vigorously asserted the flights would continue. Lau eventually dropped the subject by saying he disagreed with the US view and urged the US to stop such flights.

18. As far as we can tell, US measures to protect reconnaissance flights did not come up until the US broached the subject with the Soviets both in Paris and Washington on 13 November. Soviet diplomats were told that our planes would defend themselves if the firing against them continued. In Washington, Ambassador Dobrynin responded that it was his "personal impression" that firing on reconnaissance flights had not been discussed earlier and that we were making an ex post facto demand on North Vietnam.

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19. Following the first shootdown of a US reconnaissance aircraft, Vance told Lau on 24 November that such an action is wholly unacceptable to the US. "Our preference," said Vance, "would be for North Vietnam to comply with a clear understanding of our point of view and to leave our reconnaissance aircraft alone." Lau responded by saying that "he was now instructed to reject completely the position of the US Government in regard to reconnaissance flights over the territory of the DRV." Despite subsequent shootdowns, torrents of charges and countercharges, and the passage of two years, Hanoi has stuck to this position.

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