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MEMORANDUM

SUBJECT: SUMMARY OF POSITIONS ON NEGOTIATION, AND
KEY ISSUES

This memorandum is designed to summarize key positions of the parties on getting negotiations started and on the form of settlement.

A. GETTING NEGOTIATIONS STARTED

1. Contacts Without Prior Conditions.

The US is prepared for contacts of any sort without prior conditions, with any "government", i. e., with Hanoi, Peking, or Moscow.

South Viet Nam has taken essentially the same position at least since December 1966 and has specifically invited discussions with Hanoi on prolongation of the truces. The position of willingness to talk with Hanoi has also been put in more general terms.

Hanoi now insists that cessation of bombing must precede any contacts whatever with the US. However, Hanoi, did accept direct and private contacts with the US in Moscow during January with no express prior conditions, although the US was known by Hanoi to be standing down any bombing within 10 miles of Hanoi during this period. Since the Ho response to the President's letter of February, Hanoi has rejected any further direct contacts. It has never picked up any of the South Vietnamese suggestions, and so far as we know no direct contacts have taken place between Saigon and Hanoi.

2. Forum.

The US is prepared for discussions in any forum, bilaterally with Hanoi, Geneva Conference (possibly expanded to include Australia, Korea, Thailand, etc.), an Asian grouping (as proposed last summer by Thanat), or the UN.

The GVN would accept bilateral contacts or talks with Hanoi, would be unhappy with the 1954 Geneva group but could accept an expanded group, would be prepared to accept a balanced

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Asian grouping, and accepts UN competence, although not too happily.

Hanoi accepts bilateral talks with the US in principle, keeps verbally insisting it will not talk direct with Saigon (although it gave dubious response to Ceylon's suggestion of tripartite talks with the NLF included), rejected last summer's proposal for an Asian conference, does not reject the 1954 Geneva group, and has consistently rejected UN competence, in concert with Peking. (There are indications that Hanoi is thoroughly fed up with U Thant even in his personal capacity since his March proposal.)

3. Role of the NLF.

The US rejects direct US/NLF contacts, but has consistently said since July 1965 that the NLF could be represented and have an opportunity to present its views in any forum. Behind the scenes, we have steadily urged Saigon to set up lines of communication at least to individuals in the NLF, and we suspect such contacts have been tried recently, and indeed were attempted during the Khanh period in mid-1964 and perhaps on other occasions.

Hanoi once insisted that the NLF be recognized as the "sole representative" of South Viet Nam in negotiations. Since the Burchett interview of January, Hanoi has put this aside so as to isolate cessation of bombing as its sole apparent condition. However, Hanoi in contacts with third countries has clearly left the way open to insist that no South Vietnamese issue be resolved without the full participation of the NLF. In other words, Hanoi's diplomatic position may well be that it would talk if the bombing stopped for good, but would cover only issues directly affecting the North.

4. Hanoi's Four Points and the NLF Five Points.

Hanoi's Four Points of April 1965 were until recently posed as requiring acceptance or recognition before there could be negotiations or discussions. The Four Points are a well-drafted statement of general principles, with the third point requiring that the political future of South Viet Nam be resolved "in accordance with the NLF program," i. e., an immediate coalition with the NLF in a strong role, followed only then by elections. (The reading of Point Three has been

repeatedly confirmed in private.) Hanoi has also used the NLF "Five Points" of March 1965, but these are really only rhetoric on withdrawal, etc., and we have never supposed that Hanoi intended them to add anything to the clear substance of the Four Points.

At least, since the Burchett interview of late January, Hanoi's formulations have apparently withdrawn acceptance of the Four Points as a precondition, although they continue to insist that a settlement be in accordance with them. However, they have continued to link cessation of the bombing with acceptance of the Four Points. Thus, Hanoi might try to argue at least to their own people that, if we stopped bombing, we were indicating acceptance of the Four Points. In short, the Four Points are to one side, but not wholly out of the way.

