

3 CD
HAKTO - 23

THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN...

November 23, 1972

TOP SECRET/SENSITIVE/EXCLUSIVELY EYES ONLY

MEMORANDUM FOR: THE PRESIDENT
FROM: HENRY A. KISSINGER
(By Cable)

1. We have just completed a six-hour meeting with the North Vietnamese which proved to be every bit as difficult as predicted. After granting some improvements, including a more satisfactory statement on the status of the DMZ, the other side held rigidly firm that there would be only minor changes in the political chapter, and no improvements whatsoever in the text of the agreement with respect to the issue of their troops in South Vietnam.

Concurrently, they reiterated their demand that the political prisoners held by Thieu be released within the same time frame as U.S. prisoners of war, i. e. 60 days. In return for minor changes in the political chapter and the release of the political prisoners, Le Duc Tho stated they would make a commitment to relocate some of their forces in MR-1 and to bring the ceasefire in Laos close to the time of the ceasefire in South Vietnam. He insisted that both of these arrangements should be in the form of understandings rather than firm written commitments. He indicated that if we meet their demands on prisoners and the political chapter, they would give an appropriate response on the number of troops which would be relocated.

2. Thus at this point, in assessing the ledger, we have received a vague commitment based on an understanding to relocate some troops from the northern part of South Vietnam and to bring the ceasefire in Laos somewhat closer to the ceasefire in South Vietnam, together with some improved language and textual changes which are moderately helpful, especially with respect to the DMZ.

At the same time, we are confronted with an intransigent North Vietnamese stance on improved political positions and with respect to a formal commitment in the agreement regarding the troops in the South. In addition, the question of civilian U.S. advisors in South Vietnam following the settlement is still a point of contention. Most seriously, however, we are confronted with the demand

that all of the political prisoners now held by Thieu be released within the same frame as U.S. prisoners.

It is obvious that, barring a sudden give by the North Vietnamese, we do not have an acceptable deal. The North Vietnamese package proposal would produce an agreement less advantageous than the one that was negotiated in October.

3. It is our view that we now have two basic options. The first is to break off the talks at our next meeting, and the second is to make the following proposal. Insist on the original positions on the political prisoners held by Thieu, giving him the ability to negotiate with the Viet Cong for their release, attempt to obtain a minor change in the political provisions along the lines Thieu has requested; and insist on the addition of a sentence with regard to the demobilization of Vietnamese forces which would specify that this is to be done on a one-for-one basis by both sides. This proposal would be combined with an understanding that Thieu would release some political prisoners in return for the movement of some North Vietnamese forces from MR-1. This proposal would be substantially better optically and marginally better substantively than the agreement we concluded in October. It gives Thieu the minimum that he has asked for if he wants to be reasonable, which he shows absolutely no inclination of being at this time.

4. I met with the South Vietnamese delegation tonight in an effort to get their support in eliciting Saigon's views. Although the Ambassadors seemed impressed with the criticality of the situation, I am not optimistic that Thieu will come along.

5. I have requested a private meeting for Haig and me with Le Duc Tho tomorrow outside of the forum of the regular sessions to try to impress upon him the gravity of the current situation and the implications of a breakdown at this juncture. I will draw heavily upon your message in this discussion. We would then meet again with the full delegations on Saturday morning, by which time we will have the final South Vietnamese position in hand.

6. Based on today's session it appears that our earlier judgments were correct that now the November 7 deadline has passed so has the incentive for Hanoi to proceed in the same panicky fashion which motivated them in October. Thus it is very possible that we will have to face a breakdown in the talks and the need for a drastic step-up in our bombing

of the North accompanied by a review of our negotiating strategy. At this point, because of our public position and difficulties with Saigon, I believe we will have to hold firm at the minimum positions outlined above if we can get Saigon to join us. I do not believe we should contemplate a less satisfactory settlement at this juncture, although we may ultimately decide to opt for this course.

7. There is still some chance that if Saigon can bring itself to understand the serious problem we have in continuing to support them in the wake of a collapse, they will provide us with a workable compromise for Saturday's session. However, at this juncture the prospects are discouraging.