

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

TOP SECRET/SENSITIVE
EXCLUSIVELY EYES ONLY

MEMORANDUM OF CONVERSATION

PARTICIPANTS:

The President
Dr. Henry A. Kissinger, Special Assistant
to the President for National Security
Affairs

General Alexander M. Haig, Jr., Deputy
Special Assistant to the President for
National Security Affairs

Nguyen Phu Duc, Special Advisor to
President Thieu
Tran Kim Phuong, Ambassador to the
United States

TIME & DATE:

3:05 P. M. to 5:10 P. M.
November 29, 1972

PLACE:

The Oval Office

Following an initial greeting and press photographic coverage, President Nixon welcomed Mr. Duc to Washington for a frank exchange of views between himself and President Thieu's personal representative. The President pointed out that, as Dr. Kissinger had stated, the negotiations with the North Vietnamese in search of a negotiated settlement of the conflict in Southeast Asia were at a critical point. It was important that the U. S. and South Vietnam now go forward as allies. For four years, President Nixon had carried the minority view against thousands of demonstrators here at the White House itself, against a strong and at times majority consensus in the Congress and against a wave of popular opinion which favored conclusion of the conflict. The President had continued the fight both politically and militarily for the right of the people of South Vietnam to be free of the threat of an imposed government, but also to achieve other peripheral goals, including the return of U.S. prisoners of war. However, both South Vietnam and the United States were at a

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critical juncture. The President was therefore anxious to have President Thieu's current views. He would meet with Dr. Kissinger in Florida on Saturday morning preparatory to the meeting on December 4 in Paris, a meeting which would be the last meeting.

It was recognized that there were differences between Washington and Saigon, the President continued. It was recognized that the interests of both countries diverged in some particulars and that on the South Vietnamese side the problem was most difficult. Therefore, a frank talk was important. But then both sides should agree to agree. Disagreement provided dividends only to Hanoi and to the left wing of the United States. Expressions of betrayal from Saigon that Dr. Kissinger had been exceeding his instructions must stop, or it would destroy all that both nations had worked for. It was essential that the United States retain public support for South Vietnam. It was fine to speak frankly when we were in an intimate context, but it was disastrous to air disagreements through the radio and the media. President Nixon had stood personally for Saigon and for President Thieu. The consensus of the American press was against South Vietnam. Therefore, criticism from Saigon only helped Saigon's enemies in the United States. It would be helpful to have Mr. Duc's views so that they could be considered as instructions were prepared for Dr. Kissinger.

Mr. Duc stated that he wished to convey the warm greetings of President Thieu and the people of South Vietnam and to emphasize their gratitude for all President had done. Vietnamization had brought South Vietnam to a position of greater strength than ever before. When the enemy offensive was launched on March 30, the South Vietnamese proved the success of Vietnamization. Now, it was clear that a crucial stage had been reached. The enemy apparently wished to settle. President Thieu had asked that Mr. Duc explain the whys and wherefors of his position. President Thieu did not believe Mr. Kissinger went beyond President Nixon's instructions. President Thieu and Mr. Duc did not accept the press attacks on Dr. Kissinger. From Paris, Mr. Duc wired Saigon expressing his distress at these reports, and Saigon had assured Mr. Duc that the Government was not the source of these attacks. The reporting of these attacks on Saigon Radio was not an expression of the South Vietnamese Government but rather a reporting of the flow of news.

President Nixon said he was sure Mr. Duc was cognizant of the attitude of the U. S. press reports in Saigon. Most were unfriendly, and it was essential that they not be provided with ammunition. Many wanted

President Thieu to fail. The fact was that many had predicted this failure for years, as had many on the left in the United States. President Nixon was surprised that President Thieu had not made a clear statement that he had confidence in President Nixon. This very fact provided the left with weapons they could use against us. Whether it was Dr. Kissinger or General Haig, the outcome was the same. Privately, there could be differences; publicly there must be none.

Mr. Duc said that the sequence of events was launched with Radio Hanoi's having gone public. Then, Saigon could not remain silent. It was necessary to prepare the people of South Vietnam. So it was not the intention to go public but rather a necessity.

The President stated that it was evident that Saigon had done well in preparing for the ceasefire. This he welcomed. But if the impression was created that Hanoi had won and was gaining more from the settlement, then it posed the United States with great problems. Certainly, President Thieu had proven his great public relations sense in the past. It was important that he not be negative or defensive at this time. It was the President's task to go to the U. S. Congress to get the bullets but he would not be able to do so if the attacks continue.