5. Prior Reduction of Hostilities.

A. Cessation of Bombing

Hanoi (in 1965) linked a cessation of bombing with acceptance of the Four Points and of the NLF "sole" role, as preconditions. Beginning in March 1966, after the 1965-66 bombing pause, Hanoi began to imply privately that it might talk if we only stopped the bombing. Both publicly and privately, Hanoi has made it clear that the bombing condition, whether alone or with others, refers to the bombing stopping "definitively and unconditionally." In the Burchett interview of January, Hanoi stated that there "could be" talks after the bombing and all military action against the North stopped in this way. In private contacts with third countries they have recently made this fairly hard--that they would in fact "talk" under these circumstances.

Saigon has taken no real position on this matter, but has accepted the US position. In private, they have been skeptical even of the kind of trade proposed in the President's letter of February.

The US position has consistently been that the bombing could be stopped for good only if there were military reciprocity from Hanoi. This was most

clearly stated in the Goldberg speech of last September, which spoke of private assurances that there would be "corresponding and timely" military de-escalation on the other side. General proposals involving flexibility in the timing and nature of Hanoi action have been made, and the President's letter was a specific proposal, which threw in the added element of stopping outside reinforcement by both the US and Hanoi as part of the total trade. Hanoi of course rejected this and has consistently, both in public and private, insisted that the bombing is "aggression," and that Hanoi will not pay any military price for its cessation.

B. Bombing Pause

A bombing pause is a stopping of the bombing, with tacit or express liberty to resume.

The US tried this in May of 1965 briefly and was rebuffed. In response to many pleas, notably from the Soviets and Eastern Europeans, the 37-day pause of 1965-66 was tried. Since then, it has been our view that such a pause is not regarded by Hanoi as an inducement to serious talks (see below). The Christmas, New Year's, and TET truces of 1966-67 all included bombing pauses for the stated and defined periods (arising from custom in the TET case at least). At TET, the US continued the pause for nearly two additional days in order to let Kosygin depart London and to give added time for some response to the series of proposals made in the January contacts, the President's letter of February 8, and through Kosygin.

Saigon accepts bombing pauses incident to holiday truces, but would be much disturbed by a separate US-initiated bombing pause. They contained themselves well during the 37-day 1965-66 pause, and are never very vocal on the subject--but the feeling is clear.

Hanoi has in fact never spoken favorably of a pause with liberty to resume. After the 1965-66 pause, Hanoi repeatedly said to third countries that it was out of the question for them to act under the circumstances of that pause, since the US liberty to resume constituted pressure and in effect an "ultimatum." Hanoi has never directly or indirectly suggested extension of the truce

pauses, and it is our general impression that their underlying attitude is as they stated it after the 1965-66 pause.

C. Prior Ceasefire

The formal US position is that a ceasefire could be arranged prior to negotiations or could be the first agenda item in such negotiations (14 points). When U Thant formally proposed a ceasefire in March, we responded in a favorable sense, but making clear that there would need to be preliminary discussions as to the terms of any ceasefire. Our underlying position is that we are very skeptical that a ceasefire in the absence of a final settlement can be enforced, and particularly concerned that a ceasefire might mean a degree of legalization and protection for the North Vietnamese and VC in the areas that they now control in the South, thus deeply prejudicing a political settlement in the South. The plain fact is--as both Korea and Indochina suggest--that a true ceasefire is more likely to be the end than the beginning of a negotiating process.

Saigon made a favorable noise in response to the U Thant proposal, but their underlying attitude is very negative on a prior ceasefire, for the same reasons as ours.

Hanoi has never favorably mentioned a ceasefire in any of its public statements. They rejected the U Thant proposal of March in a message never publicized, but which we understand to have been totally negative. Their underlying thinking seems to be reflected in one of the recent major captured documents, in which they referred to "fighting while negotiating," and appeared favorable only to a ceasefire that would in effect confine South Vietnamese and US forces to defined areas and permit the North Vietnamese and VC to improve and consolidate their military positions in just the way we fear.

D. Undramatic Reductions in Hostilities.

The US has consistently suggested, both publicly and privately, the possibility of mutual reduction of hostilities, which might start with small steps and proceed to larger ones. On a unilateral basis, the 10-mile exempt circle around Hanoi from December to early April was undertaken with no requirement for reciprocity, although we indicated that we would be impressed if there were some reciprocal action.

