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THE SECRETARY OF DEFENSE  
WASHINGTON, D.C.

10 MAR 1973

MEMORANDUM FOR THE ASSISTANT TO THE PRESIDENT  
FOR NATIONAL SECURITY AFFAIRS

SUBJECT: Options to Counter North Vietnamese Infiltration

As I promised at our most recent breakfast meeting, here are my thoughts on actions we might take to inhibit North Vietnamese infiltration into South Vietnam.

*[Handwritten signature]*  
3/10/73

Attachment

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BY JS/NSC  
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SUBJECT: Options for Dealing with NVN Infiltration

PROBLEM

To force North Vietnamese compliance with the provisions of the 27 January Agreement in regard to infiltration. North Vietnamese actions constitute violations in at least three respects:

- Introduction of military personnel in contravention of Article 7
- Use of Laotian and Cambodian territory for infiltration of personnel and materiel in contravention of Article 20
- Introduction of materiel at points other than provided for under Article 7 of the Protocol to the Agreement concerning the Cease-fire in South Vietnam and without the controls provided for under Article 7 of the Agreement and Article 7 of the Protocol.

BACKGROUND

Given the condition of NVA/VC forces at the time the cease-fire went into effect, Hanoi obviously considered infiltration of personnel and materiel into the RVN essential to the viability of their military option in the south. They will not -- over the short term -- give up this option readily for fear that their forces in the south will, in fact, "wither on the vine". (Over the longer term, they may be prepared to accept a degradation of their ability to support their forces if they view the political process in South Vietnam as moving in their direction.) With NVA/VC forces (other than in Quang Tri, Thua Thien and An Xuyen provinces) backed against the Lao/Cambodian border, they currently control no LOC into MRs 2, 3, and 4 except through the Ho Chi Minh Trail complex. Other alternatives such as aerial resupply or shipment through ports controlled by the GVN are beyond their capacity or subject them to potential GVN interference. Therefore, Hanoi can be expected to test what the traffic will bear on this issue and give up its reliance on the trail complex only with great reluctance and in the face of severe pressure.

From the US standpoint only strict adherence by the DRV to the anti-personnel infiltration and resupply provisions of Article 7 is acceptable. To allow the other side indiscriminately to violate these provisions would be to allow them to return to military solutions in South Vietnam whenever they are frustrated in the political contest which the Agreement establishes as the basis for the determination of Vietnam's future. Therefore, the DRV must be made to realize that only assistance authorized under

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Article 7 will be allowed, and that only through legitimate points of entry and under supervision as provided for in the Agreement and its Protocols.

RELATION OF RESPONSE TO PW RELEASE

The main leverage the DRV has with the US is the timing of PW releases. If our reaction to their infiltration violations becomes too severe, they may apply counter-pressure by refusing to continue PW releases. However, only three weeks remain for all releases to take place, and the additional infiltration that could be carried out over these three weeks, even at maximum effort, would not be sufficient to upset the military balance in South Vietnam. Option 1 below probably would not jeopardize prisoner releases, but would signal to the DRV our serious concern and willingness to take even more drastic measures to assure that the Agreement's provisions are met. The second option could follow release of the third installment of POWs but would threaten the final installment. The third option would only be invoked, in any case, as a follow-on to the second but would certainly foreclose indefinitely the release of any remaining POWs.

OPTION 1 - PRIVATE APPROACHES

In this option, the U.S. would document fully from all available intelligence the nature and extent of the violations, and in 10-14 days make the strongest possible demarche to Hanoi, Moscow, and Peking through appropriate channels. The demarche should be accompanied by additional measures which will demonstrate our intent to proceed further if necessary. The thrust of our approach should be that the U.S. cannot tolerate such flagrant disregard of the Agreement; continued violations will place the very basis of the accord in jeopardy. There should be a strong threat of further action, but without specifics. Supporting measures could include the redeployment of an additional carrier to the waters off Vietnam, increasing reconnaissance flights over the trail, and slowing down mine clearing operations. In addition, a delay in discussion of economic assistance to Hanoi would further emphasize that normal activity in other fields cannot go forward if the Agreement is disregarded.

Low-level public disclosure of the violations should continue in preparation for more severe actions. Since efforts to make compliance a reasonable and acceptable option to the DRV are an essential counterpart to demands for strict compliance, the Four Party Joint Military Commission and the ICCS should be urged to focus on the modalities of legal resupply, including entry points, access corridors, supply accounting, and inspection procedures. Such an approach, as a first step, confronts the DRV and its allies with a warning, without at the same time seriously jeopardizing PW releases, or painting the other side into a corner. It would, however, virtually commit us to further action if Hanoi is not forthcoming.

It can be argued that the first step in forcing Hanoi to halt its infiltration is to expose it. Under this theory, the best method of approach would be to publish something akin to a 'White Paper' complete with photographs, transcripts of radio intercepts, statistics derived from sensor strings, etc.

We have examined this alternative and rejected it -- at least for the early stages of our actions. Taking this step would run the risk of inducing both Peking and Moscow to support the DRV publicly, thus making them less, rather than more, likely to exert effective pressure on Hanoi.