Mr. Duc stated that the Saigon free press would play the field despite the Government's best efforts. He had been sent to Washington because President Thieu wanted President Nixon to have his position fully. He wanted President Nixon to have the reasons for these positions. For that reason, he carried a letter from President Thieu and was prepared to answer whatever questions the President might have with respect to the letter.

[The President read the 23-page double spaced letter from President Thieu, at Tab A, marking key portions of it with his fountain pen.]

The President remarked that President Thieu's letter set forth his views with clarity and force, and that it needed no elaboration since it was totally consistent with the views given by Mr. Duc to Dr. Kissinger in Paris. Much of it President Nixon agreed with. No one was more suspicious of the Communists. The President had known the misery that has been imposed on the people of North Vietnam. He observed it first-hand in 1956. The traffic in this respect had been all one way. The

Communists claimed they were liberators. We knew they were tough negotiators and had been intransigent on their troops in the South, as well as now on the political prisoners. During the negotiations, Dr. Kissinger had been equally intransigent on the political prisoner issue.

It was evident that President Thieu was worried about the political settlement. But President Nixon had been especially concerned that President Thieu should not portray it as a coalition in disguise. Certainly, President Thieu understood that the principle of unanimity deprived it of that reality. In their proposal of October 8, Hanoi abandoned its demand for President Thieu's replacement. When one looked carefully at the meaning of the Council, it had no effect on the Government of South Vietnam. President Nixon personally insisted on this kind of a settlement even though the joint U.S. -GVN proposals of January had agreed that President Thieu should step down. This option had been discarded. In addition, the Commission meant nothing without the agreement of both sides. While there was some psychological impact, in reality with the continued U.S. aid -- military and political -- and, most importantly, with firm Presidential assurances, the problem was manageable.

President Nixon continued that he had three or four important points to make. When General Haig came to Saigon or when Dr. Kissinger came, they spoke directly for President Nixon. Words they spoke were President Nixon's words. When Dr. Kissinger went to Paris next week, he would be pronouncing President Nixon's words. Written instructions for each of these sessions were prepared by the President. Daily cables were exchanged. So it was not General Haig or Dr. Kissinger but President Nixon. Even next week during the last negotiating session, Dr. Kissinger would be told directly. It was recognized that President Thieu did not agree with all aspects of the draft Agreement. President Nixon, on the other hand, did. President Thieu's views would now be carefully considered. And on Saturday morning, President Nixon would issue his final instructions and Dr. Kissinger would travel to Paris with complete instructions and complete authority to settle. Dr. Kissinger would be instructed to meet with the South Vietnamese Delegation after each meeting in Paris. It was the United States goal to make the best agreement that could be made -- one which would achieve our goals and insure what had been fought for and justify the suffering of the people of South Vietnam.

Nevertheless, the picture was clear that both were at critical points. The United States wished the war put to an end, while President Thieu appeared to want it to continue until North Vietnam surrendered or withdraw. Indeed, President Thieu may be correct, but President Nixon could not order such action since it would only be an idel gesture.

He had met with key leaders in the U.S. legislature, and on January 3d, when they reconvened, if there was no settlement within ten days, funds would be cut off. The reason was clear. President Nixon had set forth three conditions when launching the actions of May 8: the requirement of a ceasefire, the return of U.S. prisoners of war, and provisions which would enable the people of South Vietnam to determine their own future and not have a coalition government imposed upon them against their will. Each of the conservative legislative leaders consulted by President Nixon said that if the agreement arrived at in Paris achieved these goals and Saigon refused to go along, then President Nixon would have no choice. The American President had great power, but his Congress controls the purse strings. It may not even be a Presidential wish. Certainly, there was no desire to have such an outcome imposed, but it would occur. If the three conditions were met by Hanoi, then Congress would believe our objectives were achieved. Everyone knew that Hanoi broke the 1954 Accords.

The United States must get the best agreement it can, and it would certainly try. But if Saigon did not support the agreement then the United States would not even have the power to police the agreement. More important than any other factor was not the language of an Agreement or a piece of paper but the United States commitment to enforce the Agreement. That commitment was being made at this meeting. If Saigon accepted the Agreement, the United States would then be justified in asking for continued funds. As Mr. Duc was aware, the United States had shipped in vast amounts of additional military supplies. Thus, a satisfactory agreement would enable us to go to the Congress and provide adequate military and economic aid in the future.