We believe this specific restraint may have contributed to Hanoi's willingness to have the Moscow contacts. In December 1966, a most difficult question arose from the Polish suggestion of talks without conditions in Warsaw; the Poles then failed to deliver, on what appeared to us specious grounds, and the US went ahead with certain previously planned strikes in the Hanoi area. It has been claimed that these prevented a possibility of direct contacts. We do not believe this to have been the case, but the 10-mile limit was thereafter imposed in order to remove any adverse effect that might have existed.

In short, we have kept open the possibility of limited unilateral reduction of the bombing where we thought this might contribute to the possibility of contacts or negotiations. Conversely, major increases in the bombing tempo, such as the Haiphong POL strikes of late June 1966 and our April-May attacks of this year, have normally been undertaken only after we had received what we believed to be clear negative readings from Hanoi.

Saigon has never taken much of a position, but has not appeared to be disturbed by our suggestions of mutual reduction of hostilities, or by unilateral reductions of a limited character.

Hanoi has consistently rejected even limited mutual reduction of hostilities, particularly as it involves the bombing--on which they take the categorical position that no price should be paid on their side. As a practical matter, we believe periods of reduced

activity, and specifically the 10-mile limit, may have been helpful to the Soviets and Eastern Europeans in urging Hanoi to make contact, but the negative results of the January contacts in Moscow do not suggest more than a marginal effect on Hanoi's willingness to talk, and no visible effect on their willingness to modify any of their positions on substance.

6. Side Doors--Laos and Cambodia.

We had thought there might be a strong possibility that negotiations could begin in the corridors of a conference convened to discuss Laos or Cambodia. Sihanouk's call for a Cambodian conference in April of 1965 was accepted by us, and then Sihanouk himself withdrew, obviously under pressure from Hanoi, Peking, or both. On Laos, the Polish proposals of May 1964 called for the Co-Chairmen and the ICC to consult with both Viet Nams and on Laos; again we supported the proposal and Hanoi caused it to be turned down.

Since then, the British and we have consistently pressed the Soviets to convene something on either Laos or Cambodia. We have got nowhere, and the plain reason seems to be that the Soviets will not convene anything that is contrary to Hanoi's desires. On Cambodia, we have tried since early 1966 to make use of Sihanouk's appeal for an enlarged ICC role. We have fully supported this and offered to help finance it (as we are not obliged to do). Our underlying thought was and is that an enlarged ICC would be desirable in Cambodia, but also that a meeting of the ICC or any other group of nations on this subject could lead to corridor discussions on Viet Nam, although we have tried to refrain from saying this publicly. The Canadians and British have worked hard on the Cambodian front, but have encountered clear foot-dragging by both the Poles and the Indians, and we can only assume that the underlying pressure is from the Soviets and ultimately from Hanoi not to let anything get started that would lead to negotiations through this route. Hence, although we keep trying privately, these two side doors seem to offer very little hope.

Observations

It may appear that the above analysis means a total impasse. We continue to believe that we cannot stop the bombing for good unless there is a major military reciprocal trade, and we presently take a negative view of any bombing pause, with liberty to resume, for many reasons including our belief that it would not have any favorable effect on Hanoi.

Basically, we believe that Hanoi would take military advantage of an unconditional cessation of bombing, and we find this view reinforced by the major captured documents and their frank discussion of "fighting while negotiating". At the very least, Hanoi would be relieved of the significant burdens imposed on the North by the bombing, and we believe it overwhelmingly likely that they would send much greater quantities of men and equipment to the South, resulting in an increased level of hostilities there and marked disadvantage to the South Vietnamese and our own forces. In these circumstances, we believe that Hanoi would become less rather than more willing to negotiate seriously. There are added factors, such as the question of encouragement to Hanoi by what would appear to them to be a weakening of our resolve, but the military factor alone seems to us strongly, and for the moment decisively, negative.

Moreover, we believe both a bombing cessation and a pause create conditions in which Hanoi would be terribly hard put to negotiate seriously even if it had a mind to. By hypothesis, both are "klieg light" situations, in which any Hanoi move or assumed move would be visible to the Chinese, the North Vietnamese people, and the NLF. We doubt very much indeed if these are in fact the conditions under which Hanoi will talk seriously, although we must assume they see net advantage in a situation where "talks" started and the bombing stopped.

