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10 July 1973

MEMORANDUM

SUBJECT: Implications for Communist Conduct of the Congressional Restrictions on U.S. Military Activity in Indochina

1. President Nixon's acceptance of a Congressional ban on obligating or expending funds "to finance the involvement of United States military forces in hostilities" throughout Indochina could be viewed in Hanoi as a green light for large-scale Communist military initiatives in South Vietnam, Laos, and Cambodia. At a minimum, Hanoi will carefully reassess its position and prospects in light of this development within the United States. Nonetheless, a considered analysis suggests that they will probably hold to their current approach in South Vietnam and Laos for another six months at least. In Cambodia, it seems likely that the Khmer and Vietnamese Communists will pursue a very hard line on negotiations while deferring at least through the end of the rainy season any effort to win a purely military solution.

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DISCUSSION

Vietnam and Laos

2. Hanoi accepted the Paris Agreements in January and the supplementary understandings in June after long and careful consideration of its own situation. The impact of U. S. bombing and the threat of its resumption by the President was, of course, an important factor in the decision to reach these agreements. Now Hanoi recognizes that renewal of the bombing hinges not on the President's action alone, but on the consent of Congress. Hanoi may judge that this consent would be most difficult to obtain and that it will now enjoy considerably greater latitude for military action. Nevertheless, Hanoi displays continued suspicion and distrust of U. S. intentions and will retain important doubts as to what the U. S. would actually do in the event of blatant violations of the Paris Agreements. There are, in addition, other deterrents to stepped up communist military action in South Vietnam, at least for the next six months or so.*

*The North Vietnamese probably would react strongly with military forces now positioned near the South Vietnamese border should Saigon attempt, following the 15 August ban, to send any of its combat units into Cambodia in support of the FANK.

--South Vietnamese forces are themselves relatively strong.

This tends to rule out as counter-productive anything less than an all-out Communist offensive which also involves serious risks.

--The Communist structure in both North and South Vietnam is now being instructed to undertake other tasks. It would take some time and effort to turn it around.

--Neither China nor the USSR has any interest in supporting a resumption of large-scale hostilities in Indochina and Hanoi is well aware of this.

3. In Laos, the North Vietnamese appear satisfied with present Communist holdings and content eventually to accept a political structure which will give them a considerable measure of influence in the territory of the Lao government and over political affairs in Laos. We think it unlikely they will deviate from this strategic course as a result of the projected ban on U.S. military operations throughout Indochina.

Nonetheless, given the weakness of the RLG's overall military position, the communists probably will delay political agreement until they have extracted additional concessions from Souvanna. Certainly the RLG is now vulnerable to such a communist approach.

4. Cambodia is a special case since the analysis depends heavily on the nature of any understandings which may now exist between and among the interested parties -- the US, Phnom Penh, Hanoi, Peking, Moscow, Sihanouk, and the Khmer insurgents.

5. If the broad terms of a cease-fire agreement or political settlement have been agreed between the U.S., Hanoi, Peking, and Sihanouk, then the cessation of U.S. military action would have little effect in Cambodia. These terms would have reflected the broader interests of Peking, the U.S. and Hanoi, and these interests would not change as of August 15.

6. The external evidence suggests, however, that negotiations for a Cambodian cease-fire or political settlement still have a long way to go. If this is so, the bargaining position of the GKR and the U. S. has been greatly weakened. The Communists are in position to continue the gradual application of force until the end of the bombing, and then exploit the psychological and military consequences of this event. Hanoi might expect that with only a moderate step-up in military action by the Khmer resistance, FANK resistance would be so reduced that the U. S. and Phnom Penh governments would be forced to accept Communist terms.

7. These terms have been clearly spelled out by the enemy principals for the past several months -- an end to U. S. military involvement, direct U. S. dealings with Sihanouk, and acceptance of a Sihanouk-led coalition which would exclude Lon Nol and most of his senior colleagues. Contrary to Vietnam, there has been no sign of any willingness to depart from these principles or to separate political from military conditions,

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almost certainly because Hanoi, along with the other enemy principals, has estimated that the U.S. could not sustain its combat support for long. There seems little reason now to hope for a softening of enemy terms.*

8. Although a moderate military step-up may occur, there are significant political and military reasons which would argue against efforts by Hanoi and the Khmer Communists to achieve a final military solution rather than a political settlement.

--The logistics and other support are probably not in forward positions in quantities sufficient for a sustained insurgent offensive and could not be readily moved into place until after the monsoon rains end in October.

--Hanoi would fear that a sharp step-up of purely military efforts might strengthen the Administration's hand at home and internationally in dealing with the Cambodian problem.

*Hanoi's interest in US aid probably does not provide much leverage in this situation. While threats of ARVN intervention may help to limit communist military actions against Phnom Penh, the threat is probably viewed by Hanoi as less credible in a negotiations situation.

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--Hanoi probably also would wish to avoid the problems stemming from an ARVN intervention in Cambodia.

--The Chinese would probably not favor an all-out effort, since this would probably diminish the role of Sihanouk and his non-Communist followers in a coalition.

On the other side of the coin, there are certain positive advantages for the Khmer and Vietnamese Communists which would follow from the establishment of a coalition facade in Phnom Penh through the process of negotiations rather than by purely military means.

--The useful civil infrastructure might be preserved. The communists probably lack sufficient administrative cadre to replace this structure.

--Internal stability would be easier to reestablish. The new government would have more legitimacy in the public's eyes.

--The new government would have greater legitimacy internationally. The risk of isolation could be avoided and contacts for trade, aid, etc., could be more easily established.

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9. The possible impact on Communist conduct of any tensions which may exist between Sihanouk and his followers and the Hanoi-backed Khmer Communist faction is not clear. The Khmer Communists might desire a purely military solution in order to limit Sihanouk's opportunities for influence and prestige. Sihanouk's preference -- despite his rhetoric -- would probably be for a negotiated end to the conflict which maximized his prestige and ability to maneuver. In this situation, the decision on strategy would appear to rest with the respective champions -- Hanoi and Peking. The Chinese cannot be counted on to do much arm-twisting in Hanoi, but the course of events over the last six months indicates that their powers of gentle persuasion are significant.

10. Over the short run, at least, these considerations argue in favor of Hanoi continuing to show interest in negotiations rather than choosing a military path to "total" victory. However, Communist terms will remain stiff, since they believe time is on their side. To give emphasis to this point, Hanoi will probably be willing to provide the

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logistics necessary for a moderate increase in fighting by the insurgents after 15 August, if no truce has been achieved by that time. Beyond the end of the rainy season in October/November, if the Cambodian government continues to hold on, and the negotiating track does not produce at least a coalition, the Communists could be expected to increase military pressure.

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