A public challenge of this sort could well invite a sterile debate over who had violated the Agreement, to what degree, etc. Thus, in our view, any major public campaign of this sort should be reserved for a later stage -- probably to be used only in conjunction with the most severe military measures.

#### OPTION 2 - DIRECT MILITARY RESPONSE

This option entails U.S. and/or GVN attacks against the trail complex, coupled with political/diplomatic approaches to Hanoi, Moscow, Peking, and the members of the ICCS. We believe its most effective use would be after we have moved through Option 1, but it could be used sooner. U.S. forces are capable of 600-750 attack sorties and 100-120 B-52 sorties per day against targets in the Lao panhandle and northwestern Cambodia. Because the North Vietnamese are operating openly and without the precautions taken during the height of our interdiction campaign, initial results should exact a significant toll of materiel currently in the pipeline. By the second or third day, however, they would be able to reinstitute protective procedures which would prevent us from stopping the flow (although it would be somewhat reduced). Hence a short maximum effort (48-72 hours) should be sufficient to drive home U.S. determination to halt the violations, while giving Hanoi time to make a decision to forego future use of the Trail and comply with the Agreement before we would move to other steps.

The VNAF could contribute 100-125 sorties per day. However, due to equipment limitations and basing, they would be limited to low-threat areas of Cambodia and the southern-most parts of Laos. Militarily their contribution would be minimal, and perhaps more of a complication -- because of operational coordination problems -- than it would be worth. Thus, there appears to be little or no psychological or political advantage to including them in attacks outside Vietnam. However, there would be some advantage to using these forces for sorties limited to the GVN side of the tri-border area. To do so would marginally reinforce our signals to the other side that we are prepared to take whatever action we deem necessary to bring the infiltration to a halt, and that we are prepared to go further if necessary.

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Similarly, we might encourage the GVN to mount small unit attacks (or Prairie Fire type operations), but, again, within GVN territory in the tri-border area.

In any case in which we decide to use GVN forces it must be done with a clear warning to the other side that we will go further; we should avoid giving any impression that we will only use South Vietnamese resources or that we will go no further than to employ them with some limited use of U.S. air power.

Bombing of the trail could be supplemented by reinforcement of the carrier force, the initiation of reconnaissance flights over North Vietnam, a halt in mine-clearance operations, and a halt in withdrawals from SVN (before X + 60). The first two would threaten any remaining PW releases, and the remaining steps would also risk a general breakdown in the cease-fire and a collapse of the ICCS. However, a limited campaign, a clear demand for compliance with the Agreement and no more, and an active and forthcoming attitude toward developing modalities for legitimate resupply, could prevent a general collapse of the cease-fire. Public disclosure is unavoidable, but public confrontation of the USSR and CPR can and should be avoided.

At best, the use of this option might bring about full compliance with the 27 January Agreement. Alternatively, it might have the effect only of temporarily reducing the rate of infiltration and flow of supplies by halting traffic in daylight hours, forcing the disposal of vehicles, etc. In that event, we could renew the attacks from time to time, thus marginally improving the ability of the GVN to contain any large-scale offensive that might later be launched. Or we could increase the level of the US response by invoking Option 3.

#### OPTION 3 - MAXIMUM MILITARY RESPONSE

The U.S. could, as a final option, reinitiate LINEBACKER II, with 200 fighter attack and 100-120 B-52 sorties per day. In addition, the harbors of North Vietnam can be reseeded with mines as the mine clearing force is withdrawn. The political risk is high, but the cost to the DRV could be unacceptable. The ICCS may collapse because of Canadian withdrawal, but this might be forestalled by clear-cut evidence of the extent and nature of the DRV violations. Thus, we should be prepared, as we initiate this option, to accompany it with a major public campaign which would describe in detail the cease-fire violations that led to our response. We could also seek to reconvene the Paris Conference in order to present to it a full accounting of them.

#### CONCESSIONS TO THE DRV

As indicated earlier, asking the DRV to cut off its forces in South Vietnam with no assured method of resupply -- and in advance of any

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real "progress" in terms of a political settlement in South Vietnam -- is tantamount to asking it to remove its forces. We should not expect them to accede to such a demand, no matter what we do.

What we may be able to get, however, is acceptance of the fact that the DRV must live within the terms of the Agreement. But to get this we may need to accompany our coercive steps with indications that we are willing to assist in facilitating legitimate resupply through legitimate entry points. We could offer, for example:

- to agree to a single access to Quang Tri through the DMZ (despite Article 15) under ICCS supervision.
- to allow -- and even to assist in -- the construction of airfields at selected entry points (Duc Co and Xa Mat) to facilitate legitimate resupply.
- to permit the expanded use of lift support for legitimate resupply.
- to inspection and accounting procedures to guarantee uninterrupted flow of legal supplies.

While we might privately offer these concessions at any point in the spectrum of coercive actions we were taking, we should avoid any firm commitment to any of them in the absence of a firm DRV commitment to live within the terms of the Agreement. We would need, moreover, to consult with Saigon before going forward with any of them.

E.L.R.  
3/10/73