In the case of a pause, there is the added element of constant discussion whether and when we would resume, and this could hardly fail to create an atmosphere of high tension which would be most unfavorable to serious and deliberate discussions. Indeed, the same point applies to some extent even if the bombing is stopped "unconditionally." The moment it became clear--as we believe it would--that Hanoi was improving its military position, the pressures and tensions would become very great.

In short, we doubt--and have doubted for at least the past year--that the road to peace lies through any of the dramatic forms of reduction of hostilities. What is left is the possibility of direct US-Hanoi contacts, without any reduction in hostilities or with only an undramatic--and therefore limited--reduction, either unilateral or mutual. This was the road that was taken in December and January 1966-67, and it at least indicated that Hanoi was prepared to make contact under these circumstances.

The fact that Hanoi later terminated the contacts does not, in our judgment, negate the future possibilities of this avenue. It merely indicates that Hanoi was negative to the bombing trade proposed by the President and to any of the broader and more general proposals advanced in the January contacts and over a period of time. Nonetheless, by revealing the President's letter and Ho's reply, Hanoi was telling its people and the NLF--always the first audience to look to for an explanation of behavior--that the Politburo in Hanoi had in fact seen fit to authorize contacts in January (specifically referred to in the President's letter, which Hanoi published without change). This fits with the major captured documents, which speak quite frankly of the factors affecting Hanoi's choice of a time for negotiations, and say absolutely categorically that the decision on negotiations "will be made by the Politburo." (It may be noted that there is no reference to the NLF or its role in negotiations in these statements or in the captured documents, which in the two major cases were addressed to the entire southern apparatus, both NLF and North Vietnamese.)

In short, we know Hanoi can at any time take the avenue of private contacts with us. And we have little doubt that Hanoi knows this. We have in fact several times taken the initiative for contacts not only in Moscow but in at least one other capital, and they know how to find us.

B. SUBSTANCE OF A FINAL SETTLEMENT.

This question is of course closely related to the question of getting negotiations started. If we were able to establish through direct contacts, or third parties, a substantial area of agreement on the nature of the final settlement, then the question of getting formal negotiations started would take on a very different aspect. While we have never crossed this bridge privately or publicly, it seems conceivable that, if we really knew where formal talks would come out fairly quickly, we could take a different view of stopping the bombing, seeking to save Hanoi's face by what would appear to be

a concession in this area.

On the substance of a settlement, a good place to start is the Geneva Accords of 1954. We have said categorically that these, with the 1962 Accords for Laos, could form the basis of a settlement, and Hanoi likewise bases its position on the Geneva Accords, insisting that the Four Points are in fact the proper interpretation of the Accords. We of course dispute the latter contention, finding no warrant in the 1954 Accords for a coalition with the NLF in a major or dominant role.

US Position

As we see it, the essential elements of the Geneva Accords are these:

1. A partition of Viet Nam at the 17th parallel, pending a free determination by the people of both halves as to whether they wish reunification. This is the intent and sense of the 1954 Accords as we have always interpreted them (although the elections provision was badly drafted and ambiguous).
2. The principle that, pending a free determination on reunification, neither country or "zone" should interfere in the affairs of the other. This is of course expressly stated in the 1954 Accords.
3. Consistent with the principle of non-interference, the principle of withdrawal of forces from the North, coupled with our own willingness, and that of other troop contributing nations, to withdraw our own forces. Such withdrawal--or "regroupment"--was a key provision of the 1954 Accords.

The Manila formulation on this point picked up the South Vietnamese statement that it would ask assisting forces to withdraw "as the military and subversive forces of North Viet Nam are withdrawn, infiltration ceases, and the level of violence thus subsides. "

We and the other troop contributing nations accepted this statement and went on to add that we would get our forces out within six months after the conditions were fully met.