Further, the United States would maintain military assets in Thailand, offshore and in other adjacent locations, which would insure its ability to react if Hanoi violated the Agreement. The President of the United States would then be able to stand firmly with President Thieu, and say so publicly , and from a united front against all potential enemies.

Finally, the completion of an agreement would insure United States influence at the highest level with Moscow and Peking to guarantee Hanoi's living up to the Agreement.

Thus, with continued military and economic power, and a credible U.S. threat to resume military operations without hesitation, should a violation occur, the prospects were optimum. Hanoi knew that the United States had not been hesitant in the past. The key was mutual trust between President Nixon and President Thieu. There would be no hesitation on the United States side.

President Thieu always had the option of course of holding to the provisions of his letter. Naturally, he would like to see the language of the draft improved, but South Vietnam's security was based on what the United States could do based on political realities. Should President Thieu decide to go his own way and continue to insist on unmanageable changes, then he would deprive the United States of what it must have. President Nixon could try to request support from the Congress but it would fail. Friendly Senate leaders, including Stennis, Goldwater, Representative Ford, etc. who had always supported the President's policy, would bolt. Congressman Ford advised the President that if the Congress believed Saigon was refusing to go along, a Congressional Resolution offering U.S. POWs for total U.S. withdrawal and a cutoff of aid would pass the House by 2 to 1. This was a temperament of the U.S. legislature.

Thus, the time had come to deal with reality -- what could and could not be done. Without U.S. aid, Saigon could not survive. Saigon had the option of saying it would not go along. The United States did not want that, but without U.S. funds Saigon would be through. President Thieu must see it from our perspective. There was complete sympathy with the South Vietnamese people. President Nixon personally observed a child with one arm shot off and a second seemed to be amputated. He remembered this. No one could be more strongly behind the survival of the GVN. What must be faced is that if there was no settlement next week, by January 3d or more precisely within a week beyond, both Saigon and the United States were finished. Saigon had no veto option. No one here would understand the language difficulties given current attitudes.

President Thieu had suggested a meeting between himself and President Nixon. There was no need. When the meeting did occur, it must be for the purpose of showing unity in keeping the peace after the settlement, or at least after both parties agree to a settlement. Then President Nixon could say publicly that whoever violated the Agreement would risk unacceptable consequences.

Dr. Kissinger added that in this context the United States would be able to muster the necessary support to enforce the Agreement.

President Nixon continued that some were demanding that the United States just get out. This had been rejected. In a cold-blooded way Congress now made it essential to proceed with the Agreement. It could be done, and it could succeed, but President Thieu must say that he had confidence in President Nixon. With that kind of a statement U.S. support was assured. Funds could be acquired and the Agreement could be forcefully and credibly policed.

This was a most frank and forthright exchange of views. Indeed, if Hanoi knew these realities it would be impossible to get them to negotiate. These realities had crystallized, not because the United States had moved too fast, but in fact, it had managed to stay just one step ahead of the sheriff. Dr. Kissinger's visits to Paris helped in this process. But if at this point no agreement was reached, in view of all of the above, then Washington and Saigon had failed. President Thieu must understand this reality. Exchanges of letters were no longer adequate.

The fact was, the President stressed, that President Thieu and President Nixon were of the same mind in wanting to prevent the collapse of South Vietnam. Communists did not respect paper. They understood bombs and mines and the U.S.'s resolve. President Nixon frequently referred to this issue in terms of hardware and software. President Johnson stopped bombing in 1968 and it was a grave mistake. Now the situation was different. Hanoi had observed U.S. actions in Cambodia and Laos, and the bombing and mining on May 8th. The credibility of our resolve had been established. The American people recognized that if the President supported the Agreement they would have to do the same. Why did Korea survive today? Partially because of U.S. aid, but primarily because North Korea knew that if they violated the DMZ a violent reaction would ensue. The situation was the same in Vietnam. If North Vietnam infiltrated again they would run a mortal risk.

Mr. Duc replied that for the agreement to succeed in South Vietnam the GVN must show it as a victory -- one which could be explained to the people of South Vietnam. President Thieu had two major points -- the issue of North Vietnamese troops in the South, and the terms of the political settlement. Concerning the enemy in the South this was a very,

if not the most, important point. It was primarily a matter of principle. South Vietnam had fought an invasion. Hanoi had no right to send its troops into the South. If there was no provision clearly mentioned, then there was a lack of reciprocities, and South Vietnamese military and popular morale will be ruined. It was essential for the political struggle that would follow. Secondly, following the settlement there would be a political contest. With the North Vietnamese in the South, the people could not express their choice in freedom.