In practice, we intended this to mean withdrawal of North Vietnamese regulars and also of cadre and others who were originally southerners but went North in 1954 under the regroupment provision of the 1954 Accords, only to return to the South under Northern direction from 1959 onward. The latter "regroupees" are of course a potentially sticky point, on which we have not thought it wise to elaborate our position further. We recognize the difficulty of identifying the "regroupees", and that we might have to settle for only a substantial percentage who could be identified. The South Vietnamese have taken a slightly different position, insisting on the withdrawal to the North of all those who basically believe in the northern system of government, irrespective of whether they were ever in the North. The South Vietnamese balance this by expressing their willingness to retain in the South those who accept peaceful political activity under a Constitution, presumably again irrespective of whether they went North in 1954. The ironing out of these positions could become a significant problem, which we have not yet seriously tackled with Saigon. A point to recall is that the Saigon position is analagous to the 1954 provisions, which provided, in essence, for regroupment on the basis of choice of system.

NO

4. The principle of international supervision. We all know the faults of the ICC, and would dearly love to see something better. We have specifically pointed to the possibility that the UN might establish a future supervisory mechanism.
5. A generalized provision that in both halves of Viet Nam there should be no reprisal against those who remained, for past military activities, in either direction. This is the sole limitation in the 1954 Geneva Accords relating to the internal political situation in either the South or the North.
6. A provision that neither part should be a part of any alliance or accept foreign forces or bases. These were provisions of the 1954 Accords, which it may be argued were interpreted broadly when

South Viet Nam was made a protocol state under SEATO (with French concurrence, be it noted). Moreover, we of course now have forces and bases there, which we have defended on the ground that these were required to meet much greater breaches by North Viet Nam of the basic provision against interference and force. Nonetheless, our present position is clear -- a future South Viet Nam would not be in any alliance, and we would withdraw our forces and close our bases completely, if the North got out.

These six elements have a foundation in the Geneva Accords of 1954. In addition, as to the political situation in the South, we have taken the position that:

7. Our basic objective is that South Viet Nam should be free to determine its own future without external interference. We have said that "we support free elections in South Viet Nam to give the South Vietnamese a government of their own choice," and we have added that "we do not seek to exclude any segment of the South Vietnamese people from peaceful participation in their country's future." (14 Points expanded, publicly released on January 27, 1967.) It should be noted that these are statements of principle. In our basic statements--although not always in side remarks--we have avoided the position that these principles should be included in a formal settlement or made subject to international supervision.

Next, there is the question of future "guarantees" for a settlement. This has bulked very large in South Vietnamese statements, which have called, in Manila, for "effective international guarantees." By supporting the South Vietnamese statement at Manila, and other general references, we have indicated that a further element in a final settlement should be along the lines of the following:

8. Some form of international undertaking for action in support of the aggrieved party if the new accords were breached. This was not included in the 1954 Accords, which provided only for international supervision to identify breaches and to report them to the British and Soviets

as co-chairmen. There has never been any obligation on other nations to do something about breaches, although Bedell Smith said in 1954 that we ourselves would regard any attempt to breach the agreements by force as a threat to the peace and by implication would act accordingly. In the present circumstances, we have taken only a general position that some form of international undertaking should be envisaged; it seems premature to try to spell this out. Finally:

9. We have sought to hold out the prospect that, once peace was achieved, "North Viet Nam could participate in a regional effort to which we would be prepared to contribute at least \$1 billion." (14 Points.) A related question concerns free intercourse between North and South Viet Nam after a settlement; the South Vietnamese themselves occasionally refer to this, and we would be prepared to encourage them at the right time. Perhaps one or both of these points could be embodied in a settlement, although we have never taken a specific position on this.

Saigon Position

At Manila, the South Vietnamese gave their position in six points: cessation of aggression, territorial integrity for South Viet Nam (including a disclaimer of any intent to invade the North), acceptance of partition until a "free choice" on reunification, internal reconciliation now and more rapidly later after the aggression stops, withdrawal of allied military forces, and "effective international guarantees."

We and the other five troop contributing nations "endorsed these as essential elements of peace." The South Vietnamese statement was highly useful in that it committed them in practice to key provisions of the 1954 Accords, as well as to reconciliation internally. In essence, the South Vietnamese points fit into the above listing of US positions. Conversely, we believe we are safe in assuming South Viet Nam's acceptance of other elements in the US position, at least as now stated.

Hanoi Position

If we set Hanoi's position against our nine elements, to frame issues, we would come up with something like the following:

1. Hanoi would probably accept temporary partition of Viet Nam, and speaks of reunification being decided by the Vietnamese people, although it ducks the issue of a genuinely free plebiscite.
2. The Four Points speak only of "foreign" interference, but the implication is that Hanoi could accept a theoretically independent South Viet Nam for a time at least.
3. Hanoi likewise approaches withdrawal in terms of "foreign" withdrawal. However, the implication of accepting separation implies the possibility of accepting true withdrawal.
4. Hanoi is silent on international supervision.
5. Hanoi does not directly refer to the "no reprisal" provision of the Geneva Accords, although acceptance might be implied by the propaganda theme that Diem violated this provision.
6. Hanoi would of course accept the idea that South Viet Nam should not be in an alliance or have foreign forces or bases. There is some doubt whether they take our position at face value, and this was one reason for the Manila statement.
7. Hanoi insists that its third point form the basis of a political settlement in the South, i. e., that the South be governed "in accordance with the program of the NLF," by which they mean a strong NLF role in a coalition, and elections thereafter. Hanoi appears to envisage that this would be expressly covered in a formal statement.
8. Hanoi has been silent on any international guarantees or undertakings.
9. Hanoi has been silent on sharing in the benefits of Southeast Asia regional aid, and on any benefits from free intercourse between North and South Viet Nam. After the President's April 1965 speech, Hanoi privately derided our offer, and has persistently stated that it will

not be bought. Nonetheless, our "carrot" might have some impact in the future.

The Gut Issue - Who Will Run the South

From this analysis, it should be clear that the gut issue is Issue No. 7. There could be major difficulties over many of the other issues, as there could be over the final arrangements for a cessation of hostilities in the South, which for the sake of convenience we have covered earlier under "Getting Negotiations Started." But Issue No. 7 is where the lines are sharply drawn.

We commend to you Ambassador Goldberg's recent speech in Chicago, which spells out the way that the South Vietnamese and we have been trying to work toward an eventual resolution through free elections and a "reconciliation" program that would permit full rights and free political activity for all those in the NLF who come over and accept a basic Constitutional political structure.

Hanoi of course refuses to accept this approach and there has never been the slightest "give" in its insistence that "Point Three" be the basis of a future settlement in the South, even though its acceptance in advance may no longer be a precondition to contacts.

We have taken, though perhaps not as clearly as we might have done, a basic position that these matters should be worked out freely by the South Vietnamese. At the same time, we have opposed Point Three -- an imposed coalition--and have expressed a negative view on a coalition with the NLF whether or not imposed ("the fox in the hen house").

We think we are right in these positions, both as a matter of principle and as a matter of the practical danger that for the presently foreseeable future the NLF, in a coalition, would use every undemocratic device of force and intimidation to gain total control.

But this still leaves^a gray area with some unanswered questions. As a result of consistent prodding by us, but we think now with acceptance at the top levels, Saigon has moved a long way on "reconciliation." It has accepted giving full political rights to individuals who come over and accept peaceful political activity under the Constitution. And it has expressed a willingness in principle to give those who come over jobs and now responsible positions, and has actually started to do the latter on a very limited scale.

However, Saigon--as Tran Van Do's recent comments in Geneva indicate --has said that it is not now prepared to accept participation by the NLF organization even as a peaceful political party.

Tran Van Do's stated reason is that the political structure in the South is still too fragile to permit a disciplined group, with a past history of terror and intimidation, to operate.

We have not yet felt we should force Saigon's hand on this issue. To do so would, we believe, be very unsettling to wide elements in the South, not just the key leaders. In terms of the war, we doubt that stated permission to operate as a political group would in fact add materially to the inducements that may at some point bring individual members of the NLF over to the government on a massive scale and at high levels. And from the standpoint of principle, and practical dangers, we are inclined to accept Saigon's arguments under present circumstances.

The nub of the question, as we see it, is to encourage the South Vietnamese to create, through free elections this fall, a government with a much broader base. Once such a government comes into being and develops, as we hope, increasing capacity, not only should it attract much increased defection by individual members of the NLF, but it may at some point reach a level of stability that would permit the NLF to operate as a political party, without fear of their being successful by undemocratic methods.