President Nixon stated that the fact is, however, that the timing of an election was up to the people and up to President Thieu. Dr. Kissinger added that this is a fact. Without a North Vietnamese withdrawal, there was no reason to risk the political solution.

President Nixon added that he knew the Communists well, and if they violated the Agreement, the U.S. would back Saigon. Dr. Kissinger noted that he has observed President Nixon carefully. He has always reacted strongly to Communist threats. On May 8, only one key adviser was in favor of the action that was taken. How could President Nixon now, after all the sacrifices that had been made, permit Hanoi to overrun South Vietnam?

President Nixon stated that it won't be necessary to haggle over proof. The simple fact was that if Hanoi reinforced, the U.S. would react.

Dr. Kissinger stated that the United States will maintain an Intelligence Group in Thailand to monitor this problem carefully, with some representation also in Saigon.

The President stated that he had no confidence in the U.N. and the International Control Commission or any other vehicle which might try to police. The problem was to watch unilaterally and to react in the face of violation.

Dr. Kissinger stated that perhaps 5,000 could sneak in but a sizeable force could not. If a resupply effort built up, it would be known by the United States. For example, a report of 87 tanks moving down the trail was well known today; if there was a serious threat developing, the United States would know.

President Nixon said the United States would keep its best people in the remaining contingent. Dr. Kissinger added that NSA would do the same.

Mr. Duc stated that if the United States had to retaliate, then it would be far simpler if there were something specific in the Agreement which the United States could invoke to justify the action. In 1955, the United States had a document it could use.

The President stated he was aware of this and that the document might be weak in some areas but there was plenty of justification.

Dr. Kissinger pointed out that there were specific prohibitions, including violation of the DMZ clause, violation of the neutrality of Cambodia and Laos, violation of the ceasefire and the prohibition of reinforcement. All of this would insure adequate public support.

President Nixon pointed out that, in addition, the United States was in close touch with the People's Republic of China and the Soviet Union.

Mr. Duc stated that the simple problem was that Hanoi wished to make the point that they had a right to be in South Vietnam. That was why Saigon wanted to get some word which would establish the principle that they had no right. In wording it need not be abrasive such as in the Manila Proclamation but something about non-South Vietnamese troops. Also, Saigon wated something on the principle that armed forces of each state must remain within their borders. This was a political matter for Saigon. It was essential for South Vietnam's confidence and morale -- not a specific reference by name to North Vietnamese troops but some form in which it could be covered indirectly.

Dr. Kissinger stated that the United States had religiously presented all of Saigon's requested changes -- about 69 of them. Over three hours of tough negotiating was spent on the issue of forces within national boundaries. Hanoi insisted on maintaining that they had no forces in the South, and while this is a complete lie, it did deprive Hanoi of any pretext of claiming a right to be there.

Ninety-eight percent of the negotiating time last week in Paris was focused on this issue, and the United States had only the alternative now of a clause which would disclaim the right to use force. But the simple fact was that the statement would mean nothing except in a psychological sense.

The President stated that this was precisely why this is necessary to separate hardware from software. Hardware was steel and bombs. This was far preferable to a paper war. Saigon's point was a good one, but in reality the United States would interpret the Agreement in this way in any event, and when President Thieu and President Nixon met, the message would be sent directly to the North through strong public statements. It would also be quite evident to the world and most importantly to the people of South Vietnam. However, if the meeting occurred before Saigon and Washington agreed and there was to be another haggling session, we would have a repeat of past summit failures in other areas. Leaders must not attend summits unless they knew beforehand that they would succeed, so the meeting should be after agreement between Saigon and Washington.

President Thieu's letter had been read carefully, but he must understand now that when Congress returned funds would be cut off. Unless of course the Communists reneged on what they had thus far indicated they would agree to, i. e., Thieu's remaining in power, releasing prisoners of war, ceasefire, and a political process to be determined by the people of South Vietnam. If there was a violation, the United States would react and the Congress would support this action. But if the talks broke down because Washington and Saigon failed to proceed together, then both would be responsible for a Communist takeover. This was the final reality.