The Greek and Malayan parallels are at least instructive. In the Malayan case, the insurgents were both outlawed as Communists and refused permission to operate as a party. In the Greek case, the hard core of guerrillas --possibly as many as 50,000--fled to the north and were exiled permanently, but the remaining sympathizers were permitted to organize as a political party although the Communist label was forbidden. (The resulting EDA party ended up with about 15% of the vote.) We would of course prefer to see an eventual situation comparable to the Greek case rather than the Malayan, because we believe it would produce a healthy political outlet for the political ambitions and views of those now in the NLF. But we believe this will have to unfold in the future, and in the light of political progress in the South.

One further note. We have ourselves regarded the question of our dealing overtly with the NLF as much more than a procedural question, and as being in essence part of the gut issue. We in fact believe the NLF to be dominated by Hanoi, and not to have any

effective separate voice in negotiations--and these views are strongly confirmed by the tenor and specific statements in the recent major captured documents. But even if this were not the case, we believe that our recognition of the NLF as an independent party in negotiations would almost necessarily mean great pressure to have the final settlement both cover the political settlement in the South and put the NLF into a coalition in a major role. We have urged Saigon to increase its contacts with the NLF, although we have not bucked the very strong sentiment against formal dealings between Saigon and the NLF.

As a practical matter, the issue of who will run the South is the great stumbling block to any possibility of progress. Directly and indirectly, we have gone very far in probing Hanoi's position to see if the Third Point means what we think it means, and to see if there is any "give" on it. These private contacts have given no encouragement up to this point. The sign we might be looking for is when Hanoi, or its friends, start to talk about protecting the lives and freedom of those now in the NLF, rather than their participating in a coalition. We in fact believe that the settlement could include a specific reaffirmation of the "no reprisal" provisions of the 1954 Accords, together with some public undertaking by us and others that we would truly exert major influence to see that Saigon complied with such provisions--as Diem clearly did not after 1954. For the time being, we have preferred to let the evolving reconciliation program speak for itself, and have not thought it wise to raise the question of "enforced amnesty." We have doubted whether assurances by us in this area could be much more credible or persuasive than the performance of the South Vietnamese themselves under the reconciliation concept. But we have of course made very clear and emphatic our full support for reconciliation, and indeed it is widely assumed--and largely true--that but for us there would be no reconciliation program. The point is that, until Hanoi or its friends start to talk privately in these terms, we doubt if we should open up possibilities that would certainly appear to the South Vietnamese to foreshadow major US or other interference in their future internal affairs. But "enforced amnesty" remains a card we could play at some point.

*There is
no
reconciliation
program*

In summary, we believe the keystone of our approach to the internal political issue should be to move the South Vietnamese as rapidly as possible toward genuine democracy and an effective reconciliation program. The present Constitution and the September elections

cannot, at best, be more than another way station in the democratic process. Security will be frail in many areas, there will be irregularities, and there are strong legal and practical restraints which will in practice bar VC participation and strongly inhibit the expression of "neutralist" sentiments. Yet the Constitution contains many less restraints--for example, on Communists and neutralists--than the 1966 election law. We think we have pushed as hard as the traffic would bear, in the face of the fears and doubts felt by the great bulk of the Constituent Assembly and, we believe, by the overwhelming proportion of non-Communist political elements. It really should not be a source of wonder that, in the face of guerrilla war and with 17% of the population under VC control, this election will not be a universal referendum on the government or policy of a future South Viet Nam.

Yet we must and will assert every pressure possible to make the elections as broad and honest as they can be, and to bring about a government that will include broader civilian elements as well as leaders now in the military.

WAH: Every effort should be made to encourage vigorous follow-up of
We doubt if the reconciliation program will be pushed further
until after the elections. If the election results are favorable,
many possibilities could open up over time--such as local amnesties to the VC to allow them to participate in local elections on a truly full basis, or an announced position that the NLF could operate in the future as a peaceful political party.

In terms of what goes into the settlement, we think we should continue to adhere to the position that the South Vietnamese should determine their own future, leaving the door open to the "enforced amnesty" idea as part of a settlement.

WAH: "The possibility of negotiations for a settlement by the new Government in Saigon after elections with NLF should be explored and probably encouraged."