Americans and South Vietnamese had died together. A commitment had just been given to President Thieu -- economic, military -- and a commitment to resume the bombing of there was a violation. This could not be delivered if Congress observed that President Thieu failed to cooperate. We now faced a situation that even if the President wished to continue, it could not be done. The funds would be cut off by January 13th. This would not be tragic for President Nixon personally but all that Saigon and Washington had fought for would go down the drain. All of Saigon's friends in the United States who were patient and supportive in the past would lose. This is a fact that could not be changed. Hard reality was such that President Thieu must understand this. The President of the United States was putting everything on the line, but he must have public support.

Dr. Kissinger added that up to now Hanoi's unreasonableness was the United States's best ally.

Mr. Duc stated that the most serious problem remained the North Vietnamese troops in the South. The President said that perhaps some language to help this could be tried. Dr. Kissinger agreed that he would do so, noting that he would work with Mr. Duc to go over the final changes.

President Nixon repeated that Dr. Kissinger always spoke for President Nixon. He was aware of the President's thinking and spoke for him. He was definitely going to negotiate the agreement just as the President himself would do.

Mr. Duc reiterated that Saigon must have some basis for saying that Hanoi had no right to be in the South, even though they might stay for a time. Also, the CNCR must not have governmental functions.

President Nixon observed that the Department of State had wanted to flush President Thieu, and the President had refused. This agreement retained the President in office. Foreign policy, domestic policy, remained in his hands.

Dr. Kissinger stated that the CNCR must not be discussed as an organization with political power for, in fact, it had none.

President Nixon agreed, reiterating that he would portray it publicly as not a coalition government, as lacking any structure of power. The United States lawyers have looked at this most carefully. If Washington and Saigon could stay together, then no one could claim otherwise. Finally, the President had agreed to see President Thieu to reflect joint determination to seek peace within the framework of the agreement.

Mr. Duc stated that President Thieu did not agree to the terminology used to describe the CNCR but, more importantly, its three components.

President Nixon pointed out that this problem would be explained in the United States. Saigon would then have an outpouring of support, especially if the American people could feel proud of the Agreement. President Thieu was President Nixon's personal friend and ally. Therefore, he must speak positively. The United States could not insist that Hanoi surrender. At the same time, the United States must strengthen Saigon -- its Army, Navy and Air Force and its economy. With this kind of support, Saigon would be the strongest power in the area. The North Vietnamese Army fought well

because it is Vietnamese. Saigon could do the same. The United States wished to help; President Nixon wished to remain its friend, but if Saigon refused to go along, the Congress would prevail. The United States had lost two Senate seats which were formerly friendly. Without a settlement, there must be trouble.

Dr. Kissinger and Mr. Duc now must work out the final Agreement in such a way that Saigon and Washington could remain friends and allies. It was just that simple. Four years ago, there might have been other options. At that time, however, we did not surrender. We could not do the same now.

Dr. Kissinger observed that the United States had received an official protest from the Soviets because of the President's threat given during the last Paris talks.

Mr. Duc said that President Thieu asked him to raise the fact that Hanoi seemed to put us in a defensive position by raising contentious references implying Saigon was a satellite of the United States. President Thieu suggested that the negotiation should now be divided: Let the United States handle the military issues and allow South Vietnam to negotiate on the political.

President Nixon replied that it was too late, that we had long since passed that point. Next week, the United States was going to negotiate hard to reach that agreement. Dr. Kissinger would fill Mr. Duc in on details. Hanoi was tough at the last session, but they knew the war was going to be settled. It would be impossible to change the strategy now. The fact was that the political outcome is up to Saigon. This was a major component of the Agreement. Now was the time for the two Presidents to stand behind the Agreement publicly. Then President Nixon could go to the Congress and to the country. This would provide the necessary support to enforce the Agreement and to provide the necessary economic and material help. Just as President Thieu had his problem, President Nixon must set the stage with public opinion in the United States. If Saigon said no, there would be no Congressional or popular support. Mr. Duc should sit down with Mr. Kissinger now and work out a solution. The decision had been made. There should be no illusions. The total withdrawal of North Vietnamese forces was out of the question.

Mr. Duc stated that the question was how to sell such a solution to the Vietnamese people. There must be some reference to North Vietnamese withdrawal. There must be some reference to North Vietnamese withdrawal. There must be no inference that the CNCR is a coalition. In this context, the three components and the description of the structure were important.

The President asked Mr. Duc to work with Dr. Kissinger, and Dr. Kissinger stated that he would do this within realistic limits.

As the meeting concluded, President Nixon questioned Mr. Duc's comments on the Chinese Communists. He pointed out that United States influence in Peking was greater, not less, because of the normalization process. This was very evident from events since that time.

The meeting adjourned.